

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
July 14, 2008**

**PRESENT:** Blough, Batchelor, Simmonds, Clements and Sanford  
**TOWNSHIP PLANNER:** Tim Johnson  
**CITIZENS IN ATTENDANCE:** 14

**PUBLIC HEARING ON AMENDMENTS REGARDING BUILDING OFFICIAL AND  
BUILDING CODES AND ZONING ADMINISTRATOR**

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:00 p.m. Mr. Simmonds outlined the public hearing process for those present. Secretary Clements read the Notice of Hearing into the record.

Tim Johnson summarized Draft #2 of the proposed amendments, including replacement of outdated terms, a description of the duties of the Zoning Administrator set out in Section 6.1, identification of the Supervisor as the Zoning Administrator, and some re-numbering of sections.

Mr. Blough asked about removal of a description of the duties of the building official, and was advised that role was administrative and responsible for enforcement generally.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:09 pm.

Bob and Mary Decker had no comment.

Mike Seiloff asked about zoning administration generally and noted that Supervisor was used in other sections of the Ordinance where it might better be changed to Zoning Administrator. Tim Johnson indicated that it would be easy to make those changes.

There being no further questions or comments from those present, public comment closed at 7:13 pm.

The public hearing closed at 7:13 pm.

**REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:14 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Public Hearings and General Meeting of June 9, 2008 were presented for approval. Mr. Batchelor moved to approve the Minutes as presented. Seconded by Mr. Sanford. All in favor and the Minutes were approved.

The Minutes of the Special Meeting of June 23, 2008 were presented for approval. Mr. Sanford moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes were approved.

**APPROVAL OF AGENDA:**

Mr. Simmonds proposed reversing the order of the Price and Walgreens items, and adding consideration of the proposed ordinance amendments covered by the evening's public hearing as Item 4. Mr. Blough moved that the Agenda be approved with the changes proposed. Motion seconded by Mr. Batchelor. All in favor and the Agenda as amended was approved.

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

Public comment began at 7:16 pm. No one spoke. Public comment closed at 7:17 pm.

**OLD BUSINESS**

**WALGREENS FINAL SITE PLAN REVIEW:**

The Planning Commission received revised final site plans dated July 11, 2008 from David Prueter, representing Walgreens. He then updated the Planning Commission on final changes and the status of the Application.

Tim Johnson indicated that requested changes had been mostly met, with the exception of an easement for the south roadway, which is promised but not yet needed.

Mr. Blough asked why the proposed roadway did ~~not~~ have an eighty foot right of way. Tim Johnson indicated the width of the road was just informational at this time, and that the roadway will not be on the Walgreens property.

Mr. Batchelor asked about the appearance of the south facade of the building. Tim Johnson noted the Ordinance does not have requirements for a back wall at this time. Mr. Prueter indicated all four sides of the building will be finished in the same style. He also confirmed that the future road connector will be blacktopped at the time of initial construction.

Mr. Clements reported that Walgreens' variance requests had been withdrawn as to the off-premise sign and had been granted by the Zoning Board of Appeals as to additional square footage allowed for exterior wall signs.

Mr. Sanford noted that two different blacktop thicknesses were indicated on the final plan, and asked if the roadway stubs on the south and west sides of the building could be the heavier duty of the two. Mr. Prueter agreed to that as the blacktop to the south and west were otherwise of heavier duty thickness.

Tim Johnson advised that the lighting fixtures appeared to comply with the Ordinance, as does the lighting plan.

The Planning Commission then reviewed the open items listed in the Summary of the July 9, 2008 Staff Report.

Item 1 on lighting has been met.

Item 2 on access easements will be met when recorded.

Item 3 requiring a note on the site plan regarding the road to be built as part of Phase II can be added with other final changes.

Item 4 will require a letter confirming lighting has been installed in compliance with the approved site plan.

Item 5 adding the date of approval of the plan by the City of Lowell has been met.

Item 6 regarding a land division application can be a condition of approval of the plan.

Item 7 is administrative and not a condition of approval.

Additional conditions are:

Heavy duty asphalt on the access stubs

Granting of two easements

Approval of the Township Engineer.

It was also noted that Walgreens will provide sidewalks on M-21 and Bowes Roads.

There being no further discussion, Mr. Sanford moved that the Lowell Charter Township Planning Commission approve the Walgreens Site Plan dated July 11, 2008 for the location at Fulton Avenue and Bowes Road in Lowell Township, with the following conditions:

1. Access easements shall be recorded to ensure access to the parcel to the west (Parcel 20-04-476-002) and to the parcel to be created to the south
2. A note shall be added to the site plan that the proposed public road south of the Phase II retail parcel will be built in conjunction with the development of the Phase II Retail parcel.
3. The applicant shall verify to the Planning Commission in writing that all exterior lights have been installed in compliance with the approved site plan.
4. A land division application must be submitted and approved
5. Heavy duty asphalt is to be used for the access stubs on the south and west sides of the site as is indicated for the balance of the drive
6. The site plan must receive approval by the Township Engineer

Motion seconded by Mr. Batchelor. All in favor and the Walgreens final site plan was approved with conditions.

**PRICE REZONING FROM AG-1 TO INDUSTRIAL:**

Tim Johnson's Staff Report of July 9, 2008 concerning the re-consideration of the Price Rezoning Request was reviewed. The original request was to change 36 acres from Ag-1 to Industrial zoning, but was tabled due to a conflict with the Master Plan in place at that time. The new Master Plan, which would allow this area to be zoned Industrial, was scheduled for final consideration and possible approval by the Township Board on July 21, 2008.

Bob Decker, and adjoining landowner, expressed concern about water problems at the back of this property and the lack of maintenance of the county drain. Mr. Batchelor noted that drainage could be addressed when applicant presented development plans for the land. Mr. Sanford added that runoff would not be allowed to go onto neighboring property. Mr. Blough indicated the County Drain Commission had held a public hearing recently and would be cleaning out the part of this drain which runs under nearby railroad tracks.

Mr. Clements asked if the Planning Commission can make their recommendation of rezoning to the Township Board conditional on approval of the 2008 Master Plan by the Township Board; Tim Johnson advised a condition could not be placed on the recommendation, but the concern about having 2008 Master Plan approval before a rezoning approval was granted could be noted in the Planning Commission minutes.

Mr. Blough noted that any development in an Industrial zone is a Special Use and will need to come to the Planning Commission for approval.

There being no further questions or discussion, Mr. Batchelor moved that the previously tabled request for rezoning by Mr. Price be taken up for consideration by the Planning Commission. Motion seconded by Mr. Blough. All in favor and the request was taken up for consideration.

Mr. Sanford moved that the Lowell Charter Township Planning Commission recommend to the Lowell Charter Township Board the rezoning of the 36 acre Price parcel at 5826 Alden Nash, Lowell Township, from Ag-1 to Light Industrial as such re-zoning meets the conditions of the 2008 Master Plan. Motion seconded by Mr. Batchelor. All in favor and the motion to recommend re-zoning was approved.

**ZONING ORDINANCE AMENDMENT ON SPECIAL LAND USE:**

Draft #3 of the Amendment to Section 4.7 Special Use Permit section of the Ordinance dated July 14, 2008 was reviewed. Tim Johnson noted that most of the requested changes from the prior public hearing had been made.

After discussion it was agreed that the Section should explicitly note the right of the Planning Commission to impose an annual review as a condition of granting a special use permit.

There being no further questions or comments, Mr. Batchelor moved that the Lowell Charter Township Planning Commission recommend to the Lowell Charter Township Board that the amendments to Section 4.7 of the Ordinance contained in Draft #3 dated July 14, 2008 be approved, with the addition

of language to Section 4.7.6 that the Planning Commission may impose an annual review. Motion seconded by Mr. Sanford. All in favor and the recommendation to the Township Board was approved.

#### **AMENDMENTS REGARDING BUILDING OFFICIAL:**

It was noted from the Public Hearing comments that 'Supervisor' appears throughout the Ordinance, and should be changed to 'Zoning Administrator' in most of these locations to be consistent with the other changes proposed.

Mr. Blough raised the question of a time limit on when the Zoning Administrator needed to act on a request; it was observed that the Ordinance does not set a time limit.

Mr. Sanford then moved to table the proposed Amendments regarding the building official in Draft #2 dated July 14, 2008 until the August 11, 2008 Regular Meeting of the Planning Commission. Motion seconded by Mr. Blough. All in favor and the proposed Amendments were tabled.

#### **NEW BUSINESS**

##### **PORTABLE SIGN AMENDMENTS:**

Tim Johnson led a review of Draft #1 dated July 14, 2008.

It was suggested that 'Freestanding Sign' be changed to 'Freestanding Permanent Sign'.

Further work is needed on the Vehicle Sign definition, to address parked company vehicles and vehicles traveling through town.

Portable Signs need to be allowed in Industrial as well as Commercial zones. Also requiring consideration is their use in R3 districts with rental units, and whether use in residential areas for non-commercial purposes needs to be explicitly addressed. It was noted that the enforcement officer prefers allowing 3 permits of 30 days each per year.

Option 1 was favored for number of signs allowed.

Under Inflatable Signs, the largest diameter shall not exceed 12 inches.

With respect to festoons, the total amount shall not exceed 3 times the road frontage of the property, and shall be allowed only on weekends or with a permit.

With respect to banner signs, Option 2 is dropped.

For portable freestanding signs, use Option 1 language without the alternative language.

With portable vehicle signs, make clear balloons, festoons etc cannot be use with them.

Concerning temporary flags, US and state flags are not to be regulated.

For community special event signs, review setback requirements, and allow signs from 14 days before the start of an event until end of event, with removal within 72 hours after conclusion of the event.

Banners may be permitted across public roadways but the Planning Commission needs to review the size and height requirements of such banners.

Off premise signs will require combining some version of Options 1 and 3. They cannot be combined with festoons, balloons, etc. The goal is to regulate the size of signs, not the content.

Additionally, it was agreed that corner lot buildings may have 100 square feet of wall sign per side facing a public roadway, with no requirements as to how that square footage is divided up between signs on a given wall.

Review readerboard and video signs; definitions should relate to speed of change of sign rather than specific technology used. Also need to address changeable copy signs (rotating vertical strips).

Mr. Batchelor noted small-town car dealerships are currently threatened and that our Ordinance should support them; Mr. Sanford indicated this is easier with a dealership owner who is currently trying hard to work with the Township.

Tim Johnson will do further work on the draft ordinance based on the comments received, with further review planned for a July Planning Commission special meeting or workshop.

**COMMISSIONER COMMENTS:**

Mr. Blough advised that the State of Michigan is getting involved with renewable energy issues and may remove wind generator siting control from townships.

Mr. Sanford suggested the state would benefit from our input in some areas of current draft wind energy laws.

It was determined that the next Planning Commission meeting would be a workshop on July 28th to work on the sign ordinance.

**ADJOURNMENT:**

Mr. Batchelor moved to adjourn. Seconded by Mr. Sanford. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:46 p.m.

Submitted \_\_\_\_\_ Secretary  
Timothy Clements

Approved \_\_\_\_\_