

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
July 9, 2007**

PRESENT: Blough, Batchelor, Simmonds, Clements and Sanford

ABSENT: None

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 148

**PUBLIC HEARING FOR TIMPSON TRANSPORT CONDITIONAL REZONING AND
SPECIAL USE**

The public hearings before of the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:00 p.m. Mr. Simmonds began by introducing the members of the Planning Commission. He then explained that his home is located within the 300 foot notice radius surrounding the Timpson property, and he recused himself from the proceedings, turning the public hearing over to the Planning Commission Vice-Chairman Mark Batchelor.

Secretary Clements then read the Notice of the Hearing into the record.

Vice Chairperson Batchelor introduced Tim Johnson as the Township Planner, and Ron Ruddick as Township Attorney. Tim Johnson explained the request before the Planning Commission and the procedures to be followed at the Public Hearing. Ron Ruddick explained Conditional Rezoning.

Jim Scales, attorney, spoke on behalf of Timpson Transport. Summarizing previously submitted materials, he generally explained the details of the requested conditional rezoning and special use permit requested, noting the historic use of the property for apple growing and storage, and comparing that historic use to the uses which would occur under the rezoning. With respect to truck traffic, he indicated that only fifteen to eighteen trucks would be on the property, with one trip out in the morning and one trip in at night. He spoke of the bond posted on road use, County inspections and videotaping of road use and annual inspections, none of which had led to issues with the County. He noted the access road (Segwun) was subject to seasonal weight restrictions. He concluded by addressing claims about traffic and a separate mining operation made in an anonymous letter distributed in the area of the subject property.

Mr. Clements asked about the planned office expansion on the existing building on the property, and was told initial work begun had been removed, but the addition would be a 20 foot by 24 foot space shown on the site map presented by Petitioner.

There being no other questions from members of the Planning Commission, the meeting was opened to public comment at 7:35 pm.

Vice Chairperson Batchelor indicated that each speaker would be limited to 5 minutes, but could submit further comments in writing at any time up until the next regular meeting of the Planning Commission.

David Staffen asked about earlier discussions to exchange 2.5 acres of land, with an additional payment, in exchange for 2.5 acres owned by the Township, to allow Timpson Transport direct access to M-50.

Loren Kaeb indicated a preference for truck traffic over car traffic from residential development of the property.

John Crissman of Bowne Township felt Lowell Township should support local businesses.

Clare Harwood supports West Michigan businesses and hasn't heard complaints about these operations.

Lee Rea, living West of Segwun, disputed the statements made in the anonymous letter distributed in the area, stating trucks go by only once every fifteen minutes. He noted the jobs provided by the business and supports re-zoning.

Charlie Knudstup expressed concern about the truck traffic.

Veronica Blough encouraged zoning for future growth not existing uses.

G M Ross submitted written comments to the Planning Commission, setting forth the legal bases for denying rezoning, which he briefly summarized.

Albert Grover passed.

Ron Wenger indicated he had received hauling help from Timpson Transport and encouraged working together for the benefit of the community.

Amy Wilcox indicated she had gone from dairy farm to trucking and had been contracted by Timpson Transport.

Scott Bohr encouraged getting truck traffic directly to M-50, noted that more trucks are from the mining operation than from Timpson Transport, and encouraged phasing out the mining operations.

Tony Posthumus stated his belief that the Timpsons have 'good character' and are an asset to the community.

Darwin LaLone indicated he lived on the corner where Timpson truck traffic exits (Cascade Road and Alden Nash), that he had had milk trucks struck there three times between 1977 and 1988, and that there is too much traffic at that intersection.

Mark Anderson did the landscape planning for the subject property and indicated extra trees were specified to block the view of the trucks. He feels rezoning would be consistent with the Master Plan for the Township.

Misty Anderson stated that homes near this property came after Timpsons owned the property.

Michelle Sprank did not object to the trucks and thinks residential development will cause more traffic.

Judy Timpson generally passed, but stated that the building on the property currently should not be left vacant.

Debbie Morin passed.

Thomas Morin indicated he lives at Cascade Road and Segwun and that his lifestyle has been disrupted by trucking. He indicated truck traffic runs from 7 am to 9 pm with 50 to 100 trucks per day.

Adam Sterzick passed.

Mike Grant indicated he purchase his home in 1983 and that the Master Plan did not allow this type of operation. He purchased knowing traffic would just be seasonal. He supports access to M-50 using Township property.

Sandi Miles asked if all violations of zoning will be pursued equally, and indicated her belief that the operation would be allowed under the Right to Farm Act.

Tom Kehoe passed.

Roger Graham passed.

Renee Grant indicated she owns one of the 18 homes near the property, that traffic has increased from seasonal only, starting at 5:30 am and comprised of up to 100 trucks per day. She is concerned if there is no limit on the number of truck trips per day, is also concerned with the non-agricultural use, and favors an alternative route for the trucks.

Lisa Sanford McIntosh supports the Timpsons generally.

Chris Bieri indicated he drove Timpson agricultural trucks 30 years ago and that he does repairs on their trucks.

Joel Bieri passed.

Red Shepard passed.

Bill Wieland supports the Timpson request to maintain small businesses in the community.

Sharon Eickhoff lives down the hill from the Timpson Transport property and has truck traffic every five minutes all day.

Mike Serne passed.

Jerry and Joan Hale support the Timpsons generally.

Sam Noon passed.

Bill Ball supports the Timpsons and noted the costs of re-locating the operations.

Kurt DeKock feels that the good service provided by the Timpsons lets other businesses be competitive.

Sharon Jones passed.

Al Matthews supports the Timpsons, noting that the Timpsons will do what needs to be done to get approval and that employees of the company support City of Lowell businesses.

Ray Jones has lived across from the subject property since 1978 and has no complaints, figuring there are 10 trucks per hour. His concern is for jobs over noise.

Gordon Gibbs supports Timpsons and noted that there is a lot of other traffic on Segwun.

Susan Antcliff lives across from property entrance and sees the storage building and driveway, not the berm along the road. The property was an apple orchard when she moved in. Now there is bulldozer noise and lights. She opposes re-zoning, and is concerned about repairs of farm equipment made on the property.

Rita Goggins is a neighbor who built away from the road and planted lots of trees. She feels there are lots of trucks on Segwun not related to the Timpson Transport operations. She opposes residential development and more cars, and support local businesses.

John McClure passed.

Steve VenderZiel has resided in the community 30 years and supports keeping the business where it is, and feels that the business benefits the community.

Andy VanderZiel passed.

Amy VanderZiel passed.

Joan VanderZiel supports earlier comments made about the Timpsons' support of the community.

Micah Rutz lives on Segwun, works for Timpson and is not concerned about the traffic and noise, feeling traffic has always been year-round and is probably less now than before.

Leonard Venneman passed, but indicated he favors rezoning.

Mike Seiloff believes the Township has known about this business for seven years and that the courts won't support opposing this use now. He supports Timpsons generally.

Jim Scales made a final statement on behalf of Petitioner Timpson Transport, noting that oversized loads will not come onto these premises, and indicating a willingness to work on the traffic issue.

Vice Chairperson Batchelor announced that many written comments, both favoring and opposing the re-zoning application, had been received by the Township and were available for review during the normal business hours of the Township.

There being no further comments or questions, the public hearing was closed at 8:54 pm.

A short break was announced.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Vice Chairperson Batchelor at 9:03 pm.

APPROVAL OF AGENDA:

Mr. Batchelor moved that scheduling of a hearing for Heidi's Farm Market be added to the agenda under New Business, and that the Agenda as so amended be approved. Motion seconded by Mr. Sanford. All in favor and the Agenda as amended was approved.

APPROVAL OF MINUTES:

The Minutes of the Public Hearing and Special Meeting of June 26, 2007 were presented for approval. Mr. Blough moved to approve the Minutes as amended. Seconded by Mr. Sanford. With Mr. Clements abstaining due to his absence from the June 26, 2007 proceedings, four in favor and the Minutes were approved.

DISCUSSION OF TIMPSON TRANSPORT CONDITIONAL REZONING AND SPECIAL LAND USE REQUEST:

Mr. Blough asked how much of the operations on the premises were allowed without rezoning. Tim Johnson stated that warehouse operations for agricultural products could continue, but that transport or truck operations not related to agriculture could not be allowed without rezoning.

Tim Johnson then summarized the July 5, 2007 notes he had previously provided to the Planning Commission in connection with this Application. He stated that the Township had determined there was an outstanding violation in January 2007. He also indicated that sand mining truck traffic was not a part of the discussion for this Application.

Mr. Sanford expressed his concern about traffic on Segwun and about the long term impact of truck traffic on that road.

Mr. Clements also expressed concerns about traffic and wanted to allow Applicants time to explore options to address this concern. He also felt he needed more information about conditional rezoning generally, how it fit into the Master Plan, and the potential impact of granting this conditional rezoning on other property in the Township going forward.

Vice Chairperson Batchelor agreed that traffic was a concern. He acknowledged hearing overwhelming support for granting this Application from the community, but also recognized both pros and cons about the plan had been expressed. He also noted other property owned by the Timpsons which might allow them to avoid traffic on Segwun.

Jim Scales was given another opportunity to comment, and he requested more time to address the access issues.

There being no further comments or questions, Mr. Sanford moved that the Lowell Charter Township Planning Commission table consideration of the Application of Timpson Transport Inc until the September 2007 Regular Meeting of the Lowell Charter Township Planning Commission. Motion seconded by Mr. Blough. All in favor and the Application of Timpson Transport was tabled.

Vice Chairperson Batchelor returned the meeting to Chairperson Simmonds, who called a short recess at 9:27 pm.

Chairperson Simmonds called the meeting back to order at 9:30 pm.

OLD BUSINESS

HARMOND WOOD PRODUCTS:

Mr. Simmonds indicated that Applicant had exhausted escrowed funds with the Township, and when approached for additional funds advised he was not going to pay them and would scrap his project. This matter is now considered closed.

NEW BUSINESS

PRICE REZONING:

This is for a 36 acre parcel on Alden Nash South of the expressway, which it is being requested be rezoned to Light Industrial. Mr. Batchelor moved to set the public hearing for this Application for August 13, 2007. Seconded by Mr. Sanford. All in favor and the hearing will be set for August 13, 2007. Mr. Price was advised to talk with the Township concerning what information may be required to support his Application at the public hearing.

SPECIAL USE APPROVAL FOR MDOT PARKING:

This concerns 2.9 acres for a Park & Ride location on Cascade Road. Tim Johnson indicated a new site plan was to be provided. Mr. Blough moved to set the public hearing for this Application for August 13, 2007. Seconded by Mr. Batchelor. All in favor and the hearing will be set for August 13, 2007.

HEIDI'S FARM MARKET:

This is a request for a corn maze and agribusiness on Ag-1 property, which requires Special Use approval. Mr. Batchelor moved to set the public hearing for this Application for August 13, 2007.

Seconded by Mr. Clements. Four in favor, one opposed, and the hearing will be set for August 13, 2007.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment began at 9:45 pm. One person spoke. Public comment closed at 9:48 pm.

COMMISSIONER COMMENTS:

Mr. Blough noted the good job done by Mr. Batchelor in chairing the evening's public hearing, and other Planning Commission members agreed.

Mr. Simmonds reminded the members of the July 23, 2007 Public Hearing for the Upark/Usell Application.

Mr. Clements asked that some time be allowed for discussion of the Master Plan review at the July 23, 2007 Special Meeting.

Mr. Batchelor noted, in response to a comment earlier in the evening from a member of the public, that Tim Johnson provides the Planning Commission with much information, but that the Planning Commission makes the final decision on matters before it.

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 9:50 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____