

ATTICA TOWNSHIP
MINUTES OF THE
PLANNING COMMISSION
July 27, 2017

At a regular meeting of the Attica Township Planning Commission held on the 27th day of July, 2017, at the Attica Township Hall, 4350 Peppermill Road, Attica, MI 48412.

The meeting was called to order by Chairman Penzien at 7 p.m. The following members were PRESENT: Dave Penzien, Phil Madeline, Kent Gierman, Geri Berry, Bob Stockwell, Mark Ochadleus and Maureen Lemons. ABSENT: None. ALSO PRESENT: Planner Lloyd, Attorney Gildner and the public per the attached sheet.

REVIEW MINUTES:

The Board having reviewed the minutes of the June 22, 2017 regular Planning Commission meeting minutes and there being no corrections, additions or deletions:

MOTION by Berry, seconded by Stockwell to approve the June 22, 2017 regular Planning Commission meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

PUBLIC HEARING:

Chairman Penzien opened the Public Hearing at 7:01 p.m to receive public comments on a proposed Special Land Use for the mining of sand, gravel and aggregates; and a mining permit on the following described properties:

1200 South Lake George Road 44-003-016-039-00
1200 South Lake George Road 44-003-016-043-00

Resident Bill Baden asked questions regarding the haul route. There was discussion. Chairman Penzien closed public hearing at 7:03 p.m.

OLD BUSINESS:

1. **Motion to recommend the Township Board approve the Special Land Use and Mining permit for Israel Ferrett, 1200 Lake George Road, LLC, 44-003-016-039-00 and 44-003-016-043-00 subject to conditions:**

Planner Lloyd reviewed his written review and summary of findings. Chairman Penzien discussed the pumping of water. Chairman Penzien read the sample motion to approve the special land use and mining permit. Reclamation was discussed. The engineer for the project, Mike Carpenter, discussed future reclamation. There was

discussion.

MOTION by Lemons, seconded by Gierman to recommend the Township Board approve the Special Land Use and Mining permit for Israel Ferrett, 1200 Lake George Road, LLC, 44-003-016-039-00 and 44-003-016-043-00 subject to the following conditions:

1. The permit shall be granted for five years with a potential for an additional five years subject to a review by the Planning Commission and the Township Board.
2. Mining and processing hours shall be limited to Monday through Friday 7 a.m. to 5 p.m. and Saturday 7 a.m. to noon. No mining or processing on Sundays or holidays prescribed by the Township Board. Crusher hours of operation shall be limited to Monday through Friday 9 a.m. to 3 p.m.
3. All pumping of water between water basins shall be done with electric pump only (i.e. no gas, no diesel, and no utilization of auxiliary equipment to operate pumps). There shall be zero off site pumping.
4. The applicant shall deposit with the Township Treasurer a \$50,000.00 cash bond to be deposited into an interest bearing escrow account to be returned upon restoration of the site when mining is completed.
5. The haul route for both loaded and unloaded shall be pits south to Newark Road, Newark Road to Lake Pleasant Road and absolutely no driving on Belle River Road and bonding by the Lapeer County Road Commission, and supply a copy of same to the township.
6. Each year an annual permit fee in the amount of \$2,000.00 is due on January 1st to cover the annual inspection by the Township Engineer. (Any unused part of the permit fee will be returned to the permit holder).
7. Reclamation shall be reviewed during the annual inspection process and shall be ongoing not as noted in the submitted plans which stated reclamation would be complete within one year of final mining.
8. Dust control will be provided on all internal roads by chemical or similar treatment.
9. The applicant shall allow the township engineer or any township official access to the property at any time during regular business hours.

10. There shall be no other activity on the site other than the mining process and selling of sand and gravel material unless a revised site plan is submitted and approval given.

11. The applicant shall comply with any/all Federal, State and local regulations, including, but not limited to:

- Sections 6.1, 6.2 and 6.5 of the Township Zoning Ordinance (includes Site Planning, Special Land Use and Community Impact Statement)
- Section 4.20 of the Attica Township Zoning Ordinance
- Section 300 through 309 of the Attica Township Soil Removal Ordinance.

A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

NEW BUSINESS:

1. Review and set Public Hearing for Simpson Attica Properties/Dusty Customs Special Land Use:

Planner Lloyd reviewed his report for Simpson Attica Properties/Dusty Customs Special Land Use. Supervisor Ochadleus gave a history of the previous business on the parcel and stated that vehicles that are contracted to be worked on must be obscured from view and also stated his concerns with working outside of the building, which has been observed on the south side of the building. The applicants were not in attendance. There was discussion

MOTION by Lemons, seconded by Stockwell to table setting a Public Hearing for Simpson Attica Properties/Dust Customs Special Land Use until the August 24, 2017 Planning Commission meeting to allow time to gather more information. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

2. Set Public Hearing to amend section 7.13.4b of the Zoning Ordinance. Currently the ordinance states that should a structure be destroyed by more than 60% of the replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity. Change the ordinance to a percentage of the building destroyed as determined by the Planning Commission:

Planner Lloyd reviewed his report on amending section 7.13.4b of the zoning ordinance. Attorney Gildner explained nonconforming structures and cleaning up the ordinance. Attorney Gildner and Planner Lloyd will do some investigation and draft the language for the

amendment. There was discussion.

MOTION by Gierman, seconded by Berry to table setting a Public Hearing to amend section 7.13.4b nonconforming structures and premises, of the Attica Township Zoning Ordinance until the August 24, 2017 Planning Commission meeting to allow time to draft the amendment. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

3. **Set Public Hearing to amend section 5.13.6 of the Zoning Ordinance and 8.3 Rear Parcel Drive of the Developmental Approval Manuel to set the minimum width of driveways to 40 feet.**

Planner Lloyd stated that a public hearing is only needed to amend section 5.13.6 the amendment of the developmental approval manual does not require a public hearing that can be taken care of with a motion by the Planning Commission. Planner Lloyd went on to review his report regarding the amendment of 5.13.6 of the zoning ordinance. There was discussion.

MOTION by Berry, seconded by Stockwell to set a Public Hearing for the August 24, 2017 Planning Commission meeting to amend section 5.13.6 of the Zoning Ordinance. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

COMMUNICATIONS AND SECRETARY REPORT: None.

PLANNER'S REPORT: None.

PUBLIC TIME: None.

ATTORNEY REPORT & CONSULTANTS REPORT:

There being no further business before the Planning Commission, **MOTION** by Gierman seconded by Lemons to adjourn the meeting at 7:58 p.m. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

Maureen Lemons, Secretary of the
Attica Township Planning Commission

Valerie Schultz, Recording Secretary