

OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
TUESDAY, MAY 29, 2012, AT 7:00 P.M.

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL

The Meeting was called to order at 7:00 p.m. by Chair Al Mathews and City Clerk Betty Morlock called the roll.

Present: Commissioners Jim Hall, Shannon Hanley, Maryalene LaPonsie, Rachael Schwab and Chair Al Mathews.

Absent: Commissioner Dave Cadwallader.

Also Present: City Manager Mark Howe, City Clerk Betty Morlock, Chief of Police Barry Getzen, DPW Director Dan DesJarden, Zoning Administrator Adam Lynema, City Planner Brian Wegener of Williams & Works, Mayor Jim Hodges, Councilmembers Sharon Ellison and Andrew Schrauben, Arbor Board Chair Dana Chase, Light and Power Boardmembers Greg Canfield and Perry Beachum, Lowell Light and Power General Manager Greg Pierce and Light and Power Electric Distribution Manager Tom Russo

IT WAS MOVED BY HALL and supported by LAPONSIE to excuse the absence of Commissioner Cadwallader.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

2. APPROVAL OF AGENDA

IT WAS MOVED BY HALL and supported by SCHWAB to approve the agenda as presented.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

3. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF APRIL 23, 2012

IT WAS MOVED BY LAPONSIE and supported by HALL that the minutes of the April 23, 2012 meeting be approved as written.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA – NONE

5. **OLD BUSINESS** – NONE

6. **NEW BUSINESS**

A. **ORDINANCE AMENDMENT TO ADDRESS TOWING FACILITIES - PUBLIC HEARING.**

An ordinance amendment that addresses Special Land Uses in the C-3 General Business District and Use Permitted by Right in the Industrial District that defines Towing Facilities Services was prepared by City Attorney Richard Wendt and City Planner Jay Kilpatrick.

Chair Mathews opened the public hearing. Jeff Philley of Xtreme Towing LLC felt the ordinance address what he wanted accomplished. A clearer definition is needed for uses permitted by right for wrecker services in the Industrial District. Mathews closed the public hearing.

IT WAS MOVED BY LAPONSIE and supported by HALL to recommend the ordinance amendment to City Council addressing towing facilities with a clearer definition of wrecker services for uses permitted by right.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

B. **SPECIAL USE PERMIT - 2111 WEST MAIN STREET – USA FIREWORKS – PUBLIC HEARING.**

Mr. Todd Denning of USA Fireworks submitted a special land use application to establish a temporary open air business at 2111 West Main Street. The applicant is seeking to erect a 20’ x 40’ tent to sell retail fireworks between June 15 and July 11 in the parking lot at 2111 West Main Street.

Chair Mathews opened the public hearing. No comments were received; Chair Mathew closed the public hearing.

IT WAS MOVED BY LAPONSIE and supported by HALL to approve the Special Use Permit at 2111 West Main Street for USA Fireworks contingent on the following conditions:

- Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow and other fees related to the request.
- Trash, paper, and other materials shall not blow off the premises.
- The special land use shall at all times comply with city, county and other applicable regulations.
- Lighting details shall be submitted to the Zoning Administrator and approved prior to issuance of City permits.
- Any outdoor display area shall be at least 20 feet from a street right-of-way line and shall not block pedestrian traffic or motorist vision.
- An undated letter submitted by the applicant states that a commercial insurance policy in the amount of \$10 million can be obtained, with the City potentially added as a certificate holder or additional insured. It is recommended that the City Attorney review and resolve this matter prior to issuance of City permits.
- The Fire Chief shall review emergency plans as noted in rule #8 of Emergency Safety Act prior to issuance of City permits.
- The Police shall review and approve the final location to ensure safe pedestrian passage.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

C. SITE PLAN AMENDMENT – 625 CHATHAM STREET -ANAEROBIC BIO-DIGESTER – LOWELL LIGHT AND POWER. Commissioner LaPonsie sits on the Board of Lowell Light and Power therefore she abstained herself from the discussion and left the room.

The revised site plan for the anaerobic bio-digester facility at 625 Chatham Street shows several tanks, storage areas and ancillary equipment and structures, which most will be located within the building. The project is designed to digest various types of biomass (e.g., food waste and animal manure) to provide combustible gas which will drive both a turbine generator and a steam generator. A coalition from Lowell traveled to Germany and visited various bio-digester operations and reported the process was neighborhood friendly with no smell and very little noise outside of the facility.

A motion was made by Schwab but there was not support.

IT WAS MOVED BY HALL and supported by HANLEY to approve the proposed site plan with the following recommendations:

- No earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
- Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
- Mature trees along the west and south lot lines generally adjacent to Lee Creek shall not be removed, unless replaced with new trees. The Commission reserves the right to require additional tree planting on the site to help ensure proper screening.
- The applicant shall provide evidence that any required MDEQ permits, including any required testing for air quality compliance, have been secured prior to issuance of any City permits.
- All containers for solid input storage shall be sealed and not open to the air.
- The Zoning Enforcement Officer or City Planner shall review and approve proposed light fixtures prior to issuance of any City permits.
- All truck traffic shall enter and leave the facility on Smith Street to M-21 and will avoid any other nearby residential streets. In addition, the Director of Public Works will review the condition of the local road infrastructure and determine whether it is adequate to handle truck traffic serving the facility. If the road is determined to be inadequate, no building permit shall be issued until the road can be improved.
- Approval by the Director of Public Works, wastewater personnel and other local officials as to the utility connections, water demand and wastewater volume and strength, including application for a discharge permit to the local wastewater system.
- All applicable ordinances, codes and requirements of the City of Lowell shall be met.
- Returning to the City Planning Commission with site plans for landscaping and signage.

YEA: 4. NAY: 0. ABSTAIN: 1. (LaPonsie) ABSENT: 1. MOTION CARRIED.

LaPonsie returned to the meeting.

D. WEST MAIN STREET DISCUSSION WITH ARBOR BOARD. The Planning Commission and members of the Arbor Board that were present at the meeting felt a joint work session with both groups to discuss plantings and signage along West Main Street would be very beneficial.

7. BUILDING INSPECTORS REPORT

It was noted that the ice machine at Dollar General (413 E. Main Street) needs to be moved off on Main Street and placed on the east wall of the building.

City Manager Howe informed the Commission that starting July 1, 2012, the City will be contracting with Cascade Township for permits and inspections services. Howe stated this has no effect of the great service the City has experienced with Imperial Municipal Services but is due to State Revenue and sharing services with other municipalities.

8. COMMISSIONERS REMARKS

Commissioner Schwab noted she was very proud to be part of the process for the Anaerobic Bio-digester project.

IT WAS MOVED BY HALL to adjourn at 7:58 p.m.

DATE:

APPROVED:

Al Mathews, Chair

Betty R. Morlock, City Clerk