

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
February 27, 2008**

PRESENT: Blough, Batchelor, Clements, Sanford, Simmonds

TOWNSHIP PLANNER: Tim Johnson

TOWNSHIP ATTORNEY: Ron Redick

CITIZENS IN ATTENDANCE: 12

The special meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:03 p.m.

APPROVAL OF AGENDA: Mr. Simmonds asked that he be allowed to adjust the order of the Agenda as the night proceeded based on how long each item might take. With that understanding, Mr. Batchelor moved that the agenda be approved as presented. Motion seconded by Mr. Blough. All in favor and the agenda was approved, subject to possible re-ordering.

PUBLIC COMMENT:

The meeting was opened for public comment at 7:04 pm. One person spoke. Public comment ended at 7:05 pm.

TIMPSON TRANSPORT SPECIAL LAND USE AND SITE PLAN FOR CONTROLLED ATMOSPHERE STORAGE:

Chairperson Simmonds recused himself from the discussion, turning the meeting over to Mr. Batchelor. Ron Redick reviewed the content of the Resolution Approving Special Land Use for "Specialized Collection and Storage of Agricultural Products Not Grown on the Premises" in the Ag-2 District, for property located at 3175 Segwun Ave SE, a copy of which was dated February 27, 2008 before being placed in the record. Mr. Redick and Mr. Scales for Timpson Transport noted several minor changes to the written draft, with Timpson Transport indicating that they were satisfied with the proposed changes at the end of the review.

Mr. Blough asked the Timpsons if this Resolution was acceptable; John Timpson indicated that they could make it work. It was clarified that existing surface fuel tanks would not need to be removed from the property. Mr. Blough expressed his opinion that the Controlled Atmosphere Building on the property should be considered a farm building. Mr. Timpson indicated also that he had enough space in the current building even if he were to get back into orchard farming. He questioned the amount of landscaping required, but stated he would comply if it was required.

Tim Johnson indicated he had accepted the amount of landscaping originally proposed by Timpson Transport, and that it could be scaled back if doing so still met the requirements of the Ordinance. Mr. Batchelor noted that a lot of the landscaping was intended to screen the sand mining operations.

Mr. Blough re-iterated his desire to identify the building on the property as a farm building, so the appropriate tax exemption could be re-obtained. Mr. Redick noted that such a Planning Commission statement would not impact on a tax classification. Mr. Blough also expressed concern generally about the annual review requirements on special use permits, as that seemed to be more the responsibility of the zoning enforcement officer. Mr. Batchelor felt annual review was important particularly with

mining operations. Mr. Sanford was fine with the Resolution as it stood. It was decided to leave in the annual review requirement for now.

Mr. Blough questioned the May 1 date for planting of landscaping given the harshness of the winter; it was agreed that a June 1 date would be acceptable.

Mr. Batchelor then moved the discussion to a review of the Site Plan, last updated on February 25, 2008. This updated plan includes the surrounding zoning and parking updates. The Timpsons indicated they were fine with the landscaping plan shown. Two more copies of the Site Plan will be required by the Township (for a total of three copies). Tim Johnson had no further comments on the landscaping plan.

There were no further questions from the Planning Commission. Mr. Redick reviewed the discussed changes to the Resolution with the Planning Commission secretary to confirm all changes had been noted.

Mr. Clements then moved to approve the Special Land Use for Specialized Collection and Storage of Agricultural Products Not Grown on the Premises in the Ag-2 District for property at 3175 Segwun Ave. SE as requested by Timpson Transport, in accordance with the terms and conditions reflected in the Resolution of February 27, 2008 which is made part of these Minutes, including changes to reflect:

1. Page 3, paragraph numbered (1), to include other lands owned or leased for agricultural production by Timpson Orchards in the definition of "Timpson Orchards Parcels".
2. Page 4, Section 2 (1) (c) to include in the majority of time spent by office workers other permitted principal uses including farming, orchard and sand mining operations.
3. Page 4, Section 2 (1) (d) to begin the paragraph with 'Subject to the limitations of this paragraph, the repair and maintenance...'
4. Page 5, paragraph numbered (3) to show the Final Development Plan being dated February 25, 2008, and the memorandum of the Township Planner being dated February 21, 2008.
5. Page 5, paragraph numbered (4), to end with '...respectively, if determined necessary by the Township Building Official.'
6. Page 6, paragraph numbered (8), has two references to planting dates of May 1 which are changed to June 1.
7. Page 6, paragraph numbered (10), the reference to trucking operations being 'minimized' is changed to 'maintained at the current minimal levels as reflected in the Applicant's narrative'.
8. Page 7, paragraph numbered (12), is changed at the beginning to allow recording of a Memorandum or Affidavit giving notice of the Resolution in place of recording the actual Resolution. At the end of this paragraph is added language indicating that, if the property ceases to be used for such purposes, the

Township will execute a Release of the Resolution if such Release is prepared by and recorded by Timpson Transport.

Motion seconded by Mr. Blough. On roll call vote:

Mr. Blough: Aye

Mr. Batchelor: Aye

Mr. Clements: Aye

Mr. Sanford: Aye

All in favor and the motion approving the Special Land Use as detailed was approved.

Mr. Simmonds rejoined the other Planning Commission members and resumed his role as Chairperson.

TIMPSON TRANSPORT SPECIAL LAND USE AND SITE PLAN FOR MOTOR FREIGHT WAREHOUSE:

Ron Redick reviewed the content of the Resolution Approving Special Land Use for Motor Freight Warehousing in the LI District, for property located at 11900 and 11998 Cascade Road, a copy of which was dated February 27, 2008 before being placed in the record. Mr. Redick with input from Mr. Scales made several minor changes to the written draft.

Tim Johnson also reviewed his Planner's Report of February 21, 2008 and noted that he had not received the new Site Plan. He did state that the Survey of February 20, 2008 information should be made a part of the Site Plan. It was noted that a neighboring lagoon spray was not on the Timpson Transport property, that evergreens on Cascade Avenue would not be arbor vitae, and that the Lighting Plan meets the requirements of the Ordinance but there was a need to show that the lights were fully shielded. After discussion, it was determined that existing light fixtures would need to be upgraded to current Ordinance requirements by June 1, 2008. Timpson Transport offered a new Site Plan dated February 25, 2008, which Tim Johnson would need to review.

Next reviewed was a letter from the Kent County Health Department dated February 25, 2008, indicating the soil would not support a new septic system, and that there should be some monitoring of the current system, along with recommended annual pumping. Mr. Sanford agreed with the wisdom of annual pumping and preventative maintenance of the current system. The initial inspection of the well and septic system will be performed by the Township Administrator or her designatee; Kent County will record annual pumping and inspection.

Mr. Simmonds noted that the initial inspection and annual pumping (with a receipt as proof of pumping) would be necessary; Mr. Scales indicated that if this was not satisfactory, Timpson Transport would have the option of removing the toilet instead. Mr. Blough and Mr. Batchelor questioned the need for annual pumping if the system is lightly used, but Mr. Timpson indicated that he would be willing to pump the septic tank annually.

Mr. Blough made a request on the record that the Township ask the County to lower the speed limit on Alden Nash to 40 miles per hour where the new light at Alden Nash and Cascade Roads is approached, for safety reasons.

There were no further questions from the Planning Commission. Mr. Redick reviewed the discussed changes to the Resolution with the Planning Commission secretary to confirm all changes had been noted.

Mr. Clements then moved to approve the Special Land Use for Motor Freight Warehousing in the LI District for property at 11900 and 11998 Cascade Road as requested by Timpson Transport, in accordance with the terms and conditions reflected in the Resolution of February 27, 2008 which is made part of these Minutes, including changes to reflect:

1. Page 3, paragraph numbered (2) to show the Final Development Plan being dated February 25, 2008, the Survey Plan dated February 20, 2008 and the memorandum of the Township Planner being dated February 21, 2008.
2. Page 3, paragraph numbered (5), has two references to planting dates of May 1 which are changed to June 1.
3. Page 4, paragraph numbered (6) is to show the Engineer's letter is dated February 19, 2008.
4. Page 4, paragraph numbered (10), is changed at the beginning to allow recording of a Memorandum or Affidavit giving notice of the Resolution in place of recording the actual Resolution. At the end of this paragraph is added language indicating that, if the property ceases to be used for such purposes, the Township will execute a Release of the Resolution if such Release is prepared by and recorded by Timpson Transport.
5. Page 5, paragraph numbered (11) is added to reflect the Planner's requirement for shielding on lights by June 1, 2008.
6. Page 5, paragraph numbered (12) is added with respect to the existing septic system such that 1) this Special Land Use is not effective until an initial inspection shows the system is operating satisfactorily or the toilet is removed and 2) the tank shall be pumped annually.

Motion seconded by Mr. Sanford. On roll call vote:

- Mr. Blough: Aye
- Mr. Batchelor: Aye
- Mr. Simmonds: Aye
- Mr. Clements: Aye
- Mr. Sanford: Aye

All in favor and the motion approving the Special Land Use as detailed was approved.

Mr. Simmonds called for a short recess at 8:33 pm. The meeting was resumed at 8:38 pm.

MAINLINE COFFEE SPECIAL LAND USE AND SITE PLAN:

The report of Mainstreet Planning dated February 21, 2008 was reviewed, as well as the submitted Site Plan of February 19, 2008 and the Landscape Plan of February 4, 2007 (sic: 2008). It was determined

the Site Plan complies with requirements, the Landscape Plan was acceptable, and the Engineer's plan requirements had been met.

Mr. Simmonds noted that the requested use meets the standards for the granting of a Special Use Permit as set out in section 4.7.1 of the Ordinance, noting general safety, health and welfare are protected with respect to access and consistency with surrounding properties, market value of surrounding properties is not harmed, the use is harmonious with the Lowell Charter Township Land Use and Development Plan, the impact from the use is deemed desirable, there are no stored inflammable fluids creating a hazard, and operations are no more environmentally objectionable than other permitted uses would be. The only recommended condition would be an annual review by the Planning Commission.

There being no further questions or comments, Mr. Sanford moved to approve the Special Land Use as requested by Mainline Coffee subject to annual review in June each year. Motion seconded by Mr. Blough. All in favor and the motion to grant the Special Land Use was approved. A copy of the final decision of the Planning Commission was given to Mr. Faba for Mainline Coffee.

Mr. Simmonds deferred consideration of the Master Plan to allow for the preliminary review of Mr. Overbeck's Site Plan prior to his Special Land Use requests scheduled for public hearing on March 10th.

OVERBECK PRELIMINARY SITE PLAN REVIEW:

Mr. Overbeck presented his Site Plan dated February 27, 2008 designated pages S-1.0 through S-3.0. These he reviewed at length, indicating the changes he had made in response to input from Mainstreet Planning and the Township Engineer. It appeared the Plan was in good shape and ready for presentation on March 10, 2008 at the Public Hearings.

MASTER PLAN:

Mr. Simmonds noted that the Township Board would like to meet with the Planning Commission on March 17th at their regular meeting to discuss the Master Plan, prior to sending it out to surrounding Townships.

Review began with the Plan dated February 8, 2008, starting at Chapter 4 (Page 4-1). The following comments and changes were noted:

Page 4-6: Reference to the OS-PUD having a housing density of 3.11/acre refers only where there is sewer service available.

Page 4-9: Currently the Flood Plain (F) is an overlay zone; Tim Johnson is still considering the advisability of leaving it this way, or making it a separate zone.

Page 4-11: The language should clarify where Boulder Drive stops as well as where it starts.

Page 5-2: With respect to sewer services, strike the language after "...development needs".

It was determined that the rest of the Master Plan language (Chapters 1-3) would be reviewed March 10th, along with final changes to the Master Plan map. The Regular Meeting of the Planning Commission will start at 6:00 pm that day, to allow one hour for the Master Plan before the Public Hearings and the rest of the Regular Meeting.

COMMISSIONER COMMENTS:

Mr. Sanford recognized the hard work done by Supervisor Paula Blumm, Township Planner Tim Johnson and Township Attorney Ron Redick in resolving the matter with Timpson Transport, and expressed his opinion that the Township had been well-served by this work.

Mr. Sanford also reported on the City of Lowell Planning Commission meeting where they allowed sixty days of temporary signage per year, a change from the prior restriction of 21 days per year. Their lighting ordinance would be similar to the Lowell Charter Township lighting ordinance. Plans for a joint meeting with surrounding Planning Commissions were underway. Finally, Mr. Sanford has reviewed our sign ordinance compared to the City of Lowell sign ordinance, and copies of his comparison were to be made and distributed to Planning Commission members.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Sanford. All in favor and the special meeting of the Lowell Charter Township Planning Commission was adjourned at 10:04 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____