

CALL TO ORDER

The regular July 24, 2013 meeting of the Buchanan Township Planning Commission was called to order by Chairman Stephanie Wagner-Hemminger at 7:06 pm.

Members Present: Stephanie Wagner-Hemminger (Chair), Tim Gray (Vice-Chair), Janet Dehring (Secretary), Kim Scarpone, Eric. Hageman, John Pitz.

Members Absent: Dennis Wentworth

Others Present: Planner Lynee Wells of Williams & Works; Township Attorney Scott Dienes; Mike Hildebrand, Gene, Nancy & Tim Ritchie; Nicholas Murdock; Mario Palmisano; Township Supervisor Jane Mitchell; Ordinance Enforcement Officer Joseph Kring; Building Official Chris Fuchs; Note-Taker Tina Darnell; no members of the press.

PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* was recited by those present.

APPROVAL OF MINUTES

The minutes of the June 26, 2013 was approved as presented.

BRIEF PUBLIC COMMENT

None.

CORRESPONDENCE

None.

OLD BUSINESS

Public hearings regarding text amendments for the Agricultural District to allow wineries, breweries, and distilleries as Special Land Uses and the Rural Salvage Ordinance will be held at the August Planning Commission meeting.

NEW BUSINESS

Ernest & Mike Hildebrand Special Land Use Permit Renewal.

Mike Hildebrand indicated that his father could not be present at the meeting, so he would be speaking on his behalf. Hildebrand stated that they would like to get the mining of gravel finished so that they

could farm the land in question. (Hildebrand had been operating the gravel mining operation since 1996.) He estimated that the mining was 80 to 90 percent complete and that they had a contract with Kalin Construction to mine and remove the gravel. Hildebrand also indicated that he was agreeable to all the conditions (except the renewal language) of the previous Special Land Use (SLU) and was planning to update the letter of credit that had been one of those conditions.

Planner Lynee Wells of Williams & Works reviewed her written comments regarding the renewal of the SLU, which included a review of the eleven standards in Chapter 24, Section F of the Zoning Ordinance. (Wells noted that Hildebrand was seeking a renewal of the SLU with no timeline because the use is market dependent.) Her written comments included the statement that the proposed renewal of the Special Use for removal and processing of sand, gravel and topsoil meets the requirements of the Buchanan Township Zoning Ordinance. Wells also read the conditions of the 1996 SLU permit for Hildebrand.

OPEN PUBLIC HEARING

Wagner-Hemminger opened the public hearing at 7:26 pm.

There was discussion regarding not requiring that the SLU have a time limit. Attorney Dienes explained that case law has said that a township cannot limit a special use. Dienes indicated that if the conditions of a special use were not met that the permit could be pulled. Wells suggested that Hildebrand could be required to provide an annual report to show that he was complying with Township conditions. Ordinance Officer Joe Kring asked that if the report was required, that it be tied to the Zoning Ordinance standards.

Resident Nick Murdock indicated that he had never had a problem with the operation and that he didn't think a report by Hildebrand was necessary. Attorney Dienes noted that the report didn't need to be onerous; it could be a simple letter in conjunction with a walk through with the Ordinance Officer.

There was also some discussion regarding mineral rights.

Resident Tim Ritchie stated that he was present to express support of the SLU.

The Public Hearing was closed at 7:46 pm.

Motion by Scarpone, second by Gray, to recommend to the Buchanan Township Board that the SLU permit for Hildebrand be extended with the conditions of the 1996 SLU permit minus condition #14 (Proof of no assigned mineral rights.), and the conditions recommended in July 15, 2013 Williams & Works memorandum, with Hildebrand providing an updated letter of credit and an annual report showing compliance with the conditions.

Roll call vote showed the following: Gray (yes); Scarpone (yes); Dehring (yes); Hageman (yes); Wagner-Hemminger (yes); Pitz (yes). Motion carried (6-0).

Buchanan Township Planning Commission
Regular Meeting
July 24, 2013

CITIZEN COMMENTS

None.

ADJOURNMENT

There being no further business before the commission, the meeting was adjourned at 8:00pm.

Janet Dehring
Secretary