

**LINCOLN CHARTER TOWNSHIP  
PLANNING COMMISSION  
Electronic Regular Meeting & Public Hearing  
December 7, 2020**

Chairman Mike Freehling called the **Electronic** regular meeting and public hearing of the Planning Commission to order at 6:00 p.m. on Monday, December 7, 2020.

**CALL TO ORDER**

**ROLL CALL**

Present: Mike Freehling, Charlie Olszewski, Marc Florian, Andy Barbott, Tony Korican and Chris Miller.

Absent: Glenn Youngstedt.

Also present: Building Official James Pheifer, and Recorder, Judy Dunlap.

**ADJOURNMENT TO PUBLIC HEARING**

**LINCOLN CHARTER TOWNSHIP  
PLANNING COMMISSION  
Public Hearing  
December 7, 2020  
6:00 p.m.**

**PURPOSE OF PUBLIC HEARING**

To consider a proposed special land use for an (Outdoor –Sales Facility subject to Article 9 Section 230.902 & 230.948) submitted by Ausra Equipment, at 5980 and 6054 Cleveland Ave., Stevensville, MI on parcels #11-12-0027-0008-21-0 and #11-12-4560-0029-01-0, on approximately 5.03 acres zoned CMU – Commercial mixed Use.

**AFFIDAVITS OF POSTING, MAILING, AND PUBLISHING** on file.

**PRESENTATION**

Matt the General Store Manager presented. Ausra will be a full line dealer with everything from mowers to tractors. The majority will be stationary displays. The front of the building has a lighted overhang where most of the displays will be. They will have a few large units parked on the grass to the south of the building. Units to be serviced will be parked in the back near the residential area with very little traffic. Hours will be 8-5 M-F and 8-12 on Saturday and no Sunday hours. The showroom will be heated and air conditioned. The doors will be shut most of the time to cut down on noise and dust. The high traffic areas will be toward the Cleveland Road side of the building. The loading and unloading area will be the south and rear will have crushed stones and millings to cut down on dust. Most of displayed units are on the inside of the building. The large units are taken out to the customers for test drives.

**PUBLIC COMMENTS**

Gerald Berzins – 5020 S. Roosevelt Road – Felt that we could always use more local businesses.

Kimberly McCoy – 1774 Joni Lane – Lives behind the auto shop and is concerned more business in the area could drop her property values.

Lauren Kniebes – 5995 James Drive – Is concerned with the drainage issues, and do they have any plans to resolve them?

**CLOSE PUBLIC COMMENT SESSION**

**CORRESPONDENCE**

None.

**SESSION FOR COMMISSION TO ASK QUESTIONS AND ADDRESS THE CHAIRMAN ON THE PETITION**

Freehling asked the applicant what the plans for the drainage issues are.

Dan Yerks from Wightman stated that it will be a standard County drain. It will have a retention pond between the building and Honor Credit Union. It will drain north away from the property and will outlet into the storm sewer on Cleveland Ave. A swale is proposed near the residential area to the retention pond. They have included a couple dry wells to get the water off the surface and into the ground.

Miller asked if they have submitted the plan to the Berrien County Drain Commission office for review yet. Dan stated he had applied but has not received a reply yet.

Miller asked how units are dropped off for service. Matt stated that they are dropped off outside but they are stored inside. Some will be behind the building with overflow. They will have a berm, a fence and large trees to buffer noise. The Landscaping plan shows the trees. Freehling asked if evergreen trees were considered instead of shade trees. Dan said he didn't have a preference on the trees. Freehling asked what kind of fence will be used. Matt stated they will have a fence with netting to block the view. Freehling said with the evergreen trees it will help block the view. It is not a condition yet but something to consider. Freehling asked if the asphalt millings are in the civil plans. Dan said that it is not but they can add them to it. Korican asked where the trade-ins or unrepairable units will be stored. Matt noted they will be in the backlot or inside for service until they can be displayed. Korican was concerned with an accumulation of junk and asked how you dispose of unrepairable units. Matt said they could be moved offsite or auctioned off or the parts could be cataloged and stored inside. Freehling asked about the security for the stationary display units. Matt noted that the smaller units would be put inside every night. The large units would have the keys removed and have an extension cord that is alarmed if it is tampered with. Olszewski asked if it is in the area between parking and the building. Matt noted the few larger units would be on grass south of the driveway or on concrete in front of the building. Olszewski asked if they would be secured the same. Matt said the big units would be pulled around back to the fenced in area which would be locked and blocked from view in the back of the building. Vehicles and excess inventory will be stored inside the fence. Olszewski said it looks like you have two drywells at the lot line. Freehling stated that it appears they are trying to alleviate any drainage issues. Freehling asked if the asphalt millings will leach into the system. Dan stated that water should drain

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to the catch basin but you will still have runoff. Once the asphalt packs down it will not be pervious anymore. Freehling asked Matt to please describe where the outdoor sales area will be. Matt stated it will be from the driveway south to Joni Lane and along Cleveland Ave. and will have 4 to 6 six units displayed up front. Florian asked why the fence is not depicted on the site plan. Matt said they will put it on the site plan. Florian also noted what appeared to be a discrepancy between drawings. The grading on the utility plan appears to be 2%. The finished topo looks flat. Florian stated that it is critical to slope back to the structure and not to the west where the 3 foot drop-off from the rear of the parking lot goes towards the residential area and that the slope needs to be generous. Not sure about the drywells other than they fill to capacity and overflow. Please be sensitive to the soil conditions. Dan stated that they originally were going to pipe it out but are hemmed in by the depth of the outlet. It was meant to get water in the pond so it doesn't travel back in the pipe and back to the residents. The pond is not that deep based on the storm sewer elevation. Florian asked if on the outdoor storage area it was necessary to keep 4 to 6 units located on the grass. Matt stated that the larger units would eat up much of the area in front of the building and it would limit the display to customers. Korican still had concerns with the drainage, flooding and wet areas. Will the catch basins be sufficient? Barbott had no other questions. Olszewski was satisfied with having the trees changed from shade trees to evergreens and having the outline where the display is on the site plan and the trees shown. Miller noted that the water table in the area is at 5 to 5 ½ feet so drainage is a major concern. Dan stated that the pond is very shallow and it was intentional to allow the drainage to go offsite and not to leach back into the ground. Korican reiterated a callers concern about the drainage problem that developed from Honor Credit Union when it was built.

## **ADJOURNMENT TO THE REGULAR MEETING**

### **LINCOLN CHARTER TOWNSHIP PLANNING COMMISSION**

Regular Meeting  
December 7, 2020

**Immediately following Public Hearing**

**ADDITIONS TO AND APPROVAL OF THE AGENDA** – None.

## **DEPARTMENT OF BUILDING SAETY**

The Department of Building Safety, year to date has issued 42 permits for single family dwellings, last year there was 21. For the month of November there were 1 permit issued for single family dwellings. For the month of November 2019 there were 1 permit issued for single family dwellings.

At this time last year, house construction values alone totaled \$6,542,673. This year they are at \$13,409,384.

In 2019, total construction (building, electrical, mechanical, plumbing) permits for Commercial, Industrial, Agricultural and Residential districts estimated total values are at \$16,161,610. In 2020, total construction values are at \$19,346,745.

In the month of November there were 242 inspections made on (building, electrical, mechanical, plumbing, and rentals).

## **NEW BUSINESS**

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**Freehling** went through Section 230.902 Special Use Review Standards. After some discussion all the standards were to be met subject to the required conditions.

**Freehling** went through Section 230.948 Outdoor Sales Facility.

After some discussion all the standards were to be met subject to the required conditions.

**Freehling** called for a motion.

**Olszewski**, seconded by **Barbott** motioned to approve the special land use for an (Outdoor –Sales Facility subject to Article 9 Section 230.902 & 230.948) subject to conditions:

1. Prior to issuance of any permits, the applicant shall have paid all application, permit, and other fees related to this request.
2. No demolition or earthwork shall be undertaken on the site until the site plan has been approved by the Zoning Administrator and a building permit has been issued consistent with that site plan approval.
3. The applicant shall receive approval and comply with any stipulations of the Township Fire Department, Township Engineer, Berrien County Drain Commission, and other applicable agencies.
4. The applicant shall submit all missing items required for special land use review in Section 230.901 of the Zoning Ordinance, and addressed under Special Land Use Review above, unless specifically waived.
5. No item or items displayed outdoors shall be greater than thirty-five (35) feet in height.
6. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.
7. The applicant shall revise the site plan to address mitigation of dust and include measures satisfactory to the Zoning Administrator to control blowing dust, trash, and debris.
8. Outdoor sales facilities shall not be located within any required setback areas
9. Normal hours are limited to 8-5 M-F, Saturday 8-12, no Sundays.  
Seasonal hours (late spring thru summer) up to two nights a week 8-7.
10. Address any and all drainage issues.
11. The 20 foot transition strip to be screened with evergreen trees. Netted fencing used to screen the storage area.
12. Sales are limited to equipment only.
13. Rear doors are kept closed and opened only to move equipment in and out.
14. Loading dock to be moved to be 50 feet from the residential are and within the fenced area.

Lastly the final site plan would need to be approved by the Planning Commission.

All Ayes. No Nays. Motion carried.

### **UNFINISHED BUSINESS**

Discuss eco-friendly housing.

Florian stated that he would like John Baumann the Assessor to create an overlay for eco-friendly housing.

### **PUBLIC COMMENTS**

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Gerald Berzins noted that he is not allowed to park an RV on the grass at his home. How can a commercial property park equipment on the grass?

Freehling stated that it may be different for commercial than residential. Florian noted that it is displayed on the grass. It is not stored there permanently and will be moved to the back area in the evenings.

Tyler Augst from the MSU extension program wished to say hello and stated how he likes to keep up to date on local issues.

### **CORRESPONDENCE**

None.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:45 p.m.

The next regularly scheduled planning commission meeting will be held on January 4, 2021 at 6:00 p.m.