

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARING and REGULAR MEETING  
MARCH 8, 2004**

**PRESENT:** Batchelor, Blough, Sanford, Simmonds

**ABSENT:** Cornish

**CITIZENS:** 25

**PUBLIC HEARING**

The Public Hearing to consider a Special Use Permit for sand mining at 12108 Grand River Drive by William and Carol VanStee was called to order by Vice-Chairman Batchelor at 7:00 p.m.

Notice of the Public Hearing was read by the Planning Commission Secretary.

The applicants presented their request for the Special Use Permit for sand mining on their property.

They presented a draft of a map showing the size of the sand hill to be mined. They emphasized that this operation is to remove sand from an existing hill. It is not intended to dig a hole in the ground for sand.

The applicants advise that all they want to do is allow Kent County to use their sand to complete the road improvement project on Grand River Drive. This project began in 2003 and should be completed in 2004. They estimate the total project might last one to two months once construction on Grand River begins. They advised that this operation is only for the construction on Grand River Drive. They do not want to turn their property into a permanent sand mining operation.

The actual excavation/hauling will be done by Nashville Construction. This company advises that they will conform to all Township requirements.

This concluded the applicant's presentation.

Vice-Chairman Batchelor advised of various requirements related to this project:

- Requires a Special Use Permit
  - One year time period
  - Revocable if violated
  - The ordinance controls
- Need an Operational and Reclamation Plan
  - Need perimeter fence
  - Need a bond and proof of insurance

The Public Hearing was then opened for public comment and input. This included the following:

B. Angelo – Springside Drive

- Will the fence around the mining operation be permanent?  
\*Probably not. It will probably come down once the mining/reclamation has been completed.
- Concerned about erosion.
- Hopes the project will not take a long time.
- Now that she has learned more about the project, it does not sound so bad.

T. Gemmell – Gulliford

- No comment.

D. Stuart – Gulliford

- Will they extract sand just from the hill?  
\* Will only extract sand from the hill. Will not go back further onto their land. Once the sand has been extracted, they will smooth the area, spread topsoil and plant trees.

D. Gutierrez – Wildberry Drive

- Why give the Special Use Permit for one year?  
\*That is a standard time limit.
- What is the process for the Special Use Permit?  
\*Planning Commission needs plans/bonds/insurance. Then the Planning Commission will decide if it will grant a Special Use Permit and if there will be conditions attached.

S. Groom – Gulliford

- How much sand was removed for the road project in 2003?  
\*Approximately 5,000 yards
- She wants this years sand removal limited to just the Grand River Avenue project.

A. Porter – Brownberry

- Worried about the final appearance of the property, once the mining has been completed.
- What will the fence be made of?
- What is the amount of the bond?  
\*The bond amount is \$3,000.
- Could this Special Use Permit be continued for another year?  
\*It is possible, but the applicant states it will not be likely.

J. McCorkle – Grand River Drive

- No comment

G. Heible – Woodrun

- She owns property next to this location.

K. Haan – Grand River Drive

- He does not have any problem with this project. This is not a sandpit, it is removing sand from a hill. This helps with the safety issue as all of the trucks stay on Grand River Drive.

G. Persha – Grand River Drive

- He lives near this location. This is removal of sand from a hill. It does keep the trucks on Grand River Drive. He is in favor of the Special Use Permit to control the project.

D. Huver – Timpson

- Does not think there will be an erosion issue as this is the removal of sand from a hill.
- Is there a restriction on how many feet the mining can be from the property line?
  - \*Yes – stated in the ordinance

K. Solon – Grand River Drive

- Phone message – Has real concerns about the permit/mining.

This concluded the public input portion of the Public Hearing. The Public Hearing for the Special Use Permit for sand mining at 12108 Grand River Drive was concluded at 7:45 p.m.

### **REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Vice-Chairman Batchelor at 7:46 p.m.

### **APPROVAL OF PRIOR MINUTES:**

The minutes of the February 23, 2004 Public Hearing and Special Meeting were considered. Sanford moved to approve. Seconded by Blough. All in favor and the minutes were approved as presented.

### **VANSTEE – SPECIAL USE PERMIT:**

The Planning Commission discussed the request for the Special Use Permit for the sand mining on Grand River.

The Planning Commission was not ready to make a decision on the request. They still need to receive the operational/reclamation plans and bond/insurance information. Once that is received, the Planning Commission will consider this request for a Special Use Permit.

**ADULT ENTERTAINMENT BUSINESS ORDINANCE:**

The Planning Commission discussed the March 4, 2004 revision made by Attorney Dugan to the proposed Adult Entertainment Ordinance.

They were in agreement with the revisions made to the “Adult Entertainment Business” definition. Basically this revision did three things:

- Identified businesses primarily concerned with adult entertainment and allowed Planning Commission control through Special Use Permit on all of these endeavors.
- Identified businesses having only a portion of their floor space devoted to certain adult materials.
- Lowered the allowable amount of area to 10% or more of the square footage of the floor area, to allow Planning Commission control via Special Use Permit.

The Planning Commission then discussed a new requirement for the businesses primarily concerned with adult entertainment. This requirement would regulate the hours of operation of the adult business. It was suggested that the adult businesses should be required to close:

- Between Midnight and 6:00 a.m.
- When other liquor serving establishments were required to be closed by State law.

If this time limit requirement is adopted, it might be best to have it as a separate provision of the overall ordinance.

The Planning Commission will pursue the above with the attorney.

It was suggested that either the ordinance or the final recommendation from the Planning Commission cite the various studies that would justify this Adult Entertainment Business Ordinance.

The Planning Commission feels that enough significant changes are being made to this proposed ordinance, that once it has been finalized, it will require another public hearing.

The Planning Commission Secretary was directed to pursue the above items.

**MASSAGE PARLOR ORDINANCE:**

The Planning Commission wants to pursue this matter.

**L & M AGRICULTURAL:**

The Public Hearing for this Special Use Permit request will be held on Monday, March 22, 2004. The Planning Commission will also make this a Special Meeting.

**VICTORIAN OAKS:**

The Planning Commission received turnaround documentation from the Lowell Fire Department.

After examining the turnaround information, the Planning Commission determined that a turnaround was feasible at the end of the two shared driveways servicing lots 26/27 and 30/31 on the 11-24-2003 site plan approved on November 24, 2003.

The Planning Commission Secretary was directed to send a letter to Tom Karp advising that:

- Turnarounds should be installed at the end of the shared driveways servicing lots 26/27 and 30/31.
- No additional driveways onto Foreman Road are approved.
- If any questions, contact the Planning Commission.

**CONCLUSION:**

Sanford moved to adjourn. Seconded by Blough. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 8:30 p.m.

Submitted by D. Simmonds - Secretary