

**Pennfield Charter Township
Joint Session
Planning Commission and Zoning Board of Appeals
Meeting Minutes of April 5, 2016**

CALL TO ORDER

Planning Commission Chairperson Jon Bartlett called the meeting to order at 6:00 pm at the Pennfield Middle School cafeteria. Planning Commission members present were: Jon Bartlett, Jack Pooler, Paul Anderson, Brad Messenger, JR Walter, Tammi Damerow and Curtis Whitaker. A quorum was met.

Others present: Supervisor Rob Behnke; Deputy Supervisor Barbara Darlington; Mrs. Kimberly Wolfersberger, owner of The Learning Zone commercial daycare center; Mr. Randi Wille of Meyer Material, a division of Aggregate Industries; Recording Secretary Sandra Cummings; and several residents.

All attendees recited the Pledge of Allegiance.

PUBLIC COMMENT

No public comment.

APPROVAL OF MEETING MINUTES

Paul Anderson made a motion, seconded by Brad Messenger to approve the Planning Commission Meeting minutes of January 5, 2016. The motion carried.

PUBLIC HEARING FOR SPECIAL USE PERMIT REQUEST BY “THE LEARNING ZONE” - KIMBERLY WOLFERSBERGER

Mrs. Wolfersberger presented her request for a Special Use Permit to occupy the building formerly known as Capital Florist, located at 19615 Capital Avenue NE. The Learning Zone currently occupies a facility located in the Hilltop Plaza, 20165 Capital Avenue NE. She indicated that the Daycare has outgrown the present location, and needs larger classrooms, better amenities for employees, and a larger playground. The Planning Commission originally recommended granting a Special Use Permit on November 1, 2010, and it was approved at the Township Board meeting on November 9, 2010.

It was noted that no letters of opposition to the Wolfersberger request were received in the Township office prior to the Planning Commission meeting.

Mrs. Wolfersberger stated that the school bus will use the rear entrance of the building off Taylor Trace for pick-up and drop-off of children. This will prevent blockage of Capital Avenue traffic and be safer for the children. The facility will be state certified, and the lot size, placement of the playground and equipment and fence height will be state regulated and inspected.

Public Comments/Questions:

Mr. Tony Thomas of 7470 Taylor Trace is concerned about the wear and tear on the private driveway shared by himself, the Capital Florist Building and three others. He is also concerned that the private drive may be blocked at times. Mrs. Wolfersberger indicated that they will help with maintenance issues and will not block the driveway. Children will not be allowed to wander onto adjoining property.

The public hearing was closed; the Planning Commission members had no questions.

Paul Anderson made a motion, seconded by Brad Messenger to recommend approval of the Special Use Permit for the Learning Zone at the Township Board meeting on April 12, 2016. The motion carried. Roll call vote follows:

Paul Anderson	Yes	Jon Bartlett	Yes
JR Walter	Yes	Curtis Whitaker	Yes
Jack Pooler	Yes	Brad Messenger	Yes
Tammi Damerow	Yes		

JOINT SESSION OF PLANNING COMMISSION AND ZONING BOARD OF APPEALS / PUBLIC HEARING TO CONSIDER REQUESTS FROM AGGREGATE INDUSTRIES

Zoning Board of Appeals chairperson Maryann Herbstreith opened the public hearing at 6:30 pm. Zoning Board of Appeals members present were: Maryann Herbstreith, Perry Beard, Chuck Adams, Curtis Whitaker and alternate member Lindsay Draime. A quorum was met.

Public Comments:

No public comments.

Approval of Zoning Board of Appeals Meeting minutes of October 29, 2015:

Perry Beard made a motion, seconded by Lindsay Draime to approve the ZBA Meeting Minutes of October 29, 2015. The motion passed.

**PUBLIC HEARING TO CONSIDER SPECIAL LAND USE PERMIT AND
(FOUR) ZONING ORDINANCE VARIANCES SUBMITTED BY AGGREGATE
INDUSTRIES**

A Public Hearing was called to order to hear a request from Aggregate Industries Land Company / Meyer Material Company for a Special Land Use Permit as required under Chapter 17, Section 17.07, Item S (mining of natural resources) of the Pennfield Charter Township Zoning Ordinances, and to hear a request for relief from setback, fencing, tree planting and reclamation bond requirements as permitted under Chapter 18 (Zoning Board of Appeals). The specific variances are as follows:

- a) Relief from 300 foot setback requirements under Section 17.07 (S)(1).
- b) Relief from fencing requirements under Section 17.07 (S)(7).
- c) Relief from tree planting requirements under Section 17.07 (S)(8).
- d) Relief from Reclamation Bond requirements under Section 17.07 (S)(16).

Mr. Randi Wille, the Regional Manager of Environmental and Land Services for Meyer Material, presented his request for Special Land Use Permit and several variances. It should be noted that an in-depth presentation was given by Mr. Wille previously on October 22, 2014. Meeting minutes for that presentation are on file at Pennfield Township Office. Meyer Material has been mining on properties in adjacent jurisdictions since about 1992, but is within about one year of running out of material. They wish to expand operation onto 148 acres of land located in Pennfield Township in order to prolong the life of the business by 5 to 7 years. They feel the current setbacks, tree, fence and bonding requirements are too stringent, and cost prohibitive to expansion of the operation.

The proposed project will require the construction of a box culvert tunnel under 12 Mile Road, to accommodate a conveyer belt through which raw materials can be moved from the mining site to the stationary processing plant on the other side of the road in Convis Township. Meyer Material has already been in contact with the Calhoun County Road and Soil Erosion Departments in preparation for this project. Permits are pending on results of this meeting and approval of variances and the Special Use Permit by the Township Board. It was noted that the tunnel and all berms will be removed when the mining operation has ceased. It was noted that the company carries liability insurance.

In addition to regular daily mining operations, Meyer Material Company may need to set up portable field processing sites for short periods of time for job specific activities. These gravel storage areas will not remain for longer than about two weeks at a time, just long enough for specific orders from customers. It was pointed out that noise ordinances will be respected, and reclamation processes will occur sequentially, with about 25 acres at a time being mined and then reclaimed. Reclamation will include removal of the berms and leveling the field in preparation for future farming to be resumed.

Public comments/questions:

JR Walter, 9065 Gorsline Road, commented on the noise issue, and asked if the township is losing tax income by devaluation of property because of the mining process. It was pointed out that the property values are not being affected by the mining process.

Anthony Ragla, 11436 N Drive North, commented that in regard to Ordinance variances, he feels that if an ordinance is in place, it ought to be adhered to. Several Board members stated that strict ordinances were put into place many years ago to have better control of mining operations which leave the property in a mess when mining has ceased.

Beth Hoffman of 11519 L Drive North, commented that she is not against the expansion of the operation but has concerns that her property value might drop within the next 15 years, making it difficult to sell her home if she wishes.

It was noted that two letters of support have been received in the Township Office prior to this meeting.

Planning Commission member Paul Anderson made a motion to recommend approval of the Special Use Permit to the Township Board, seconded by Brad Messenger, and with the condition that the hours of operation be set from 6:30 am to 8:00 pm, that “No Trespassing” signs be installed along the road next to the operation, and that all Zoning variances be approved by the Zoning Board of Appeals. The motion carried. Roll call vote follows:

Paul Anderson	yes	Brad Messenger	yes
Jack Pooler	yes	Jon Bartlett	yes
JR Walter	yes	Curtis Whitaker	yes
Tammi Damerow	yes		

Zoning Board of Appeals members comments/questions:

The Zoning Board pointed out that the variances being requested are temporary, and will only last until the mining operation ceases and the land has been reclaimed. The Zoning Board asked if the wetland area located within the proposed mining area will be protected. Mr. Wille stated that the company will not come close to the wetland area, as there is no material to be mined there anyway. The Zoning Board is requesting that the berms be seeded with grass seed to prevent a lot of weeds from growing.

Zoning Administrator/Supervisor Rob Behnke stated that this project proposal has been reviewed by the Township Engineer Randy Ramsey, Calhoun County Health Department and Calhoun County Road Department. In addition, there are no drainage issues involved in this proposal.

Zoning Board of Appeals consideration of (4) variances associated with Special Land Use Permit as requested by Aggregate Industries:

1) Relief from 300 foot setback requirement under Section 17.07 (S)(1) to a 50 foot setback from road front and any residence:

Lindsay Draime made a motion, seconded by Chuck Adams to approve the request as permitted in Chapter 18.06 B, Zoning Board of Appeals, items #1 – 6. Motion carried. Roll call vote follows:

Maryann Herbstreith	yes	Chuck Adams	yes
Curtis Whitaker	yes	Perry Beard	yes
Lindsay Draime	yes		

2) Relief from the fencing requirement under Section 17.07 (S)(7) to no fence, and use of “No Trespassing” signs at regular intervals along the road:

Lindsay Draime made a motion, seconded by Chuck Adams to approve the request as permitted in Chapter 18.06 B, Zoning Board of Appeals, items #1 – 6. Motion carried. Roll call vote follows:

Maryann Herbstreith	yes	Chuck Adams	yes
Curtis Whitaker	yes	Perry Beard	yes
Lindsay Draime	yes		

3) Relief from the tree planting requirement under Section 17.07 (S)(8) to the use of a 3/1 berm instead:

Lindsay Draime made a motion, seconded by Perry Beard to approve the request as permitted in Chapter 18.06 B, Zoning Board of Appeals, items #1 – 6. Motion carried. Roll call vote follows:

Maryann Herbstreith	yes	Chuck Adams	yes
Curtis Whitaker	yes	Perry Beard	yes
Lindsay Draime	yes		

4) Relief from the Reclamation Bond requirement under Section 17.07 (S)(16) to a bond of \$300,000.00 for the entire project, and with a “Sunset” condition limiting all (4) variances to a lifetime of 10 years from the date of this meeting:

Lindsay Draime made a motion, seconded by Chuck Adams to approve the request as permitted in Chapter 18.06 B, Zoning Board of Appeals, items #1 – 6. Motion carried. Roll call vote follows:

Maryann Herbstreith	yes	Chuck Adams	yes
Curtis Whitaker	yes	Perry Beard	yes
Lindsay Draime	yes		

Board members comments:

Perry Beard: thank you to Lindsay Draime for over 17 years on the Board.

Curtis Whitaker: congratulations to Randy Wille.

Perry Beard made a motion, seconded by Lindsay Draime to adjourn the Zoning Board of Appeals meeting at 8:17 pm. Motion carried.

Brad Messenger made a motion, seconded by Paul Anderson to adjourn the Planning Commission meeting at 8:18 pm. Motion carried.

Submitted by:

Sandra Cummings
Recording Secretary