

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
October 13, 2008**

PRESENT: Blough, Batchelor, Simmonds, Clements and Sanford
TOWNSHIP PLANNER: Tim Johnson
CITIZENS IN ATTENDANCE: 9

PUBLIC HEARING ON OLIN OPEN AIR BUSINESS: SPECIAL LAND USE

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

Mr. Simmonds explained that the prior request for a storage facility on this property had been heard and tabled, and would be addressed later in the evening.

Todd Olin summarized his application. The original storage facility has been modified to provide a Phase 1 for construction of two storage buildings. Mulch, gravel and similar landscaping supplies will also be stored on the premises in 3-sided, four foot tall bays.

The hours of operation for the open air business will be 'by call'. There will be a gravel road and surface for accessing this business. Operations are expected to be between the hours of 7am and 7pm. No fertilizers will be stored on the premises.

This open air business will be located behind the storage buildings to screen it from the road. Most of the truck traffic is expected to be in the Spring.

At Mr. Blough's questioning, Mr. Olin indicated operations for the open air business would be Monday through Friday, and on half a day on Saturday. No employees would be permanently assigned to the site.

Tim Johnson then summarized his report of October 10, 2008. He noted that the Ordinance requirement of an office on the site could be waived by the Planning Commission. There would be room for the landscape business to continue after all four requested storage buildings were completed. A fence could be installed around the storage facility as shown on the Site Plan, with code-operated gates. The open air business would be confined to the area designated on the Site Plan.

Mr. Batchelor asked for more detail about gates. One would be for the storage buildings, and a separate gate with a padlock would be for the open air business.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:15 pm.

Steve Vanderziel had no problem with the request.

Troy Rubey had no comment.

William Sterzick asked about a house being allowed on the property, and was advised a house could not be build in the area zoned Light Industrial. He also asked for more detail about ownership of the land and placement of the buildings on the land.

Todd Olin had no further comments.

There being no further questions or comments from those present, public comment closed at 7:22 pm.

The public hearing closed at 7:22 pm.

PUBLIC HEARING ON WIND ENERGY SYSTEM ORDINANCE

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:23 p.m. Secretary Clements read the Notice of Hearing into the record.

Tim Johnson summarized Draft #4 of the Wind Energy System Ordinance dated October 13, 2008.

There being no questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:28 pm.

Steve Vanderziel asked if all districts could have a system if it was 65 feet or less in height, and was told that they could, subject to the conditions stated in the Ordinance.

Troy Rubey asked if they could be located in flood plains or in wetlands, and was advised this would involve the DEQ or DNR. As to how it was decided to limit wind energy systems by right to 65 feet, he was advised that this came from language suggested by the State.

William Sterzick asked if there were any current requests for wind energy systems, and was told there had been inquiries but no requests. He also asked about commercial systems, and the great expense of commercial units was discussed.

Todd Olin asked about sharing of wind generators, and was referred to the Ordinance language about adjoining land owners sharing a system.

There being no further questions or comments from those present, public comment closed at 7:36 pm.

The public hearing closed at 7:36 pm.

PUBLIC HEARING ON MET TOWER ORDINANCE

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:37 p.m. Secretary Clements read the Notice of Hearing into the record.

Tim Johnson summarized Draft #2 of the MET Tower Ordinance dated October 13, 2008.

Mr. Blough confirmed that there was no height limitation on MET towers, and was told it was only limited by lot size. It was noted that MET towers were generally under 200 feet tall, to avoid FAA lighting requirements.

Mr. Clements asked if the access road mentioned in Section 1.C.(8).(j) could be as basic as a two-track path, and was told that might be considered acceptable.

Mr. Batchelor asked about guy wires.

Mr. Sanford asked if Section 1.C.(8).(h) should specify a fence height. It was determined this section was intended to gather information rather than set requirements.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:45 pm.

Steve Vanderziel had no comment.

Troy Rubey was alright with the plan.

William Sterzick had no comment.

Todd Olin had no comment.

There being no further questions or comments from those present, public comment closed at 7:46 pm.

The public hearing closed at 7:46 pm.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:47 pm.

APPROVAL OF MINUTES:

The Minutes of the Public Hearing and Regular Meeting of September 8, 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:

There were no changes to the agenda.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment began at 7:48 pm. No one spoke. Public comment closed at 7:48 pm.

OLD BUSINESS

U PARK-U SELL SPECIAL LAND USE REVIEW:

Troy Rubey presented the report for U Park-U Sell, and presented a written outline of 2008 and planned 2009 activities dated October 13, 2008. Lighting fixture information needs to be provided. Landscaping was planted but some may have been lost due to the drought and may require replacement next year. Trees were delayed but will be placed along the East property line in the Spring.

Mr. Blough asked about sales, and was told sales are good so far.

Mr. Batchelor asked that at least one more annual review be required since landscaping is not yet complete.

Mr. Batchelor then moved to review the Special Use Permit on the U Park-U Sell property on M-21 in September 2009. Seconded by Mr. Blough. All in favor and the motion for another annual review carried unanimously.

OLIN OPEN AIR BUSINESS REQUEST FOR SPECIAL USE PERMIT:

Mr. Sanford moved to remove the prior request for a storage facility on this property from the table for further consideration. Motion seconded by Mr. Blough. All in favor and the previously tabled request was taken up, for consideration with the open air business on this property.

Tim Johnson noted that his August 27, 2008 Report requests have now been met, that a proposed fence had been added, and that existing landscaping was sufficient. Still pending was the need to split the property and to label the resulting parcels with dimensions, as well as to provide legal descriptions. Tim Johnson noted that the special use permit would be limited to the resulting Southern parcel only. Future proposed storage buildings could be approved now. Development of the land behind these businesses will require turning the drive into a public road, before there will be sufficient frontage.

Mr. Blough asked about a culvert under Alden Nash, and was told it would be plugged to prevent water from going West from the property. Also, the catch basins near the road will be kept mowed around the edges to keep up appearances.

Mr. Batchelor asked why planned landscaping could not be closer to the road, and was advised Kent County required a spillway to the retention pond.

Mr. Sanford asked about approval for plugging the culvert and was told it had been approved by the Kent County Road Commission.

Mr. Batchelor asked about the fence shown on the Site Plan, and was told it would be build as needed.

Mr. Simmonds raised the Ordinance requirement for a 500 square foot office on the property, and felt this would not be required since sales were arranged elsewhere and only on-call pickups would occur on the property. Mr. Sanford and Mr. Batchelor agreed that an office should not be required if an

employee was not based there. Mr. Blough asked what would happen if an employee was based on the property in the future, and Tim Johnson indicated Applicant would need to come back before the Planning Commission for review of the change.

Mr. Simmonds then led a review of the standards for the granting of a special use permit set forth in Section 4.7.3 of the Ordinance, as they apply to the open air business.

A. This standard is met. No substantial adverse effect on neighboring properties was found. The property is zoned for Light Industrial and hours of operation will be limited.

B. This standard is met. Drainage is fine, and there will be no lighting in the open sales area.

C. This standard is met. There will be no substantial adverse effect on police or fire services, and fencing is approved if it becomes necessary.

D. This standard is met. There is no substantial adverse effect on demand for other public services, as few or no services are used by this use.

E. This standard is met. There is no substantial adverse effect on the natural environment of the site or nearby properties. The use is appropriate for Light Industrial, and water runoff issues have been addressed.

F. This standard is met. The use is consistent with the Ordinance and the Master Plan. A cut sheet for lighting fixtures has been provided and light cut-off is correct.

Based on this review, it was determined that the standards for granting a special land use permit for an open air business had been met.

Mr. Batchelor noted the requirement of VTEK for silt sacks, which will be installed. Mr. Sanford asked if the use of silt sacks in the gravel area would be on-going, and was told it would be.

Mr. Batchelor also expressed concern about trucks tracking mud and landscaping materials onto the public roadway, and asked that those be kept cleaned up.

There being no further questions or comments, Mr. Sanford moved that the Lowell Charter Township Planning Commission grant to Applicant Todd Olin a Special Use Permit for a Storage Facility and a Special Use Permit for an Open Air Business on property located at 5826 and 5890 Alden Nash Avenue (Permanent Parcel Number 41-20-34-300-004) based on the Site Plan dated September 15, 2008, but only on the Southern future parcel illustrated on that Site Plan, subject to the following conditions:

1. Obtain lot split approval with new legal descriptions for both future parcels shown on the Site Plan of September 15, 2008 prior to January 1, 2009.
2. Future buildings will be of similar construction to initial buildings.

3. An office building will not be required so long as there are no full time employees on the site.
4. An annual review of these special use permits is required in October of each year.
5. No outside storage of equipment, vehicles or other items as specified by the Ordinance of Lowell Charter Township will be allowed at the Storage Facility.
6. Hours of operation of the Open Air Business will be 7am to 8pm Monday through Saturday.
7. A fence as shown on the Site Plan may be installed at the owner's discretion.
8. Concrete floor and wall containment of all loose materials at the Open Air Business is required.
9. Associated equipment required for the operation of the Open Air Business will be permitted to be neatly stored on the Open Air Business site.
10. The Open Air Business will be limited to the area shown on the Site Plan dated September 15, 2008.

Motion seconded by Mr. Batchelor. All in favor and the Special Use Permits with Conditions were approved.

WIND ENERGY SYSTEM ORDINANCE:

Mr. Blough led a discussion concerning wind farms and single towers on adjoining properties. Tim Johnson noted that systems under 65 feet in height would not be a wind farm, and that systems on adjoining properties would be addressed individually.

Mr. Batchelor handed out an article on wind energy from the September 15, 2008 issue of MiBiz, page 10. He also noted that a reference in Section 4.9.d to the 'C' district should be 'GC'.

Mr. Sanford asked that a reference in Section 4.9.c.4, second paragraph, be changed from 'blueprints' to 'construction drawings'.

Mr. Clements asked about new Section 4.9.d.1.n allowing waiver of any of the prior requirements, and was advised such language would be workable.

There being no further changes, Mr. Sanford moved to recommend to the Township Board approval of Draft #4 of the Wind Energy System Ordinance dated October 13, 2008 with the modifications noted. Motion seconded by Mr. Batchelor. All in favor and the Ordinance was recommended to the Township Board for approval.

MET TOWER ORDINANCE:

Mr. Sanford recommended removal of the word 'standard' before 'drawings' in the first line of Section C(2). He also recommended adding the word 'written' before 'statement' at the beginning of Section C(4).

There being no further changes, Mr. Clements moved to recommend to the Township Board approval of Draft #2 of the MET Tower Ordinance dated October 13, 2008 with the modifications noted. Motion seconded by Mr. Blough. All in favor and the Ordinance was recommended to the Township Board for approval.

PORTABLE SIGN ORDINANCE AMENDMENTS:

Tim Johnson presented language from an Alpine Township ordinance which was briefly discussed. Some suggestions from Mr. Sanford were reviewed, and it was determined more draft language needed to be developed for further review. It was suggested that billboard restrictions along the freeway corridor should also be reviewed and appropriate language developed if needed.

Mr. Batchelor questioned if developing language was becoming too restrictive. It was noted that the current ordinance language forbids much of the signage being discussed, and the goal was to open up existing sign restrictions. Mr. Blough suggested that any sign permitting requirements should not be unduly costly; it was recognized that these fees are set by the Township Board.

Tim Johnson noted that some definition of a home occupation sign would be required, although such signage might be limited to no more than eight square feet in size.

Actual ordinance language will be provided for review at the next regular meeting of the Planning Commission.

NEW BUSINESS

INDUSTRIAL CHAPTER AMENDMENTS:

Tim Johnson presented a short overview of the current ordinance language, which allows any activity in the Commercial zone to occur in the Light Industrial zone. This may be narrowed, and at the same time the list of permitted Commercial activities will need to be updated. Draft language will be prepared by Tim Johnson.

COMMISSIONER COMMENTS:

Mr. Sanford asked if the food pantry on M-21 was addressing the sign and sidewalk changes shown in their site plan but not yet completed.

Mr. Batchelor asked about Dr. Langlois' property on M-21 and the drawing he submitted last month, and was advised a brief response had been given to him. Mr. Sanford suggested the options that the Township will need to discuss in connection with this parcel of land.

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Mr. Simmonds reminded Commissioners of the Joint Workshop scheduled with the City of Lowell and Vergennes Township being hosted by Lowell Township October 15th. It was also determined that a workshop meeting of the Planning Commission was not required this month.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Sanford. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 10:00 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____