

ASH TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 21, 2013
7:30 p.m.

The Ash Township Planning meeting was called to order at 7:30 p.m. in the Ready Road Hall by Chairman Smith.

Members present: Eric Blaz, Bob Lowry, Don Kesckes, Sid Stumpmier, Dan Meiden, Robin Carmack and Eric Smith.

Absent members: Jan Langton and Fred Wickenheiser (seated late).

Others present: Jim Vaslo –Township Manager, Adam Young – Wade & Trim, William Godfroy – Township Attorney, Jim Hollandsworth – Township Engineer, 83 citizens.

Motion #181 Meeting Minutes Approval.

Motion by Stumpmier supported by Kesckes to approve the Planning Commission Meeting Minutes of 4/16/13 as presented. Voice vote taken. Motion carried.

Motion #182 Agenda Approval.

Motion by Kesckes supported by Lowry to approve the agenda as presented. Voice vote taken. Motion carried.

Motion #183 To Seat.

Motion by Smith supported by Carmack to seat Fred Wickenheiser at 7:35pm. Voice vote taken. Motion carried.

Old Business

- A. A **Public Hearing** on proposed text amendment to the Ash Township Zoning Ordinance 7C. The following amendment is proposed: amend Article 18, Section 18.01(c)(21), to reduce the minimum number of parking spaces required for Retail Stores.

Motion #184 To Open.

Motion by Kesckes supported by Carmack to open the Public Hearing for proposed text amendments to Zoning Ordinance 7C. Voice vote taken. Motion carried.

Planner Young reviewed the proposed changes to Section 18.01 (c)(21) to reduce the minimum number of parking spaces required for Retail Stores. The change was discussed and public comment was welcomed. Manager Vaslo informed the Planning Commission that a notice for the Public Hearing was published in the newspaper and that no objections were received.

Motion #185 To Close.

Motion by Stumpmier supported by Smith to close the Public Hearing for proposed text amendments to Zoning Ordinance 7C. Voice vote taken. Motion carried.

Motion #186 To Recommend.

Motion by Stumpmier supported by Wickenheiser to recommend to the Ash Township Board adoption of the proposed changes to Zoning Ordinance 7C, Article 18, Section 18.01(c)(21) as presented. Roll Call 8-Yes, 0-No. Motion carried.

- B.** A revised site plan review for Parcel # 5801-027-030-10, commonly known as 10101 Telegraph Road, Carleton, MI 48117, owned by Richard Adel, 24625 Brest Road, Taylor, MI 48180. The proposed site plan is for additional uses to an existing commercial site.
Tabled per ZBA decision on 4/2/13.

Motion #187 To Take Off Table.

Motion by Kesckes supported by Smith to take the Adel matter off the table. Voice vote taken. Motion carried.

In consideration of the requirements of the Ash Township Zoning Ordinance and sound planning principles, Planner Young was asked to review the project and prepare a written review of the site plan as submitted. A copy of the review letter was supplied to the Planning Commission. A brief discussion took place. The applicant and his attorney were present. Planner Young had five (5) areas of concern noted in his letter date 5-14-13. His recommendation was for the Planning Commission to postpone action on the site plan to allow the applicant to prepare a revised site plan.

Motion #188 To Table.

Motion by Kesckes supported by Lowry to table the site plan to allowing the applicant to revise and resubmit addressing the concerns outlined in the Wade Trim letter dated 5/14/13. Roll Call 8-Yes, 0-No. Motion carried.

Presentations.

At this time Chairman Smith allowed The Concerned Citizens of Ash and Berlin Group and U.S. Silica to each give a brief power point presentation prior to discussions on the table Special Land Use application and Site Plan submittal by U.S. Silica. The Citizens group was given by Dawn Buchbinder and Al Gwizdala led the presentation for U.S. Silica.

- C.** A proposed Special Land Use for Parcels # 5801-070-030-00 and 5801-070-031-00, commonly known as 13596 Telegraph Road and 13452 Telegraph Road, Flat Rock, MI 48134, owned by U.S. Silica Company, Frederick, MD. The Special Land Use is for an

Extractive Operation; mining sandstone. A Public Hearing was held on 11/20/12. **Tabled from 11/20/12.**

Motion #189 To Take Off Table.

Motion by Stumpmier supported by Carmack to take the Special Land Use matter off the table for U.S. Silica. Voice vote taken. Motion carried.

In consideration of the requirements of the Ash Township Zoning Ordinance and sound planning principles, Planner Young reviewed the additional documents submitted in support of the tabled proposed Special Land Use request and Site Plan with the Planning Commission. He reminded the Planning Commission members that the proposed mining operation is on the east side of Telegraph Road between Dauncy Road to the north and Carleton Rockwood Road to the south. The site plan and application were prepared by GZA GeoEnvironmental, Inc. The subject site is partially within Ash Township and Berlin Township.

Planner Young noted that mineral extraction operations are allowed by Section 21.20 of the Ash Township Zoning Ordinance as a Special Land Use. The authority for the granting of the Special Land Use is given to the Ash Township Board upon a recommendation from the Planning Commission after holding a public hearing. Additionally, the Michigan Zoning Enabling Act provides standards for consideration when determining whether “very serious consequences” would result from a proposed extraction operation.

Since the time of the original submittal, U.S. Silica has submitted two supplements intended to support their application. The two supplements were dated 11/19/12 (#1) and dated 3/21/13 (#2). Planner Young’s review letter dated 5/15/13 and covered these two supplements as they pertained to the original submission and for compliance with the Extractive Section of the zoning ordinance. His review offered a summary of conclusions and a recommendation. The recommendation was to forward a recommendation of approval to the Ash Township Board and that the five conditions listed in his letter be conditions of the approval. And any other reasonable conditions determined necessary by the Planning Commission to protect the general health, safety and welfare of Ash Township.

The Chairman opened the floor to questions by the Planning Commission members and also allowed limited questions and comments by the applicant and audience. The Township Planner, Attorney and Engineer were questioned, as well as, U.S. Silica’s technical team by the Planning Commission members and the audience.

The subject of a private air field on land next to the proposed extractive operation was brought up by the property owner. A letter from James Pluff, 3779 Carleton Rockwood Rd, who is the owner of the air field, was received by the Township on 5/17/13. The letter outlined his concerns with the proposed operation and his objections to the Special Land Use permit. This matter was not part of the prior discussions.

Motion #190 To Table.

Motion by Carmack supported by Stumpmier to table the Special Land Use application allowing Ash Township and U.S Silica to research the air field concerns. Roll Call 7-Yes, 1-No (Smith). Motion carried.

- D.** A site plan review for Parcels # 5801-070-030-00 and 5801-070-031-00, commonly known as 13596 Telegraph Road and 13452 Telegraph Road, Flat Rock, MI 48134, owned by U.S. Silica Company, Frederick, MD. The Site Plan is for an Extractive Operation mining sand stone. **Tabled from 11/20/12.**

Motion #191 To Take Off Table.

Motion by Wickenheiser supported by Smith to take the Site Plan submittal off the table for U.S. Silica. Voice vote taken. Motion carried.

A brief discussion was held and the following motion was offered.

Motion #192 To Table.

Motion by Kecskes supported by Blaz to table the site plan for U.S Silica to allow them to seek the two required variances and /or resubmit a revised site plan which would be in compliance with the extractive ordinance requirements. Voice vote taken. Motion carried.

Comments From The Audience.

The audience continues to question the Planning Commission, Ash Townships' Attorney, Ash Townships' Planner and Ash Township's Engineer, as well as, U.S. Silica representatives on a verity of subjects. Several member of the audience voiced their objections to the proposed extractive operation.

Motion #193 Meeting Adjourn.

Motion by Smith supported by Carmack to adjourn at 10:00 p.m. Voice vote taken. Motion carried.

Respectfully Submitted

Jim Vaslo
Township Manager