

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING AND PUBLIC HEARING  
January 11, 2021**

**Held by Teleconference**

**PRESENT:** Blough, Batchelor, Simmonds, Clements, Edwards

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS PARTICIPATING IN TELECONFERENCE:** 5

The Regular Meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:00 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of December 14, 2020 were presented for review. Mr. Edwards moved to approve the Minutes as presented. Motion seconded by Mr. Blough. All in favor and the Minutes of December 14, 2020 are approved.

**CHANGES OR ADDITIONS TO THE AGENDA:**

There were no changes to the agenda.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

The meeting was opened to public comment at 7:02 pm. No one spoke. Public comment was closed at 7:02 pm.

**ANNUAL REVIEW OF SPECIAL USE PERMIT FOR TIP TOP GRAVEL:**

Al Matthews presented for Tip Top Gravel. The removal of gravel from about 14 acres of Tip Top Gravel located in Lowell Township is expected to continue for four to five years, with reclamation activities as removal progresses. A copy of the Soil Erosion and Sedimentation Control Permit from the Kent County Road Commission was provided.

Chairperson Simmonds stated that there have been no complaints or enforcement actions against the operation in the past year.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Tip Top Gravel Special Use Permit and finds that it is in compliance with the Special Use Permit granted January 24, 2018 and that the next annual review will be held in January 2022. Motion seconded by Mr. Blough. All in favor and Tip Top Gravel is found to be in compliance with its Special Use Permit.

**PUBLIC HEARING:**

**Public hearing for Special Use Permit and Site Plan Approval for Lowell Retail Management LLC at 11901 E. Fulton**

The public hearing was opened at 7:08 pm. Chairperson Simmonds explained the process to those present. Mr. Clements read the published notice.

Mitchell Harvey presented on behalf of Lowell Retail Management LLC. The project will be a 5780 square foot commercial building with three tenant suites. The West suite is to be a restaurant with drive through window, the middle suite is to be a restaurant and the East suite will be a retail establishment. Access will be from both the North side and the Southeast corner of the property. Changes have been made to the Site Plan as requested by the Planning Commission, including sidewalk access from the Fulton Street walkway, evergreen screening on the South side of the parking lot, and improvements to the walkway from the building to the West parking area where it crosses the drive through window exit lane. They feel this building will fit well with the surrounding area.

Tim Johnson then presented his report on the Special Land Use and Site Plan dated January 11, 2021.

A revision to the Site Plan now shows access on the East side of the building for both a right-turn entrance and right-turn exit. This should not create any safety or congestion issues.

Two landscape islands recommended along the west lot line are not shown on the Site Plan. Applicant states that this area is needed for parking.

A pole sign may only be installed in front of the building if a new lot is created for the project, as an additional sign would conflict with the allowed number of pole signs allowed on the Meijer development property. Applicant indicated that they are working with the Assessment Office and that the Meijer property would be split to create a new parcel of land for their project.

The proposed building materials as shown in the elevation drawings comply with Ordinance requirements in Section 11.07.

The project meets the standards for a drive-in restaurant set out in Section 22.03(d) of the Ordinance.

Subject to creation of the new lot, signage meets the requirements of the Ordinance. Signage is subject to a separate permit process by the Township Zoning Administrator. A variance would be required to allow placement of signs on the east and west walls of the proposed building. Mr. Clements questioned the ability of the Zoning Board of Appeals to grant a variance, citing Section 24.03(e) of the Ordinance excluding its involvement in any aspect or part of a Special Land Use. Mr. Johnson indicated that the signage is handled separately from the granting of this Special Land Use and so a variance request could be made to the Zoning Board of Appeals.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public input at 7:25 pm. No one spoke. The public input portion of the hearing was closed at 7:26 pm.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 7:27 pm.

Discussion regarding the Special Land Use and Site Plan Approval for Lowell Retail Management LLC commenced at 7:28 pm. Mr. Clements referenced Section 18.02, the scope of the Signs and Billboards section of the Ordinance, with respect to exemption from regulation those signs not intended to be viewed from a public right-of-way. Mr. Edwards also commented on regulation of signs on the East and West walls of the building. Mr. Johnson noted this would relate to the sign review by the Township Zoning Administrator. Chairperson Simmonds stated that signs are not being addressed at all during this hearing.

Mr. Blough asked about connections to water, sewer and drains to the North of the building and was told that connections were available.

The Planning Commission next addressed the requirements of Section 20.03 of the Ordinance with respect to the General Standards for Specific Land Uses. Chairperson Simmonds led the review of the standards.

a) The Special Land Use shall be established, designed, and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof, and will be compatible with the character of the area in which the special Land Use is proposed.

This standard has been met.

b) The Special Land Use must not have a substantial adverse effect on water and sewer services, storm water drainage, road capacity, volume of traffic, traffic safety and circulation, and pedestrian safety and shall not result in lighting which is contrary to the purposes of the lighting regulations of this Zoning Ordinance.

This standard has been met.

c) The Special Land Use must not have a substantial adverse effect on police and fire services and other public safety and emergency services.

This standard has been met.

d) The Special Land Use must not have a substantial adverse effect on the need and demand for other public services.

This standard has been met.

e) The Special Land Use must not have a substantial adverse effect on the natural environment of the site and nearby properties.

This standard has been met.

f) The Special Land Use must be consistent with the intent and purposes of this ordinance and the Lowell Charter Township Master Plan.

This standard has been met.

g) The Special Land Use meets the specific standards of Section 22.03 and/or other specific special land use standards of the Ordinance.

This standard has been met.

All requirements of Section 20.03 of the Ordinance have been satisfied.

Before proceeding, Chairperson Simmonds advised all in attendance that the published Notice of Hearing for this request had stated that the hearing would be held at the Lowell Township Hall. At the Lowell Township Hall was posted the Agenda for the meeting including the hearing, with the necessary connection information for participation in the meeting and hearing by teleconference. Mr. Johnson will confirm with the Township Attorney that these actions meet the requirements for giving notice of a public hearing. The decision of the Planning Commission will be subject to the results of that review.

There being no further questions or comments from members of the Planning Commission, Mr. Clements moved to approve the request from Lowell Retail Management LLC for a Special Land Use to establish a restaurant with a drive through window on property described on the survey submitted by the applicant as the proposed use meets the Special Land Use Approval Standards of Section 20.03, the requirements for drive-in restaurants contained in Section 22.03(d) and the Site Plan Approval Standards of Section 21.06 contained in the Lowell Charter Township Zoning Ordinance.

Approval is granted subject to the following conditions:

1. Approval is granted based on the site plan dated 12-20-2020 prepared by Stonefield Engineering and Design.
2. The building shall be constructed in accordance with the elevation drawings on Sheet PP-5 dated 12-22-20 prepared by Detroit Architectural Group.
3. The applicant shall apply for lot split approval if they wish to construct the project on a separate lot. The lot split must be approved by Lowell Township before construction of the project commences.

4. Approval of the site plan does not extend to the signs illustrated on Sheet PP-5 dated 12-22-20 prepared by Detroit Architectural Group.

5. Approval of the Township Engineer is required before construction of the project commences.

6. The applicant shall submit two copies of the site plan for the signature of the Planning Commission Chairman in accordance with Section 21.05(e) of the Zoning Ordinance. The applicant shall also provide a digital copy of the final site plan to the Zoning Administrator.

7. The Special Land Use shall be subject to an annual review by the Planning Commission in January of each year. The applicant shall be required to attend this meeting.

Mr. Batchelor suggested dropping proposed language "...subject to any revisions required by the Planning Commission" from the first condition. Other members of the Planning Commission agreed and the motion was amended accordingly.

Motion seconded by Mr. Batchelor. All in favor and the Motion with the change noted is approved.

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

The proposed Draft Work Program for 2021 dated January 11, 2021 was reviewed. Mr. Blough asked about Item 11, to develop criteria for evaluating and permitting on-site waste treatment systems. Mr. Johnson said the question had come up in reviewing the Maple Ridge retirement home special land use request. Chairperson Simmonds agreed that it had taken a lot of time to resolve the issue of sewer connection or on-site waste treatment. Mr. Edwards pointed out that the applicant had changed the nature of their facility several times causing delays. It was agreed that this was an area of the Ordinance needing further work.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to adopt the January 11, 2021 proposed Work Program as the guide for 2021 activities of the Planning Commission. Motion seconded by Mr. Edwards. All in favor and the Work Program is adopted.

**COMMISSIONER COMMENTS:**

Mr. Batchelor asked about remaining sewer capacity in the Township. Mr. Hale indicated there was enough capacity for small businesses in the Commercial zone, but there was not enough capacity for a large residential project.

Chairperson Simmonds asked for feedback on the latest distribution of meeting materials in one digital packet rather than as several separate files. It was questioned whether draft Minutes needed to be included in the packet as those are already sent out separately by the Planning Commission secretary, and normally would not be part of information posted on the Township web site.

Mr. Edwards asked if large drawings of Site Plans could still be obtained. They remain available at the Township office for pickup, even though the office may be closed due to Covid-19 directives from the State.

Mr. Clements noted that the approved Commercial building would still require attention to the sale or serving of alcohol as it is within 500 feet of Impact Church. The church has agreed in its own Special Land Use to grant a waiver if it becomes necessary.

Chairperson Simmonds stated that there would be no workshop meeting on January 25<sup>th</sup>.

**Adjournment:**

Motion to adjourn made by Mr. Edwards. Motion seconded by Mr. Blough. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 8:18 pm.

Submitted \_\_\_\_\_ Secretary

Timothy Clements

Approved \_\_\_\_\_