

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
MASTER PLAN DISCUSSION, PUBLIC HEARINGS AND REGULAR MEETING
March 10, 2008**

PRESENT: Blough, Batchelor, Simmonds, Clements and Sanford
TOWNSHIP PLANNER: Tim Johnson
CITIZENS IN ATTENDANCE: 15

MASTER PLAN DISCUSSION

The meeting was called to order by Chairperson Simmonds at 6:06pm. Tim Johnson led a review of the first three chapters of the proposed Master Plan. The following changes and comments were made:

- Page I-1, paragraph 2, line 2, the apostrophe after 'its' should be removed. The second bullet point should have "farms and" added before "farm lands".
- Page I-2 has an extra period at the end of the third full paragraph. First paragraph after subtitle 'Since 2002...' should add "and North of I-96" before "in 2004".
- Page I-3, first paragraph should reference either 57 or 59 acres of Merriman Farms (Tim Johnson to get the correct figure) in place of 80 acres. Third paragraph after subtitle 'Preparation Process for 2008 Plan' should reference traffic on M-21 West of the City of Lowell, rather than East. Fifth paragraph should indicate 180 surveys were mailed with 42 surveys returned. The final paragraph should indicate that the Planning Commission met with the Township board March 17, 2008.
- Page 1-3, Paragraph 1 under subtitle 'Preservation of Rural Character Goals' should include "farm and" before "farmlands, open views...". Paragraph D under subtitle "Objectives" should have the "s" removed from the word "ands". Paragraph 3 under subtitle 'Commercial Goals' should include "signage" before "design, and performance standards...".
- Page 2-1, first paragraph under subtitle "Location" should add at the end of the paragraph "and ___ miles from Lansing" (Tim Johnson to get mileage figure).
- Page 2-8, bottom of first column change Cumberland Drive to Cumberland Avenue.
- Page 2-9, line 4, change "Cumberland Road" to "Cumberland Avenue" Under subtitle Water Service, need to add construction date of water tower in Vergennes Township, and change reference from "water tower" to "water storage tank", and change "Foreman Road" to "Foreman Street" and "Cumberland Drive" to "Cumberland Avenue". Second from last Paragraph beginning "The Eastgate Subdivision" should change "current capacity" to "currently available capacity".
- Page 2-10, last paragraph, should state that sanitary sewer is provide to "some" residents...
- Page 2-13, under subtitle 'Recreation, the first paragraph needs a comma after "a parking lot", and acreage acquired in 2007 should be changed from "five" to "eight". The third from last paragraph beginning "The Kent County Parks Department..." should change "Section 22" to "Sections 22 and 23".
- Page 2-15, first paragraph should state "Only Alden Nash near Cascade Road is approaching it's design capacity" (true both North and South of Cascade Road, not just North). Second paragraph

should begin "In February 2008 a traffic signal was installed...". Under the subtitle 'Agriculture', first two paragraphs, references to an Active Farm map (Map 7) should be removed, and if available, official centennial farms should be referenced instead. The second paragraph also has an extra period at the end which should be removed.

- Page 2-16 needs photographs reformatted and captions properly related to photos.

- Page 3-1, the first paragraph describing Vergennes Township needs "Parnell Road" changed to "Parnell Avenue". The second paragraph describing Vergennes Township needs "Foreman Road" changed to "Foreman Street" and the final sentence changed from ..."would not be incompatible with..." to "...would be considered compatible with...".

Previously reviewed Chapter 4 was briefly revisited. Page 4-10, under subtitle 'Flood Plain', line 4 should have the "s" removed from the word "discharges". It was determined that the Flood Plain would remain an overlay zone, and that aerial photographs of Sections 4 and 5 would be included in the Master Plan. On Page 4-12 a paragraph is added to discuss planning for trails.

There being no further comments or changes, Tim Johnson noted the changes would be made and the plan given to the Lowell Charter Township Board, and if no changes occurred at the March 17, 2008 joint meeting, the Plan could go out to surrounding communities for comment, with a public hearing no sooner than 63 days after to allow those communities to comment. It is anticipated the final Public Hearing on the Master Plan could occur at the end of May 2008.

The meeting was recessed at 6:48 pm to await commencement of the 7:00 pm Public Hearings.

PUBLIC HEARING FOR OVERBECK SPECIAL LAND USES

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:05 p.m. The hearing process was described to the public, and Secretary Clements read the Notice of Hearings into the record.

1. SPECIAL LAND USE AND SITE PLAN REVIEW FOR OPEN AIR BUSINESS

Mr. Overbeck presented his plan to add space for up to 20 used cars for sale in front of his current business at 11726 East Fulton Street. Some office space will be added for a single car sales person. Used cars will be at least 17 feet from the Fulton right of way. He also explained his proposed U-Haul truck and trailer rental business which would have up to two vehicles in front of his current business, and up to a half dozen in the back of the property. The rental business is for previously reserved and dropped off vehicles and trailers which come and go and not a full U-Haul site.

Mr. Blough asked if the used car office space would be part of the existing office, and was told that it would be.

2. SPECIAL LAND USE AND SITE PLAN REVIEW FOR VEHICLE SERVICE STATION

Mr. Overbeck also presented his plans to expand the current oil change facilities at this same address to allow for more service work. This would involve additional service bays, not all of which may be built right away. Some additional traffic is expected from this change.

A Site Plan covering both Applications was reviewed by members of the Planning Commission.

Tim Johnson first reviewed his report of March 7, 2008 on the Vehicle Service Station application, indicating no significant issues were outstanding. Traffic increases would be small, there was plenty of parking and additional landscaping would be planted. It was suggested that repairs not be allowed outdoors and that parts needed to be stored inside the fenced area.

With respect to the open air businesses, the driveway was being moved closer to the building, with used cars closer to the street (12 feet from the close edge of the front sidewalk). It was suggested that no cars be allowed to park on the grass and that the sale of non-cars (eg recreational vehicles) be discussed. It was also noted that the Township Engineer had not yet received the final changes for review. It was further suggested that landscape plantings be at least 10 feet from sidewalks for clear vision to see pedestrians.

Mr. Blough asked about used car visitor parking; four spaces are provided by the sales office for parking.

There being no further questions for members of the Planning Commission, the public hearing was opened to public comment at 7:20 pm.

Benjamin Kaeb - no comment

Sandi Miles - no comment

John Timpson - thought the current business looked nice and favored the proposed changes.

Public comment closed at 7:21 pm.

The public hearing on the Overbeck Special Land Uses ended at 7:21 pm.

PUBLIC HEARING ON SITE PLAN REVIEW AMENDMENTS

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:22 p.m. Secretary Clements read the Notice of Hearings into the record. Mr. Simmonds outlined the steps taken by the Planning Commission leading to presentation of Draft 3 of the proposed amendments. Tim Johnson reviewed the changes for members of the public. He explained clarification of when site plans were required, the definition of farm buildings, the allowance of preliminary and then final site plans, and detailing of site plan requirements and the approval process, and how plans were to be amended. Planning Commission action would be a recommendation to the Township Board, which would make the final approval decision.

Mr. Batchelor noted a small typographical error on page 8, Paragraph A, where the "r" in "Kent County Road Commission" was not capitalized. Mr. Blough indicated that he liked the comments on farm buildings.

There being no further questions or comments, the public hearing was opened to public comment at 7:28 pm.

Benjamin Kaeb - no comment

Sandi Miles - Discussed exclusion of farm buildings and when site plans needed. She noted that state law requires permits for farm buildings in some cases; it was agreed this should be added to the Ordinance. Also discussed was failure to complete construction within one year; this was determined to be an issue addressed by the building inspector under the building code. With respect to expansion of existing units it was indicted a public notice would be required to change a site plan.

John Timpson - no comment.

Public comment closed at 7:33 pm.

The public hearing on the Site Plan Review Amendments ended at 7:33 pm.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:34 pm.

APPROVAL OF AGENDA:

Review of the February 27, 2008 Minutes was added to the Agenda. Mr. Batchelor moved that the Agenda be approved as amended. Motion seconded by Mr. Sanford. All in favor and the Agenda as amended was approved.

APPROVAL OF MINUTES:

The Minutes of the Public Hearings and Regular Meeting of February 11, 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.

The Minutes of the Special Meeting of February 27, 2008 were presented for approval. Mr. Sanford moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes were approved.

DISCUSSION OF OVERBECK SPECIAL LAND USE FOR VEHICLE SERVICE STATION:

After brief discussion it was noted that the Mainstreet Planning Report of March 7, 2008 showed no real issues outstanding, but did contain some recommended conditions. Mr. Batchelor suggested that

an annual review would not be required in this situation. Mr. Simmonds favored an annual review, but it was finally agreed that in this particular instance such a review would not be required.

There being no further discussion, Mr. Sanford moved that the Application by Bill Overbeck dated February 7, 2008 for a Vehicle Service Station Special Use Permit for property located at 11726 East Fulton Street be approved, with the following conditions:

1. There shall be no outdoor repair of vehicles
2. There shall be no outdoor storage of parts and equipment except inside the fenced area shown on the Site Plan.
3. The Site Plan must receive final approval by the Township Engineer.
4. Landscape grasses must be at least 10 feet from walkways to allow clear vision of pedestrians by drivers.

Motion seconded by Mr. Batchelor. All in favor and the Special Use Permit with conditions was approved.

DISCUSSION OF OVERBECK SPECIAL LAND USE FOR OPEN AIR BUSINESSES:

Mr. Batchelor asked when additional asphalt would be added for the display of used vehicles, and was told that was probably six weeks out. Paving and striping would be completed before cars were placed on display. Mr. Sanford suggested that conditions a. through c. of the Mainstreet Planning Report of March 7, 2008 be made part of any granting of the Special Use Permit, and that in addition, it be a condition that U-Haul vehicle and trailer storage be limited to the area along the East property line behind the front of the building as shown on the Site Plan, and further, that a maximum number of vehicles and trailers be set. After discussion with Planning Commission members and Mr. Overbeck, it was determined that up to eight vehicles and trailers would be allowed along the East property line, and that in addition, up to two vehicles and trailers would be allowed in the front of the building.

There being no further discussion, Mr. Sanford moved that the Application by Bill Overbeck dated February 7, 2008 for Open Air Business Special Use Permits for U-Haul rentals and used car sales on property located at 11726 East Fulton Street be approved, with the following conditions:

1. No more than 20 vehicles and two U-Haul vehicles or trailers shall be displayed along the Fulton Street frontage.
2. All display items shall be no closer than 12 feet from the sidewalk along the Fulton Street frontage and shall not be parked on the grass.
3. The sale or display of boats, trailers and recreational vehicles is not permitted.
4. U-Haul storage shall be limited to a North/South line along the East property line behind the front of the building as shown on the Site Plan, and shall not be parked along Boulder Drive.

5. No more than ten U-Haul vehicles and trailers shall be on the site at one time, with no more than two on the Fulton Street frontage.

6. The special use permit shall be reviewed annually in May of each year.

Motion seconded by Mr. Blough. All in favor and the Special Use Permit with conditions was approved.

DISCUSSION OF SITE PLAN REVIEW AMENDMENTS:

Mr. Simmonds noted that this was the third draft of the proposed amendments and that the public hearing had been held. Mr. Sanford asked about the need for a lighting plan review if enough changes are made to the original Site Plan. It was agreed that Section 4.8.2.A.g be added to require review of the lighting plan if enough changes are made. Section 4.8.2.B.c is amended to add at the end of the paragraph "except where required by the State construction code".

There being no further questions or comments, Mr. Batchelor moved to recommend Draft #3 of the Site Plan Review Amendment dated March 10, 2008 to the Lowell Charter Township Board, with two changes:

1. Add Section 4.8.2.A.g to include the review requirements of the lighting section of the ordinance.
2. Add to Section 4.8.2.B.c to make clear that a building permit is not required for a farm building except where required by the State construction code.

Motion seconded by Mr. Sanford. All in favor and the Amendments are recommended to the Township Board.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment began at 8:09 pm. One people spoke. Public comment closed at 8:11 pm.

OLD BUSINESS

RENEWAL OF SPECIAL LAND USES:

Timpson Sand Mine

John Timpson presented a letter dated March 10, 2008 with chloride treatment receipts attached. He also presented a topographic map of the mining area with color coding to show soil removed and replaced. Soil will be removed to the North/Northwest of the current mining operations in 2008. The snow fence will be moved back 75 feet after the snow melts and the frost is out of the ground. Depth of excavation will not be more than a foot or so from current low point of 776 feet; work to the West will be limited by location of orchard trees. Signage has not changed from last year. Mr. Sanford

asked that the eventual extent of the planned excavation be shown on the map. Mr. Simmonds noted that no complaints had been received in the past year.

There be no further questions or comments, Mr. Sanford moved to extend the Special Land Use Permit of the Timpson Sand Mining operation for one more year with the condition that a map showing the proposed final limits of the excavation area be presented to the Township within 30 days. Motion seconded by Mr. Batchelor. All in favor and the Special Land Use Permit with condition was extended for another year.

Roanoke Ranch

Aaron Decker presented a letter dated March 10, 2008. He indicated the Ranch had worked with three agencies in 2007 and had 20 kids in Monday/Tuesday/Thursday/Friday programs. Some students attended after-school programs as well. A photo slide show was presented showing activities and facilities. Mr. Simmonds noted that no complaints had been received in the past year, and that all conditions set in 2007 appeared to have been met. Mr. Batchelor asked if the conditions should be continued, and it was agreed that they should even though they are currently met.

There be no further questions or comments, Mr. Batchelor moved to extend the Special Land Use Permit of Roanoke Ranch for one more year as conditions from the May 2007 Special Land Use Permit had been met. Motion seconded by Mr. Sanford. All in favor and the Special Land Use Permit with existing conditions was extended for another year.

Heidi's Farm Market Sale of Non-farm Products

Mr. Blough excused himself from the discussion.

Aaron Kaeb presented for Heidi's Farm Market. He indicated space was tight when produce came in and that he would like to increase the sales area, but that the current non-farm products area would not increase in size. He elaborated on desired expansion of services as well, but Mr. Batchelor reminded him that we were only discussing 2007 operations for purposes of renewing the existing Special Land Use Permit. Mr. Simmonds stated that a separate process would need to be followed if expansion was desired. He also noted that no complaints or violations had been received on the non-farm products sales in the past year. When questioned he indicated that the sale of canning supplies did not occur in 2007. The Planning Commission then concluded that the conditions of the 2007 Special Land Use Permit appeared to have been met.

Mr. Kaeb suggested he might seek to extend the current dates of operation in 2008. Mr. Batchelor was not certain if this could be altered during this review. Mr. Simmonds was uncomfortable with making such a change since dates of operation were a condition of the Special Land Use permit. Mr. Clements felt such a change should not be made without giving public notice to allow for input from interested parties. Mr. Simmonds suggested that any change in approved dates of operation should be included in an application to expand the current operation. Tim Johnson suggested the request to expand the dates of operation be submitted to the Township in writing, and that the Township would then make a determination if the change was significant enough to require a public hearing.

Mr. Kaeb also asked if the 20 percent limit on non-farm products would apply proportionately if sales space increases, and the consensus was that it would.

There being no further questions or comments, Mr. Batchelor moved that the Special Land Use Permit of Heidi's Market for the sale of non-farm products be extended for one more year, subject to the same conditions as applied in 2007. Motion seconded by Mr. Sanford. All in favor and the Special Land Use Permit with existing conditions was extended for another year.

Heidi's Farm Market Corn Maze

Aaron Kaeb presented for Heidi's Farm Market. He indicated two corn mazes were operated, that attendance wasn't a good as hoped, and that 2000-3000 people went through the mazes, including Alto and Saranac school groups. There had been no incidents to report. Parking to the North of the building had not been good, and parking to the West had been muddy. Saturdays in particular were tight for parking, and the current arrangements were not working. Mr. Sanford reminded Mr. Kaeb that the hearing was to approve continuation of the existing Special Land Use permit and that any changes required should be submitted to the Township in writing for consideration.

Mr. Simmonds pointed out that the current Special Use Permit only allowed a corn maze on the Northwest corner of Alden Nash and Cascade Roads, but that Applicant had set up a second corn maze on the Southeast corner without Township approval. Mr. Kaeb indicated the corn in the Northwest corner had not grown tall enough in September to use as a maze, although it did reach adequate height in October. He felt it was too late in September to talk about the issue with the Township so he had just used the land in the Southeast corner of the intersection. Some visitors crossed the street to the second corn maze on foot and others rode a wagon which transported them across the street. Mr. Simmonds noted a zoning violation had been issued November 12, 2008 when the Township learned of the second maze, but no action had been taken since the maze was no longer being used at that time.

Mr. Batchelor moved that the Special Land Use Permit of Heidi's Market for a corn maze on the Northwest corner property be extended for one more year, subject to the same conditions as applied in 2007. Motion seconded by Mr. Sanford. Mr. Clements asked to make a statement, and indicated that although he was willing to extend the current Special Land Use Permit one more year, he was disturbed by applicant's willingness to ignore the conditions which had been worked out together the prior year, and that if such disregard of the conditions occurred again he would be unwilling to extend the current Special Land Use. Thereafter a vote was taken; all in favor and the Special Land Use Permit with existing conditions was extended for another year.

NEW BUSINESS

Mr. Blough rejoined the other members of the Planning Commission.

SET HEARING DATE FOR RIVERSIDE MOTORSPORTS SPECIAL LAND USE

Mr. Simmonds indicated a request for a Special Land Use permit had been received by Riverside Motorsports at 13565 Grand River Drive SE, Suite C, which is in an Industrial Zone, and he suggested an April 14, 2008 public hearing. Mr. Batchelor asked why a permit was required for this business and

not the other businesses in this same building. It was suggested that review should be made of these other businesses to determine if they too require a Special Land Use Permit.

Mr. Batchelor moved to set a public hearing date of April 14, 2008 for the Special Land Use Application of Riverside Motorsports. Motion seconded by Mr. Sanford. All in favor and the motion was approved.

COMMISSIONER COMMENTS:

Mr. Sanford suggested the Enforcement Officer investigate the other activities occurring at 13565 Grand River Avenue for compliance with the zoning ordinance.

Mr. Blough discussed the March 26th farmland preservation fundraiser.

Mr. Simmonds advised the Planning Commission of the March 17, 2008 joint meeting with the Township Board at 7:00 pm to review the Master Plan, the 2008 Work Plan of the Planning Commission and for an update on the joint sign ordinance with the City of Lowell.

Mr. Simmonds also announced that a March 24, 2008 workshop session of the Planning Commission would not be needed.

.ADJOURNMENT:

Mr. Sanford moved to adjourn. Seconded by Mr. Blough. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:34 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____