PROPOSED FINDINGS OF FACT DEMONSTRATING COMPLIANCE WITH THE STANDARDS FOR GRANTING A SPECIAL USE PERMIT

The Planning Commission shall approve, or approve with conditions, an application for a special land use permit upon finding that the proposed special land use complies with the following standards:

A. ALLOWED SPECIAL LAND USE

Criteria:
The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

Findings:
While the proposed use as a batch plant is not specifically identified in the zoning ordinance, such use is clearly permitted by special use permit per the Township’s zoning ordinance and the Michigan Zoning Enabling Act. Specifically, pursuant to the zoning ordinance, it is the intent of the I-1 zoning district to provide for a variety of manufacturing and industrial uses which are low impact for such uses. While the ordinance does not provide specifically for batch plants, such a use is clearly within the general description of allowed uses and it would be unlawful for the ordinance to have the effect of prohibiting the establishment of such a land use; see the Michigan Zoning Enabling Act at 125.3207. As such, the appropriate and applicable place for such use is within the I-1 district.

B. COMPATIBILITY WITH ADJACENT LAND USES

Criteria:
1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

Findings:
The surrounding properties will not see a diminishing change in the ability to be utilized as currently used. The proposed use of the property is provided for within the I-1 district. The property is currently zoned Agriculture on three side and borders a county highway on its fourth. The proposed use is consistent with the existing use. Furthermore, the applicant’s business reputation provides evidence that the property will be cleaned up and maintained in a professional manner. These characteristics, combined with the substantial value-added improvements to the land, will certainly mitigate any perceived diminution of use by neighboring properties. Please see the applicant’s environmental policy and housekeeping program, attached.
Criteria:
2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

Findings:
In addition to the items stated in B(1) above, numerous protections and mitigating activities will be put into place within the development. The proposed traffic use will be more seasonal than the current use. The existing use averaged 25 trips per day during peak use; the applicant expects to average 18 trips per day during the busy season. The annual trips with the existing use averaged 3,200; the applicant expects an annual average of 2,500. The trucks and equipment will utilize the latest safety technology. Additionally, the proposed earthen berm and landscape buffer will help reduce noise. The smoke, fumes and odors will be managed consistent with DEQ standards, including those required under the Natural Resources and Environmental Protection Act. This includes compliance with the fugitive dust control plan, attached. The former accumulation of scrap metal and debris will be removed.

Criteria:
3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

Findings:
Generally, the hours of operation will be 6am-7pm. However, on occasion, the need for use of the yard outside of these hours is necessary for certain projects. The applicant will vigilantly work to reasonably mitigate the impacts to adjacent properties during these infrequent extended hours of operation.

C. PUBLIC SERVICES

Criteria:
1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.

Findings:
The proposed use will not place unreasonable demands on public safety resources. The applicant utilizes industry specific best practices for workplace safety protocol, including a stringent written workplace safety plan and drug and alcohol policy, attached. Further, the proposed improvements to the land and additional property tax base will increase the tax revenues of the property, further reducing the public burden for public safety expenditures.
Criteria:
2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

Findings:
The applicant has submitted plans to the Road Commission, Health Department, Drain Commissioner and Soil Erosion offices, and will work with other applicable authorities and will reasonably cooperate with any necessary upgrades to implement any necessary improvements.

D. ECONOMIC WELL-BEING OF THE COMMUNITY

Criteria:
The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

Findings:
The surrounding property owners will not see a detrimental change in their economic well-being related to their ownership of property adjacent to the applicant’s proposed use. The proposed use of the property is within the uses provided for in the I-1 district and the surrounding property values already take this into consideration. This project will be an asset to the community by providing additional tax revenue, jobs, and valuable services to the community. These characteristics, combined with substantial value-added improvements to the land, will certainly mitigate any perceived diminution of the economic well-being of neighboring properties. Additionally, the proposed use on this particular property is consistent with the Township’s Master Plan. Specifically, the use of an existing I-1 zoned and used parcel is consistent with the following goals and polices of the Master Plan:

- Township officials will work with developers and land owners to implement design standards that preserve scenic viewscapes, topography, wetlands, streams, and natural vegetation.
- Township officials will strive to identify a limited number of appropriate locations for future commercial and industrial development.
- Township officials will strive to assure that future commercial and industrial development does not adversely impact the normal use and enjoyment of adjacent land by requiring appropriate setbacks, buffers and landscaping.
- Existing commercial and industrial areas will be accommodated by zoning regulations and practices that support the retention and/or redevelopment of existing business uses and the establishment of new business uses as designated by this plan.
E. COMPATIBILITY WITH NATURAL ENVIRONMENT

Criteria:
The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

Findings:
The proposed project will follow all applicable environmental standards as outlined in the Natural Resources and Environmental Protection Act. This includes compliance with a fugitive dust control plan, storm water pollution prevention plan, corporate environmental policy and housekeeping program, all of which are attached.

F. COMPLIANCE WITH SPECIFIC STANDARDS

Criteria:
The proposed special land use complies with all applicable specific standards required under this Ordinance.

Findings:
All standards of the Ordinance have been met.

G. CONDITIONAL APPROVALS

Criteria:
The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to Section 9.03 of this Ordinance.

Findings:
The applicant requests that, to the extent final approvals from outside authorities have not been provided, the PC approve the SUP, with the condition that the applicant provide all necessary approvals to the zoning administrator before the zoning administrator shall issue the SUP.

H. ADDITIONAL DATA

1) Soil Analysis: Six inches (6") of top soil, underlain by fifteen feet (15’) of medium light brown sand.

2) Projected water consumption is 1,500-1,700 gallons per operation day.

3) Wastewater is recycled on site and not discharged into septic system. Septic system will only receive sanitary waste water from restrooms and office.