

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING  
FEBRUARY 14, 2005**

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

**ABSENT:** None

**CITIZENS:** 35

**PUBLIC HEARINGS**

**J & H OIL – SPECIAL USE PERMIT:**

The Public Hearing on a request for a Special Use Permit to allow a gas station/convenience store/sandwich shop at 11998 Cascade Road (PP# 41-20-28-200-018) was called to order by Planning Commission Chairman Cornish at 7:00 PM.

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

The request was presented by Jeff Miller of M.C. Smith. This included the following:

- This is a 3.6 acre parcel fronting onto M-50
- This will be a gas station/convenience store/sandwich shop
- There will be 5 islands (10 pumps) for gasoline
- There will be 2 islands (4 pumps) for diesel
- The stormwater detention area will be along M-50
- The sanitary system must be approved by the DEQ
  - This will include a wetland and discharge area
- There will be 41 parking spaces on the lot
- One driveway (Northern) will be shared with the Timpson property to the North
  - Currently this is just an easement

This concluded the developers presentation.

The Planning Commission discussed the plan with the developers. This included the following:

- Currently, the hours for the gas station/convenience store are not for 24/day, but this may change in the future
- The hours for the sandwich shop are 8:00 AM to 11:00 PM
- The septic system will be vented
- The discharge area must be fenced with chain link fence
- There will not be showers for truckers
- The sandwich shop will have a small grease trap
  - Subway generates very little grease
- Their septic system is designed for 2,500 gallons per day
- The developers are aware of the reports/issues from the Township Planner and Engineer
- Their goal to open is in July 2005

The hearing was then opened for public input. This included the following:

W. Sterzick – Alden Nash

- No comment

T. Price – Alden Nash

- He supports the project. It might reduce traffic on M-50 to/from Bowne Township.

G. Sterzick – 60<sup>th</sup> St.

- He is in favor of it.

D. LaLone – Cascade Rd.

- Will there be a drive onto Cascade Road?

\*NO – Both drives will be onto M-50.

\*The storage building will remain.

S. Graham – Alden Nash

- If this is approved it will be permanent.
- Concerned about height of signs, lights shinning into the sky, lights on 24hours/day, water runoff. There are a lot of things that could have an adverse effect.

P. Blumm – Kissing Rock

- This is a logical place for this type of business, but, there are many concerns which include:
  - Lighting – no glare, no up lighting, etc
  - At 41 parking spaces, what else is planned for this site?
  - Do not give conditional approval, get a final plan in place before granting approval.
  - Need more and better information related to the sanitary sewer system.

G. Ross – 36<sup>th</sup> St.

- He was not aware of plans for a “snack shop”
- Why four diesel pumps?
- Why 41 parking spaces?
- This must be watched very closely.

D. Huver – Timpson

- How long will this process take before final decisions are made?

\*Approximately 3-4 months

- Are the citizens aware of the issues and concerns raised by the Township Planner/Engineer?

\*The Main Street Planning staff report of 2/11/05 was read to give an idea of the planner’s concerns.

This concluded the public input portion of the Public Hearing. The Public Hearing on the J & H Oil request for a Special Use Permit was closed at 8:00 PM.

### **VANDERZIEL – REZONING:**

The Public Hearing on a request to rezone property at 5960 Alden Nash from AG-1 to Industrial was called to order by Chairman Cornish at 8:01 PM.

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

This request was presented to the Planning Commission by Eric Stark from Rhodes-McKee & Associates. This presentation included the following:

- Want to rezone ten acres from AG-1 to Industrial
- Alden Nash is the dividing line in the Master Plan between AG-1 and Industrial for this immediate area.
- This ten acres contains five acres of wetlands, which is not possible to farm
- The proposed Industrial Use would be a machinery warehouse, which would be approximately 20,000 square feet.
- Information related to this operation includes:
  - They would repair, sell, and store industrial machinery
  - There would not be any outside storage
  - The hours of operation would be:
    - Monday through Friday (8:00 AM – 5:00 PM)
  - Traffic at this operation would be:
    - Two incoming truck trips/week
    - Three outgoing truck trips/week
    - Seven customer trips/week
- Bowne Township to the south has their adjacent property zoned for industrial.
- The applicant does own 80 acres of land on the West Side of Alden Nash in this area. That land is productive farmland and is being farmed. The subject ten-acre parcel is non-useable farmland.
- A machinery warehouse might be a less invasive use than agricultural uses.
- This parcel is not prime farmland.
- Granting this rezoning should not set a bad precedent as any future rezoning requests must stand on their own merits.
- This might not be spot rezoning if the larger area is considered.
- The public health and safety is not threatened by this rezoning.

This concluded the presentation by the applicant.

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

D. Huver – Timpson

- There have been many attempts to do something with this land. This land is not farmable. He is in favor of this request.

T. Price – Alden Nash

- He owns the property to the north of this parcel. He does not see a problem. He is in favor of the request.

G. Sterzick – 60<sup>th</sup> St.

- No comment

B. Wieland – Pratt Lake

- It is a good idea. The land is not being farmed. It would generate more taxes.

R. Decker – 60<sup>th</sup> St.

- They live on 60<sup>th</sup> Street to the east of this parcel. This is prime farmland. They are opposed to this rezoning. They do not want to see Industrial next to them or in this area.

J. Timpson – Alden Nash

- He knows the VanderZiels and they will run a good operation. This will be low usage with limited hours.

A. Savage – Alden Nash

- They live next to this parcel of land and will be the most negatively effected. This will have a negative effect on the wetlands to the east. This would place this large structure next to their home. This will degrade the value of their property. They are definitely against this rezoning.

This concluded the public input portion of the Public Hearing. The Hearing on the VanderZiel request to rezone land from AG-1 to Industrial was closed at 8:28 PM.

### **REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairman Cornish at 8:45 PM.

### **MINUTES OF PRIOR MEETING:**

The minutes of the January 10, 2005 Public Hearing and Regular Meeting were considered. Amendments to the minutes were requested as follows:

- J & H Oil – Public Hearing – Change building size from 15,000 square feet to be 1,500 square feet.
- Velting – Special Use Permit – Change the word sation to station.

Batchelor moved to approve the minutes as amended. Seconded by Sanford. All in favor and the motion carried.

Simmonds moved to approve the agenda. Seconded by Batchelor. All in favor and the motion carried.

### **J & H OIL – SPECIAL USE PERMIT:**

The Planning Commission discussed this project. This included the following:

- As per the Township Planner, construction drawings are not needed at this point. This project can be approved with the condition that the construction drawings must be reviewed before the Township grants a Building Permit.
- There will be acceleration and deceleration lanes.
- There was discussion related to a center turn lane on Alden Nash.
- Their signs will comply with the Township Sign Ordinance.
- They will show the connector drive on the site plan.
- The septic system and drainfield must have DEQ review and approval.
  - Appropriate documentation will be provided to the Township.
- The trash containers will be fenced with chain link fence rather than a block wall.

Simmonds moved to table the J & H Oil request for a Special Use Permit until the regular Planning Commission meeting of March 14, 2005. Seconded by Batchelor. All in favor and the motion carried.

#### **VANDERZIEL REZONING:**

The Planning Commission discussed this situation. It was noted that if this land is rezoned to Industrial, any industrial use that is allowed by the Ordinance could be used on this property. This led to a discussion of a new Michigan Statute (MI 577) that might allow rezoning with specific restrictions as to use, etc. Mr. VanderZiel advised that he probably would not be able to agree to the MI 577 concept. The Chairman read the MI 577 details to the audience.

Sanford moved to table the VanderZiel request to rezone property from AG-1 to Industrial until the Planning Commission meeting of March 14, 2005. Seconded by Batchelor. All in favor and the motion carried.

#### **FASE APIARY – BEWELL AVE.:**

Mr. Jack Boss (3210 Bewell) presented the Planning Commission with a complaint related to the Daryl Fase property (3230 Bewell). It appears that Mr. Fase is building a pole barn on their property. Apparently, they will process and sell honey from this location. The barn affects Mr. Boss's view.

The Planning Commission noted the following:

- The Planning Commission considered the Fase request/situation at its 7/12/2004 meeting.
- This property is located in AG-2 Zoning.
- They advised that they wished to build a pole barn behind their home to extract, process and bottle honey for sale.
- The Planning Commission concluded that this use would be permitted by right as per Item 6 of the Zoning Ordinance, which allows the marketing of agricultural products grown or processed on the premises.

The Planning Commission advised Mr. Boss that this did appear to be a permitted use.

**MICHIGAN DUTCH BARN:**

It appears that this situation has not been resolved. This operation is still in place on Fulton, but apparently does not conform to Health Department requirements.

**CITIZENS COMMENT:**

P. Blumm – Kissing Rock

- The Planning Commission should explore the concept of rezoning the current Light Industrial property at I-96/M-50/Cascade Road to a Light Industrial PUD.

**OTHER:**

The Planning Commission will plan for a Special Meeting on February 28, 2005 to consider the request for a Big Boy restaurant at the Southwest corner of Fulton and Bowes Road.

**CONCLUSION:**

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

Submitted by \_\_\_\_\_ Secretary  
David B. Simmonds