

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
April 14, 2008**

**PRESENT:** Blough, Batchelor, Simmonds, Clements and Sanford  
**TOWNSHIP PLANNER:** Tim Johnson  
**CITIZENS IN ATTENDANCE:** 14

**PUBLIC HEARING ON RIVERSIDE MOTORSPORTS SPECIAL LAND USE**

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:00 p.m. Secretary Clements read the Notice of Hearing into the record. Mr. Simmonds outlined the public hearing process for those present.

Mr. Jason Ghareeb appeared for Riverside Motorsports. He described the business as small engine repair for lawn tractors and other non-street vehicles. The business was started in 2002 and recently moved to it's current location on Grand River Drive in an area zoned Light Industrial. The business operates 8:00 am to 5:30 pm weekdays and 8:00 am to noon on Saturdays. During this time up to 20 vehicles might be parked in the lot; all are returned to inside the building at closing time. This number of vehicles totally fills the current interior space, which is why more vehicles are not accepted at any one time, and why they need to be moved outside during business hours to allow enough space for work inside the building.

Tim Johnson then summarized his report of April 9, 2008, with the only outstanding issue being non-working outdoor lights, which Applicant agreed to have removed.

Mr. Clements asked if any consignment sales of equipment were made on the premises, and was told they are not. He also asked about storage of gasoline and oil on the premises and was told small quantities were stored in the building and that the Applicant's insurance company had approved this storage.

There being no further questions or comments, the public hearing was opened to public comment at 7:10 pm. No one spoke. Public comment closed at 7:10 pm.

The public hearing closed at 7:11 pm.

**REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:12 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Master Plan Discussion, Public Hearings and Regular Meeting of March 10, 2008 were presented for approval. Mr. Batchelor moved to approve the Minutes as presented. Seconded by Mr. Sanford. All in favor and the Minutes were approved.

**APPROVAL OF AGENDA:**

Mr. Simmonds asked that the Den Houter sand mining operations be reviewed when Mrs. DenHouter arrived at the meeting. Mr. Blough moved that the Agenda be approved as amended. Motion seconded by Mr. Sanford. All in favor and the Agenda as amended was approved.

**DISCUSSION OF RIVERSIDE MOTORSPORTS SPECIAL LAND USE:**

Mr. Simmonds noted that removal of non-functional outside lighting should be a condition of the granting of the special land use. Mr. Sanford suggested that vehicles parked outside should continue to be placed where they would not be visible from the street. Mr. Blough agreed.

The Applicant agreed to limit the number of vehicles awaiting repair to those which will fit in the building after hours, as is currently done.

Mr. Sanford did not see a need for an annual review of this special land use. Mr. Batchelor agreed, and had no issues with this business.

Mr. Sanford then reviewed Section 4.7.1 of the Ordinance pertaining to the Standards for a special use permit.

With respect to Standard A, he felt access by fire and police was adequate, traffic impact was minimal and the business was suitable to the building and vicinity.

With respect to Standard B, there was no significant impact on the value of neighboring properties.

With respect to Standard C, the use was in harmony with the Lowell Charter Township Land Use and Development Plan.

With respect to Standard D, the existing structures were fine.

With respect to Standard E, inflammable fluids had been addressed and found acceptable.

With respect to Standard F, the environmental impact was not objectionable.

There being no disagreement with these determinations by other members of the Planning Commission, Mr. Batchelor moved to approve the request of Riverside Motorsports for a Special Use Permit to operate their business at 13656-C Grand River Drive SE with the following conditions:

1. Non-operating mercury vapor light fixtures on the corner of the building are to be removed within 30 days of the granting of this Special Use Permit.
2. Equipment awaiting repair is to be stored inside the building at the end of business each day.

Mr. Sanford seconded the motion. Mr. Blough confirmed with Applicant that the inside storage each night was an acceptable condition. All in favor and the granting of a Special Use Permit with

conditions passed unanimously. Mr. Clements was to prepare a written Final Decision at the end of the evening and leave it at the Township office for Mr. Ghareeb to pick up at his convenience.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Public comment began at 7:26 pm. Two people spoke. Public comment closed at 7:29 pm.

**OLD BUSINESS**

**RENEWAL OF SPECIAL LAND USE:**

**Den Houter Sand Mine**

The Planning Commission reviewed the Business Plan for Oak Hill Enterprises dated April 14, 2008 presented by Kathryn Den Houter, and reviewed photographs of the current operation and the fencing around the sand pit.

Mr. Batchelor thought it was a good outline of the 2008 plans, noted that there had been no recent issues with mining operations and indicated that he would favor renewing the permit for another year.

There be no further questions or comments, Mr. Batchelor moved to extend the Special Land Use Permit of the Den Houter Sand Mining operation for one more year to April 2009 with an annual public hearing at that time. Motion seconded by Mr. Batchelor. All in favor and the Special Land Use Permit was extended for another year.

**NEW BUSINESS**

**PRELIMINARY SITE PLAN FOR WALGREENS:**

David Prueter of Agree Realty Corporation appeared on behalf of Walgreens. He indicated that an updated Site Plan dated April 14, 2008 had just been submitted to Tim Johnson for review. All issues raised by Tim Johnson in his Staff Report of April 14, 2008 could be accomplished, but three or four required further discussion:

Item 5: This will be addressed separately, but the desire is to have a single monument sign on M-21 shared by the Phase I (Walgreens) and Phase II (not yet specified) businesses, which is not currently allowed by the Lowell Charter Township Zoning Ordinance. Also, as this is a corner lot it is desired to have a sign on two walls (facing M-21 and facing Bowes Road) rather than just the single sign currently allowed.

Item 10: A vehicle connection with the property to the West is hampered by the owner to the West not being willing to provide curb cuts at this time, by the limitation to right turns only into and out of the parcel from M-21, and by the desire to avoid truck traffic from the property to the West using the M-21 access drive. There is room just South of M-21 for a connection some day without reducing the number of parking spaces on the parcel to less than that required by the Ordinance.

Item 14: An easement for a trail from the Grand River to Fulton Street (M-21) can only be granted on the Phase I parcel owned by Walgreens, and not across the balance of the land.

Item 9: The curb cut for access to Bowes Road has been moved further South as requested, but the City of Lowell will need to review and approve this curb cut.

Mr. Batchelor asked why the Bowes Road curb cut had been shifted South. Tim Johnson indicated it was to move it further from Fulton Street and to straddle the Phase I and Phase II properties.

Tim Johnson noted that the engineer's report of April 10, 2008 had not yet been reviewed in connection with the revised Preliminary Site Plan. Mr. Prueter did not see issues with that report.

Tim Johnson also presented the proposed location of a service drive South of and parallel to Fulton Street, reflecting the location of the flood plain, and indicated this drawing would be included in the new Master Plan.

Finally, Tim Johnson noted that front access to the land to the West was planned in the future. He concluded by noting that the Applicant had been agreeable to meeting the terms of the Ordinance.

Mr. Simmonds noted that most of the issues have been addressed and resolved. Mr. Blough confirmed that the right turn only scheme in and out from Fulton street had been approved by the Michigan Department of Transportation, which Mr. Prueter confirmed.

The consensus of the Planning Commission was to approve the preliminary site plan dated April 14, 2008 and to allow Applicant to continue to move forward on this project.

#### **SPECIAL LAND USE AMENDMENT:**

Tim Johnson led the first review of Draft #1 of the Special Land Use Amendment dated April 14, 2008. The following comments and suggestions were made by members of the Planning Commission:

Section 4.7.3 - all of the listed standards should specify a 'substantial adverse effect'; currently some just refer to an 'adverse effect'.

Section 4.7.4 - granting or denying a request for a special land use could occur on the date of the public hearing or any time thereafter (no change to draft language required).

Section 4.7.4.B - include a reference to 'lighting'.

Section 4.7.7 - as currently written a permit expires after one year except for certain exceptions; could be more clear that completion of construction in time limits leads to an indefinite duration of the special use permit unless explicitly revoked. Requiring a seller to notify a buyer of the existence of a special use permit was discussed but not pursued, as enforcement would be difficult.

Section 4.7.8 - minor and major changes are defined in the Site Plan section of the Ordinance.

Section 4.7.10 - there should be a public hearing prior to a revocation of a special land use.

There being no other changes or comments offered, Mr. Sanford moved that the proposed Amendment to Section 4.7 regarding special use permits be set for public hearing at the next regular meeting of the Planning Commission on May 12, 2008. Motion seconded by Mr. Batchelor. All in favor and the proposed Amendment will be set for public hearing.

**WIND ENERGY CONVERSION SYSTEM DRAFT ORDINANCE:**

Tim Johnson led the review of Draft #1 of the Wind Energy Conversion System Ordinance dated April 9, 2008. The following comments and suggestions were made by members of the Planning Commission:

Page 3, Item 2 - the proposed height of 40 feet is less than the state recommended maximum of 20 meters.

Page 9 - vertical shaft wind energy conversion systems would be allowed under this language.

The requirement of underground cabling was questioned as interfering with farming around these units; the proposed language would allow the Planning Commission to waive this requirement when appropriate.

Concern was expressed about placing these units in residentially dense areas due to noise, flicker, appearance.

Input from members of the public concerning their experience with installing these systems highlighted the greater power achieved with taller towers (60 feet or greater for any reasonable payback period, such as 10 years), suggested that the site should have at least one acre of land, suggested that attaching to a building was not recommended, and suggested that the required property line setback should be 1.5 times the height of the system. Michigan Siting Guidelines were presented to the Planning Commission. Consumers Energy is not currently required to purchase excess power produced but it was suggested that this may change this year.

Further review and discussion of Draft #1 is planned.

**COMMISSIONER COMMENTS:**

Mr. Blough noted that the State of Michigan is now regulating fertilizer use, taking this away from the Township.

Mr. Batchelor noted the Joint Meeting of the Lowell Charter Township and the City of Lowell Planning Commissions would take place April 24th at 7:00 pm.

It was determined that an April 28, 2008 workshop session of the Planning Commission would not be needed.

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Tim Johnson advised that the draft Master Plan had been sent to neighboring cities and townships, and that a June 2008 public hearing on the Master Plan would be scheduled.

**ADJOURNMENT:**

Mr. Sanford moved to adjourn. Seconded by Mr. Clements. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:08 p.m.

Submitted \_\_\_\_\_ Secretary  
Timothy Clements

Approved \_\_\_\_\_