

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
February 12, 2007**

**PRESENT:** Batchelor, Simmonds, Clements and Sanford

**ABSENT:** None

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE:** 10

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:00 p.m.

**APPROVAL OF AGENDA:**

Mr. Sanford moved to approve the Agenda as presented. Seconded by Mr. Batchelor. All in favor and the Agenda as presented was approved .

**APPROVAL OF MINUTES:**

The Minutes of the Public Hearing and Regular Meeting of January 8, 2007 were presented for approval. Mr. Batchelor moved that the minutes be approved as presented. Seconded by Mr. Sanford. All in favor and the Minutes as presented were approved.

The Minutes of the Workshop Meeting of January 22, 2007 were presented for approval. Mr. Sanford moved that the minutes be approved as presented. Seconded by Mr. Batchelor. All in favor and the Minutes as presented were approved.

**PUBLIC COMMENT:**

Public comment began at 7:02 p.m. Two members of the public spoke. Public comment ended at 7:05 p.m.

**DISCUSSION OF SALE OF FARM PRODUCTS, DRAFT #3:**

Tim Johnson reviewed Draft #3 of Amendments for the Sale of Farm Products in the Ag-1, Ag-2 and R-1 Districts and Rural Recreation/Amusement Enterprises in the Ag-1 District dated February 12, 2007.

With respect to Section 2, Paragraph 15 concerning the sale of landscape supplies, Mr. Simmonds questioned allowing this activity in the Ag-2 district, which would result in the activity also being allowed in the R-1 district. After discussion it was agreed to not allow this activity in the Ag-2 district.

With respect to the last four definitions in Section 5, Mr. Clements asked that references to the Right to Farm Act be as it may be amended from time to time, to make clear the reference is to changes to that Act and not changes to the Ordinance. It was agreed to make these changes.

There being no further discussion or changes, it was agreed to set the proposed amendments for public hearing on March 12, 2007, with Tim Johnson coordinating the required notices.

**TIMPSON TRUCKING REQUEST:**

John Timpson addressed the Planning Commission on the growth of his trucking activities on land in the Ag-2 district, and how zoning issues had come to light when he attempted to expand his current facility on the property and found that he needed a building permit to do so. Mr. Simmonds asked if Mr. Timpson had drawings or documents pertaining to the expansion, and he was advised by Mr. Timpson that he had none. Mr. Timpson continued by describing how he had begun by hauling his own apples, then those of other growers, to and from the current facility beginning in 1980. He stopped growing apples about seven years ago and was shifting to trucking of various products (not just agricultural).

Tim Johnson indicated that Mr. Timpson now had a transport business, which is not allowed in the Ag-2 district, and that a building permit for expansion could not be issued. Possible solutions were to rezone the land Industrial or modify the permitted Ag-2 activities to allow trucking.

Mr. Batchelor felt that trucking was more appropriate to the Ag-1 zone with larger parcels rather than the Ag-2 zone where smaller parcels were allowed, so he was not in favor of re-defining permitted Ag-2 activities. He was more open to rezoning to Industrial. Mr. Batchelor noted that it is mostly the truck traffic which concerned him, not the products being hauled.

Mr. Simmonds expressed concern about spot zoning if the area were changed to Industrial.

Mr. Sanford noted that the land in question is near the Ag-1 zone, and also noted that the roads servicing this parcel are inadequate to truck traffic. Mr. Sanford and Mr. Batchelor discussed how hauling and storage was permitted in Ag-2 when associated with agricultural products but not in other cases.

Mr. Timpson noted that traffic had shifted from winter apple hauling to year-round hauling which included sand and other products. The current building has refrigerated storage, but demand for apple storage is falling and there is not much demand anymore for refrigerated storage of agricultural products.

Colleen Timpson, wife of John Timpson, inquired into grandfathering of the activity since much had been for hire, even when apples were being hauled.

Some discussion of rezoning and the granting of a special use permit continued, which Mr. Simmonds observed would be a long process. Tim Johnson reviewed the various ways the zoning could be changed and the possibility of non-approval at the end of the process.

Mr. Simmonds summarized the issue as one of whether or not warehousing and trucking should become a special use allowed in the Ag-2 district. He asked Mr. Timpson about gaining access from this parcel to Alden Nash, a 'Class A' road. It was determined that growth of this type of business should be limited, but that access to a Class A road would resolve issues with use of lesser roads. On Mr. Clements' inquiry, it was indicated that only Alden Nash, M-50 and M-21 constituted Class A roads in the Township.

Tim Johnson observed that a special use permit only allows one particular use, and expires if not used for 12 months. Since mining operations are currently being conducted on the subject land under a special use permit, it might be necessary to create a separate parcel for the trucking business.

Mr. Simmonds concluded with the observation that the Planning Commission had heard the request, was sympathetic, but would need time to consider the matter before determining if it would initiate a change to the Ordinance. He asked that Mr. Timpson work with the Planning Commission throughout the process. He felt that changing the ordinance would be easier than rezoning the parcel.

Mr. Batchelor asked if a special use permit might be issued under the current ordinance, but Tim Johnson indicated that that could only occur if this activity was determined to be similar enough to an existing special use allowed in the Ag-2 district. Mr. Seilof, a member of the public, stated that the new zoning enabling act in effect since last July would require a specifically enumerated use before a permit could be granted. Mr. Simmonds concluded by observing that the question of issuing a permit under the current Ordinance or the need to amend the Ordinance would need to be researched.

#### **REVIEW OF EXISTING SPECIAL USE PERMITS:**

It was noted that the Timpson mining special use permit would be up for annual review in March, and that the Den Houter and Blough special use permits would have their annual review in April. Mr. Simmonds will send a letter of notice to these parties, asking for a report of past and future activities along with current photos. With respect to Mr. Timpson's sand mining operations, a site plan with dimensions, showing buildings, area excavated and to be excavated, dust control measures, signage and fencing, would be required. Tim Johnson added that final elevation information also be included to show how the land will blend with neighboring land, with suitable slopes, after mining is completed. Mr. Batchelor asked that reclaimed areas be shown as well.

For the Den Houter permit, a brief report on status would be required.

As to Blough Farms, Mr. Batchelor asked that current inspection reports as have been provided in the past be provided again.

Mr. Seilof asked as to the process for requiring annual review of a special use permit, and under what conditions a special use permit might be revoked. He was advised that the Planning Commission could set the annual review requirement at the time the special use permit was granted, and that a violation of a condition of a permit could result either in issuance of a violation or in revocation, with the Zoning Administrator being responsible for enforcement.

#### **SHORT TERM OPEN AIR BUSINESS ORDINANCE:**

Tim Johnson summarized the history of Draft 1 of the proposed Ordinance to Regulate the Operation of Short-Term Open Air Business Within the Charter Township of Lowell, indicating that the proposed Ordinance comes from one used for years in Alpine Township. Issues to be discussed are number of days per year of operation and how those days are divided, age of minors exempted from compliance, signage issues, and whether violation would be a criminal or civil offense (he favors civil). He noted that the Township Board would be responsible for setting fees. It was agreed that members of the

Planning Commission would need time to review this first draft, and the matter was tabled until the next meeting.

**DISCUSSION ON MASTER PLAN UPDATE:**

The questionnaire for the Lowell Expo was discussed, and it was agreed that it should be short and open-ended. Tim Johnson will present the draft questionnaire at the March 2007 Planning Commission meeting.

**COMMISSIONER COMMENTS:**

It was determined that a February 26 workshop meeting would not be required.

Mr. Simmonds asked members of the Planning Commission to reserve Monday, March 5 at 7:00 pm for a joint meeting of the Township Board, Planning Commission and Zoning Board of Appeals to introduce new people, discuss the pending review of the Master Plan and possibly have a presentation on conflicts of interest.

Mr. Simmonds also asked for volunteers for the Saturday, March 24 Lowell Expo to man the Township booth in 2 hour stints between 9 am and 4 pm.

Brochures for the Citizen Planner On-Line course are available from Mr. Simmonds.

An article on the joint planning of sign ordinances by the City of Lowell and Lowell Township led to an update on those planning sessions, which could start as early as this week.

**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 8:35 p.m.

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

Approved \_\_\_\_\_