

**PLANNING COMMISSION
REGULAR MEETING**

January 9, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Barbara Hampton
Nate Beery
Judy Wright
John Kane

MEMBERS ABSENT:

Carolyn Hall

Also present: Katie Murray

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Kathy Noel to approve the agenda. Seconded by Judy Wright. Motion carried.

MOTION #2: by Nate Beery, second by John Kane, to accept minutes of the meeting on December 12th, 2022. Motion carried.

NEW BUSINESS:

Tilson Road: There is a portable toilet rental business currently using a property on Tilson for storage. While there have been no complaints, this property is not zoned for commercial use. With no variance or business permit, it is thus operating illegally. While there are other businesses nearby, their zoning is agricultural or mixed use despite the proximity. The Zoning Enforcement Officer will need to be contacted about this.

Food Trucks: Local business owners recently approached the Township Board regarding the issue of food trucks. Food trucks have been driving in from out of town and parking near local businesses in time for the lunch rush. There are currently no ordinances in Kinross regarding food trucks. Kathy Noel printed ordinances from several nearby townships and other cities to use as reference to consider in what a local ordinance might contain.

There is some debate regarding whether this is a situation regarding an ordinance, or whether this is a matter between private businesses who should be allowed to compete. However, restaurants located in the township are required to register their business and pay property taxes, two things that a food truck does not need to do. Furthermore, it is better to be proactive before it becomes a bigger issue. It is therefore settled that an ordinance would be appropriate, particularly in terms of allowing the Township to have records of appropriate licensure for food trucks.

Items to consider in crafting a new ordinance include areas of allowed operation, type and size of vehicle allowed, and fire/safety costs. It is possible that the Township may want to set up a paid lot for food trucks to operate in which could be kept plowed and mowed, but where trucks are not kept continuously.

Ultimately it is decided that business owners, including the food truck operators, should be given the chance to come to a meeting and discuss what they would want to see or find reasonable in a local ordinance. This matter is tabled until the next meeting.

Fee Schedule: The Kinross Charter Township Zoning Ordinance Fee Schedule has not been updated since 2018. Costs have risen considerably in that time, even for the Planning Commission. Therefore it is agreed that rates should increase 10%, and should be recalculated every year going forward to avoid large leaps in cost.

MOTION #3: by Kathy Noel, second by Judy Wright, to raise all zoning ordinance fees by 10% rounded to the nearest dollar. Motion carried.

OLD BUSINESS:

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

February 13, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Nate Beery
Judy Wright

MEMBERS ABSENT:

John Kane
Barbara Hampton

Also present: Katie Murray, Garth and Joy Parish from Flannigan's Goat

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Kathy Noel to approve the agenda. Seconded by Carolyn Hall. Motion carried.

MOTION #2: by Judy Wright, second by Nate Beery, to accept minutes of the meeting on January 9th, 2023. Motion carried.

NEW BUSINESS:

OLD BUSINESS:

Food Trucks: The Parishes came in, as this ordinance would be relevant to their business and their input was desired.

They explained that they have had their food truck for three years, and pay a fee to the city of Sault Ste. Marie to operate there. They also pay fees at events. However, they also sometimes use their truck for catering to private events, as it allows them to keep the food hot and ready more easily. They have not operated their food truck in Kinross; when they've brought the truck in, it's been for catering at local businesses such as the prison and GM. In those cases, they were hired by the business to cater. They have not had to pay a fee to any of the towns they have catered in.

Members of the commission agreed that the ordinance and any fees to operate would not apply to private catering. They asked for input on what kinds of regulations they would consider reasonable considering the possibility of other food trucks coming into town in the future.

The Parishes agreed that it would be a good idea to require proof of any of the various licenses required by the state.

Members of the commission agreed that it would still be a good idea to have an ordinance, even if food trucks are not currently an issue.

It is discussed that ice cream trucks could be considered a separate category of food truck. It is also considered that the resale of prepackaged foods and the selling of prepared foods could be considered different categories of food vendor, with different rules as relevant.

Noise and music could potentially be considered on a case-by-case basis, as it would be too difficult to make universal rules for which music is and is not acceptable.

Requiring a permit for food trucks, rather than a business registration, would be more consistent with what is currently done for quarries and might make more sense.

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

March 13, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Arthur Brood
Nate Beery
Carolyn Hall
Barbara Hampton
Kathy Noel
Judy Wright

MEMBERS ABSENT:

John Kane

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Carolyn Hall, supported by Barbara Hampton to approve the agenda. Motion carried.

MOTION #2: by Kathy Noel, supported by Judy Wright to approve the minutes of the meeting of February 13, 2023 as presented. Motion carried.

CHAIRMAN'S COMMENTS: Chairman Brood advised that Supervisor Moore had requested that the Commission revisit the matter of marijuana sales in Kinross Township. It was the consensus of the group that the reasons for Kinross Township "opting out" originally are still valid.

NEW BUSINESS: None

OLD BUSINESS: The Commission continued efforts to develop a Mobile Food Vending Ordinance. The matter of ice cream trucks will be addressed at the Commission's next meeting, as well as an exemption for non-profit food delivery, such as Meals On Wheels.

Meeting adjourned at 7:35 PM.

John Kane, Secretary

Minutes taken and typed by Kathy Noel

**PLANNING COMMISSION
REGULAR MEETING**

April 10, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Nate Beery
John Kane
Barbara Hampton

MEMBERS ABSENT:

Judy Wright

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Nate Beery to approve the agenda. Seconded by Barbara Hampton. Motion carried.

MOTION #2: by Carolyn Hall, second by John Kane, to accept minutes of the meeting on March 13th, 2023. Motion carried.

CHAIRMAN'S COMMENTS:

There is a black SUV on Ploughstra that's been there since July. The junk vehicle ordinance applies to this vehicle, so Herman should be able to write a ticket.

PUBLIC COMMENTS:

Barbara would like a follow-up from Herman on the violations of an adjacent property, as she has not yet seen any action on this item.

OLD BUSINESS:

Food Trucks: While Judy was unable to attend the meeting, she passed along her feedback on the new ordinance. She raised the concern that we might want to specify that the fees are reviewed and changed regularly, but since this is the case with all fees, it is agreed that does not need to be specified. A sentence near the beginning of section 8.3 regarding lights can be consolidated into something easier to parse, which everyone agrees with.

There is still concern among members of the planning commission regarding the necessity of special provisions for ice cream trucks. Sale of pre-packaged items versus self-serve ice cream might be covered by the health department, while music might be covered by the noise ordinance. Overall it is agreed that the ordinance should mention that any kind of music is disallowed for any food trucks other than ice cream trucks.

Schwan's is also mentioned as a possible issue in terms of the food truck ordinances. Further, anything that applies to Schwan's would surely also apply to Meals on Wheels. However, as food is not prepared directly within the vehicles, these are more like delivery vehicles than food trucks. They would not be subject to this ordinance, so no special exemptions need to be made.

Various typos require correction. Use of the word 'preponderance' is questioned, as it may render the document less readable, but as it's a legal term with a specific definition it's decided that it ought to be kept.

MOTION #3: by Barbara Hampton, second by John Kane, to accept the ordinance with corrections and pass it along to legal review. Motion carried.

NEW BUSINESS:

Pipe & Piling: Kathy was contacted by an individual interested in purchasing the property and turning it into a combination of contractor storage and temporary residence. However, it is zoned light industrial, making this usage unacceptable. He suggested a variance, but everyone agrees that this would be spot zoning, which the planning commission does not do.

New Fee Schedule: Certain fees that are at the discretion of the assessor have been removed from the list of fees, while lot split fees will need to be added.

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

KINROSS CHARTER TOWNSHIP
Planning Commission
Regular Meeting
May 8, 2023
6:30PM

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
John Kane
Judy Wright

MEMBERS ABSENT:

Nate Beery
Barb Hampton

CALL TO ORDER

Chairman Brood called the meeting to order at 6:30pm

APPROVAL OF AGENDA

Motion #1: by John Kane to approve the agenda. Seconded by Judy Wright. Motion carried.

APPROVAL OF MINUTES

Motion #2: by John Kane to approve the minutes of the meeting on April 10, 2023. Seconded by Carolyn Hall. Motion carried.

CHAIRMAN'S COMMENTS

The chairman will be absent during next months meeting. June meeting is canceled.

NEW BUSINESS

- Election of Officers: An election was held for new officers with the following results:
Chairman: Arthur Brood
Vice-Chairman: Barb Hampton
Secretary: Carolyn Hall

OLD BUSINESS

- Food Truck Ordinance Final Review: Motion #3: To rescind Motion #3 from the April 10, 2023 Meeting Minutes and replace it with the current version by Kathy Noel. Seconded by John Kane. Motion carried.

ADJOURNMENT

The Chairman adjourned the meeting at 6:52pm.

Carolyn Hall, Secretary

Minutes taken and typed by John Kane

**PLANNING COMMISSION
REGULAR MEETING**

July 10, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Nate Beery
Judy Wright

MEMBERS ABSENT:

John Kane
Barbara Hampton

Also present: Katie Murray, Herman Calkins, Jessica Mowery, and Joe Micolo

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Kathy Noel to approve the agenda with the addition of the land division ordinance. Seconded by Judy Wright. Motion carried.

MOTION #2: by Arthur Brood, second by Carolyn Hall, to accept minutes of the meeting on May 8th, 2023. Motion carried.

OLD BUSINESS:

Ordinances: Joe Micolo has been running into issues at Duke's Lake. He would like an ordinance setting operating hours, banning alcoholic beverages, and allowing for the towing of unattended vehicles after hours. There is currently signage indicating that these rules are in place, but there is no ordinance. There could also be an ordinance regarding controlled substances and smoking.

It is unclear to all assembled if there is currently any agreement in writing stating that the Sault Tribe agrees to follow local ordinances on Tribal land. Any such agreement should be located as soon as possible.

The Township does already have a liquor control ordinance which could cover open intoxicants. A line could be added to the existing liquor control ordinance from the Michigan liquor control code of 1998. An MCL code may also need to be found in order to cite it within the ordinance.

MOTION #3: by Kathy Noel, second by Carolyn Hall, to add the discussed line to the Liquor Control Ordinance. Motion carried.

Business Registration Application: The ordinance was updated, however, the form itself has not been updated since 2012. Board members could not find any major issues with the current form requiring an update. The only change would be to add a note at the end to clarify for business owners when they need to bring in an updated form.

NEW BUSINESS:

Land Division Ordinance: Ideally the ordinance would be updated to make clear what documentation, etc., needs to be brought in for a land division. While there is a policy in place that maps and descriptions are required as well as current taxes and road commission approval, there is no ordinance in place. Jessica Mowery, the Township assessor, was able to provide an ordinance that would satisfy her needs as well as clarify matters for homeowners.

The current fee for land divisions is not adequate to cover costs. The time required depends on a variety of factors, but even the fastest is not compensated by current fees.

MOTION #4: by Carolyn Hall, second by Judy Wright, to set the land division fee at \$130, with \$20 going to the Township and \$110 to the assessor. Motion carried.

Permit Inspection Fee: There is currently no fee for site inspections associated with zoning permits. Inspections are sometimes required up to three different times, and homeowners sometimes fail to meeting the Zoning Officer at the scheduled time. A \$50 inspection fee is recommended.

MOTION #5: by Kathy Noel, second by Carolyn Hall, to add an inspection fee of \$50 to all existing permit fees. Motion carried.

Meeting adjourned at 8:00 PM.

Carolyn Hall, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

September 11, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Judy Wright

MEMBERS ABSENT:

John Kane
Barbara Hampton
Nate Beery

Also present: Jessica Mowery

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Judy Wright to approve the agenda with the exception of the minutes.
Seconded by Carolyn Hall. Motion carried.

MOTION #2: by Arthur Brood, second by Kathy Noel, to acknowledge the September 11, 2001 attacks on the World Trade Center and that all those affected are in the thoughts and prayers of the commission. Motion carried.

OLD BUSINESS:

Land Division Ordinance: There were no comments on the ordinance.

MOTION #3: by Carolyn Hall, second by Kathy Noel, to approve the new Land Division Ordinance. Motion carried.

Meeting adjourned.

Carolyn Hall, Secretary

Minutes taken by Carolyn Hall and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

November 13, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Judy Wright
Barbara Hampton
Nate Beery

MEMBERS ABSENT:

John Kane

Also present: Robert Parr and Dylan Edwards

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Nate Beery to approve the agenda. Seconded by Barbara Hampton. Motion carried.

MOTION #2: by Arthur Brood, second by Carolyn Hall, to approve the minutes for September 11, 2023. Motion carried.

CHAIRMAN'S REMARKS: The planning commission took a moment to acknowledge Veterans' Day, recognizing and honoring veterans in the community.

NEW BUSINESS:

Storage Building Zoning: Robert Parr and Dylan Edwards are in the process of purchasing a lot they would like to be zoned commercial for the purposes of a storage business. There used to be a bus stop on the lot, and there was once commercial land adjacent, so they think the site should be suitable for a commercial business.

Arthur Brood explained that the state does not approve of spot zoning or anything with the appearance of spot zoning, and therefore it is unlikely to be possible to rezone the property. However, some land in the area is mixed use, and certain businesses are allowable for certain types of residential zoning.

Upon investigation, the land under discussion is zoned residential. Commercial storage does not fall under any of the accepted uses or uses subject to special approval. While an appeal process exists, it is not recommended due to the limitations on spot zoning existing on a state level.

Budget: The planning commission agreed to carry most of the current budget forward with minor changes. A higher salary for the zoning officer will require a motion by the board.

MOTION #3: by Barbara Hampton, second by Kathy Noel, to accept the budget worksheet for the next fiscal year. Motion carried.

Meeting adjourned at 7:30 PM.

Carolyn Hall, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

December 11, 2023

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Judy Wright
Barbara Hampton
Nate Beery

MEMBERS ABSENT:

John Kane

Also present: Jeff Mudrock, Sidock Group; Jeff Hagan, EUP Regional Planning & Development; Chris Olson, Chippewa County EDC.

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Barbara Hampton to approve the agenda. Seconded by Judy Wright. Motion carried.

MOTION #2: by Kathy Noel, second by Carolyn Hall, to approve the minutes for November 13, 2023. Motion carried.

CHAIRMAN'S REMARKS: Merry Christmas!

NEW BUSINESS:

EDC Site Plan: Jeff explained that they had begun work on the ED grant for construction many years ago. They would like to begin construction in spring of 2024 and plan to be done in 2025. Commission members reviewed the site plans that were given. The plan is for a light industrial, multi-tenant warehouse that should provide 10 jobs immediately with potential for another 15. The map was consulted to confirm that the zoning for the site is correct and there are no apparent issues.

MOTION #3: by Kathy Noel, second by Barbara Hampton, for approval of the EDC site plan. Motion carried.

OLD BUSINESS:

Mobile Food Vending Ordinance: Our lawyer sees no issues with the proposed ordinance. All commission members are satisfied. The meeting in February will be a public hearing for public comment, as no meeting is planned for January.

Meeting adjourned at 7:30 PM.

Carolyn Hall, Secretary

Minutes taken and typed by Katie Murray