

**SANDS TOWNSHIP PLANNING COMMISSION
MEETING MINUTES**

April 19, 2022

1. Call to Order at 6:30 PM by Planning Commission Chair S. Brauer.
2. Roll Call: S. Brauer, J. Yelle, S. Sundell, and C. Bushong
 - a. Absent: P. Lajewski-Pearson
 - b. Others in attendance: Randy Yelle, Pamela Roberts, Mary K. Johnson, Carl Johnson, Spencer Johnson, Tom Shaw, Brad Crimmins, Mark Curran, Attorney Brian Sheridan, Leslie Hurst, Bill Brutto, Terry Bengry, Lincoln Frazier, Martin Reinhardt, Christie Mastic, Roy Wales, Mona Consolmagno
3. Approval of agenda: R. Yelle stated that at the request of the Preserve, LLC the Public Hearing for SUP22-01 be postponed until all documentation and material can be provided to the Planning Commission. S. Brauer stated that the Public Hearing for SUP22-01 should be moved to the first item under tonight's business. Motion by C. Bushong, supported by S. Sundell, to approve the agenda by moving Public Hearing for SUP22-01 up to the first item under tonight's business. Ayes: 4 Nays: 0 Motion Carried.
4. Approval of Minutes from March 9, 2022: Motion by S. Sundell, supported by C. Bushong, to approve the minutes as presented. Ayes: 4 Nays: 0 Motion Carried.
5. Public Comment: S. Brauer explained the rules of Public Comment and asked for a show of hands of those wishing to comment.
6. Business:
 - a. Re-address Tabled Public Hearing: Special Use Permit (SUP22-01) request from The Preserve, LLC to build and operate a 50-site primitive campground on parcel numbers 52-14-101-002-00 and 52-14-101-003- 00, Section 1, T47N-R25W, Township of Sands (rock cut).
 - i. Open Public Hearing: S. Brauer opened the Public Hearing at 6:35 PM. S. Brauer stated that this SUP request was tabled from the Special Meeting held on March 9, 2022 due to inadequate site plans, missing ingress/egress access documentation and the required written statement with the SUP request.
 - A. Staff Input: R. Yelle stated that the above items have not been received and the Preserve, LLC has requested that this Public Hearing be postponed by motion until the Zoning Department has received all requested documents.
 - B. Requester Input: None

C. Public Input:

1. Mary K. Johnson of 426 Quarry Rd. She questioned how the public will be notified once all documents are received from the Preserve, LLC and a special meeting will be held. S. Brauer stated that all meetings are posted on the Sands Township Website and that Sands Township has a Facebook page. P. Roberts stated that all meetings must be posted to the Website several weeks in advance and that is the best place to check.

2. Dr. Martin Reinhardt with the Center of Native American Studies at NMU. Wanted to share background on this particular site and stated it translates to the Sault (Soo) Lookout. He stated that it's been a militarily strategic location historically and that he is a citizen of the Sault Saint Marie Tribe of Chippewa Indians and this location is part of their area along with the Keweenaw Bay Indian Community. It is also a ceremonial location used for funerals, marriages, fasting and other ceremonies and a spot where people go to find eagle feathers. Stated that eagle feathers are very important to Native American People and they are used in their ceremonies and many use this location to get eagle feathers. Stated that they are working with the city of Marquette on a curriculum right now regarding 6 historical villages from Harvey to Presque Isle and this site location is part of that study and is of great historical value and hates to see it more disturbed than it already has been. Stated it's called the "rock cut" for a reason and that itself destroyed a lot of the historical continuity of the area and has disrupted Native American culture for a long time and would hate to see further disruption. Would like spot left alone in hopes it would restore relationships with Native and Non-Native people.

3. Mona Consolmagno, Sands Township. Questioned exactly where this site is. S. Brauer answered her question.

ii. Close Public Hearing: S. Brauer closed Public Hearing 6:40 PM.

iii. Planning Commission Discussion and Action:

Commission discussed not having what they requested from the Preserve LLC including site plans and ingress/egress information and timeline for receiving this information.

Motion by C. Bushong, Supported by J. Yelle, to postpone this public hearing under the caveat that Mr. Jeremy Johnson from the Preserve, LLC has all information to the Planning Commission no later than 3 weeks prior to the meeting date so the public can be properly notified. Ayes: 4 Nays: 0 Motion Carried.

R. Yelle stated because of the interest in this topic, Sands Township will resend letters to the same people who received a letter for the original public hearing at a minimum of 10 days prior to the next public hearing.

- b. UPAWS, Planning Commission Yearly Review of SUP17-04 per conditions of approval.
- i. Open Review: S. Brauer opened the review at 6:45 PM.
 - ii. Planning Commission Statement: UPAWS must abide by all conditions of approval in regards to SUP17-04. Any events or additions above or beyond the scope of daily activity of running an animal shelter requires prior approval by the Sands Township Zoning and Planning Department. A yearly review of SUP17-04 conditions of approval is required and any changes to these conditions of approval will require an amendment to SUP17-04.
 - iii. Staff Input: R. Yelle answered questions in regards to allowing alcohol consumption and what events support the scope of daily activity of running an animal shelter. Stated there have been no complaints about noise from the shelter.
 - iv. Public Input: None
 - v. Discussion: Bill Brutto introduced himself as the Executive Director and answered questions regarding how many out of state animals the shelter is currently accepting, state testing requirements for those animals, the number of large animals currently at the shelter and how long they are housed on site, if there are any issues with water usage and the number of animals currently at the shelter. He stated that the number of animals at the shelter are up to pre-pandemic totals and the save rate (99.2%) of animals has actually gone up over the past year. S. Brauer stated that the planned vet center and mobile vet clinic, as well as public vaccines, spay and neutering will all require Planning Commission approval because it is not in the original SUP. S. Brauer stated that anything UPAWS does beyond the scope of running a shelter has to come before the Planning Commission to include the serving of alcohol. S. Brauer, B. Brutto and Leslie Hurst from UPAWS discussed the requirement for Planning Commission approval to serve alcohol at the shelter.
 - vi. S. Brauer closed the review at 6:55 PM.
- c. Review and take comments on renewal request for Flow Provisioning, LLC.
- i. R. Yelle stated that there have been no violations or complaints in regards to Flow Provisioning, LLC and recommends renewal of the existing application.
 - ii. **Motion by C. Bushong, Supported by S. Sundell that after performing the Ordinance 57, required review, and finding no reason to deny, therefore, the Sands Township Planning Commission hereby recommends that the Sands Township Board of Trustees grant the requested renewal of Flow Provisioning, LLC (Northern Lights Assets LLC) from 01 June 2022-31 May 2023. Ayes: 4 Nays: 0 Motion Carried.**
- d. Review and take comments on renewal request for Cannabis Lupus Café.
- i. R. Yelle stated that there have been no violations and a fence has been installed and there have been no issues since. He stated there is a change in process of ownership and he does have from the State of Michigan, the documentation for qualification for new ownership. Commission members discussed ownership change requirements.
 - ii. **Motion by C. Bushong, Supported by S. Sundell that after performing the Ordinance 57, required review, and finding no reason to deny, therefore, the Sands Township Planning Commission hereby recommends that the Sands**

Township Board of Trustees grant the requested renewal of Cannabis Lupus Café from 01 June 2022-31 May 2023. Ayes: 4 Nays: 0 Motion Carried.

e. Public Hearing: Special Use Permit (SUP22-03) request from Fraco Concrete Products to relocate its concrete ready-mix facility to an 8-acre site owned by A. Lindberg & Sons, parcel number 52-14-108-001-00, Section 8, T47N-R25W, north of Co. Rd. 480, east of the existing ingress and egress to the gravel pit.

i. Open Public Hearing: S. Brauer opened the Public Hearing at 6:58 PM.

A. Staff Input: R. Yelle explained that Fraco is requesting to move their business from the Silver Creek area to the Lindberg property. He briefed the Township Board on potential well/water usage at their last meeting to avoid having 2 public hearings on the same issue. The Board agreed they would go along with the Planning Commission's decision on the well. He stated it's a 50 gallon permitted well equal to 3-4 single family dwellings of water usage. Stated that moving the facility will cut down on heavy truck traffic on 480/553, will increase tax revenue in the Township and dust control water will come from the Lindberg onsite pond and not the well. Recommends Commission approve SUP22-03 with conditions of approval.

B. Requester Input: Brad Crimmins introduced himself as the rep for both Fraco and A. Lindberg and Sons. Stated the current Fraco plant is about 60 years old and they are looking to upgrade to a newer, more efficient, cleaner 7,000 sq. ft. facility to house all ready-mix plant equipment. Explained that the biggest input in ready-mix concrete is sand and stone and currently all of that is transported from the quarry to the current Fraco facility in Harvey – 35 to 40,000 tons per year calculating to about 1500 loads traveling through the 480/553 intersection from May to November. If the SUP is approved, every single one of those trucks is off the highways. There will be ready-mix traffic, but it will be disbursed both east and west on 480. Discussed water usage/storage and stated that the average water usage per day during the summer is between 4500 – 5000 gallons already self contained in storage within the facility. J. Yelle asked about entry to the new plant from the quarry area and B. Crimmins stated they would most likely be coming from the north side of the quarry. C. Bushong stated that Fraco is not moving their existing plant, but rather constructing a new plant with the latest technologies, equipment and dust collection, etc. B. Crimmins touched on the newest technology of dust collection at the proposed facility. S. Brauer questioned if the new plant could be seen from the road. B. Crimmins stated you will probably be able to see some of the plant near the access driveway. R. Yelle stated no negative input has been received.

C. Public Input:

1. Attorney Brian Sheridan, representing Mark Curran and Curran Enterprises. Stated they are not opposed to the project per say but have some concerns about how it's presented. Said they have talked to R. Yelle about this and B. Crimmins by email. Stated to the Planning Commission that he knows they are familiar with Mark's situation from the meeting in January where he asked for a PUD for a resort type campground on property that he owns. The big concern then was access and

the easement that Mark has there, and the disputes from the Lindberg Company about the easement by using it for a campground instead of timber harvesting which was thought to be the original idea. He stated that Mark's access on the original road is showing yellow on the site plan and the concern is it runs right through the proposed project area in what's called the product storage area, cutting off Mark's only access to his property. In addition, the 2nd drain field is shown right over the easement road that he uses and there is also a proposed gate which is difficult to tell if this could cut off his access as well, which could prohibit Mark's customers from getting to the property. Feels this situation can be resolved, particularly if there was another easement road, possibly around the property with a 66 foot setback which they thought was a proposed easement, but it isn't. Stated this is a huge problem because the proposed project blocks Mark's only current access to his property and creates big legal problems. Stated that they need their access too and that the access was a big deal for the Planning Commission back in January as he understands it, and it's a big deal for them now as Mark has a large investment into this and he must have access to the property from Co Rd 480. Stated they would like to have something worked out as part of the plan that doesn't interfere with Mark's access that this current plan does.

2. Mona Consolmagno, Sands Township. Asked where exactly the access will be. B. Crimmins answered it will be the access to existing pit off Co Rd 480.

3. B. Crimmins asked to speak about the easement stating they know the easement has an undefined path as it did not clearly define the roadway or how the access to Mr. Curran's property would take place and they agree he has an easement. Their issue is whether or not that easement extends to any traffic that would come to his proposed campground. Stated they have no intention of restricting or eliminating his access and that the 66 foot setback was maintained around the perimeter of the site to allow for some type of agreement. Discussion continued between B. Crimmins and Attorney Sheridan on the easement. S. Brauer stated that the PC was not getting into this legal problem and referred any further comments to R. Yelle. R. Yelle stated that he did speak to the Township Attorney about this and the easement is there and it's between Lindberg and Curran LLC. He noted that Lindberg has said in this meeting that they are not eliminating the existing easement, if they want to relocate it, it's between Lindberg and Curran LLC per the Township Attorney.

ii. Close Public Hearing: S. Brauer closed the Public Hearing at 7:20 PM

iii. Planning Commission Discussion and Action:

C. Bushong asked how long it's been since a ready-mix operation was on the Lindberg site. B. Crimmins stated there have been various temporary ready-mix operations throughout the years; the most recent in 2009. J. Yelle questioned the operating hours, B. Crimmins answered Mon-Fri, 7-5 possibly ½ day on Saturday. R. Yelle stated again there was no negative feedback on the proposed project.

Motion by Commissioner S. Sundell, supported by C. Bushong, that after conducting the required public hearing, reviewing the Sands Township Zoning Ordinance, and Master Plan, and receiving input from staff, requester, and general public, we the Sands Township Planning Commission, grant SUP22-03 with the following conditions of approval:

- 1. Comply with Sands Township Zoning Ordinance sections 310 (Commercial Use), 317 (Wholesale & Warehousing), 412 (Buffers and/or Fencing), Article VII, Article IX (Signs within Commercial District), and Article X. (Access Management).**
 - 2. Comply with all Local, County, State, and Federal requirements addressing this type of business.**
 - 3. Required curb cut at the ingress as well as the egress, per Article X. Black top and/or concrete, minimum of fifty (50) feet deep off of County Road 480 (In place).**
 - 4. Signage shall comply with Sections 906 and 911, of the Sands Township Zoning Ordinance.**
- Ayes: 4 Nays: 0 Motion Carried.**

7. Public Comment: None

8. S. Brauer adjourned meeting at 7.25 PM.

S. Brauer
Chairman

P. Lajewski-Pearson
Secretary

P. Roberts
Recording Secretary