

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
March 12, 2007**

PRESENT: Blough, Batchelor, Simmonds, Clements and Sanford

ABSENT: None

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 37

The public hearing before of the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:00 p.m. Mr. Simmonds explained the procedure for public hearings to those present.

The Planning Commission secretary read the published notice for the two public hearings of the evening.

PUBLIC HEARING FOR AMENDMENT REGARDING SALE OF FARM AND NON-FARM PRODUCTS

Tim Johnson summarized the proposed ordinance change set forth in Draft 4 of the 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 March 12, 2007.

Mr. Blough asked if this Amendment allowed wholesale sales of landscaping supplies, and Tim Johnson indicated that it did. There were no other questions regarding the proposed Amendment from members of the Planning Commission.

Mr. Simmonds opened the hearing to public comment at 7:09 p.m.

Mr. John Timpson asked about sales at Cascade Road and M-50, where one business was allowed, and another was not. Tim Johnson indicated it will still be required that the seller own the land from which sales are made. Mr. Blough indicated some green beans were grown on the land where sales were being made. Tim Johnson indicated it was the intent of the Amendment to make it easier to sell farm products.

Ms. Sandra Miles asked whether the Right to Farm Act 'trumps' all ordinances. Mr. Batchelor indicated that the Planning Commission is looking at safety aspects. She also asked how products not grown on the premises would be judged to be 'substantially subordinate'. Mr. Simmonds indicated this would be checked by the Township enforcement officer. Ms. Miles discussed landscaping supplies and retail sales under the home occupation section of the ordinance. In response to comments concerning Section 4.1.1, Note 2(b) of the proposed Amendment, Mr. Simmonds indicated that if a use is a special land use, it will still require a public hearing. With regard to a question about the definitions section of the proposed amendments, Tim Johnson indicated the intent of the Planning Commission is to align it's Ordinance with the Right to Farm Act.

Mr. Mike Seilof asked about Special Use Permits and zoning, and suggested the scope of the proposed Amendment be narrowed to comply with the Right to Farm Act. Mr. Batchelor indicated that some regulation was still needed. A final comment was offered concerning how uses have been permitted in the past.

Ms. Sandra Miles spoke again, asking about regulation of electrical fences.

There being no further questions or comments, the public comment portion of the hearing was closed at 7:25 p.m.

PUBLIC HEARING ON AMENDMENT REGARDING ACCESSORY BUILDINGS

Tim Johnson summarized the proposed Ordinance changes set forth in Draft 3 of the Accessory Building Amendments dated January 22, 2007.

Mr. Blough asked for clarification of the restriction on building accessory buildings in a front yard. Tim Johnson indicated that such a building could not be built in the required front yard, but if the house in fact was set back further, an accessory building could be built behind the required front yard line but in front of the actual house.

Mr. Simmonds opened the hearing to public comment at 7:29 p.m.

Ms. Sandra Miles questioned the 100 foot setback in Residential districts where non-pet animals were kept, citing the GAAMP requirements of 1500 feet, and also questioned the lack of limits on the number of animals allowed on the premises. Mr. Johnson noted that GAAMP doesn't apply where there are less than 50 animals and Mr. Batchelor indicated a 1500 foot setback didn't make sense, particularly with respect to R-3 property, given the typical size of such properties.

Mr. Mike Seilof expressed concern about large parcels in the R-1 District and the expansion of the keeping of animals in this District.

There being no further questions or comments, the public comment portion of the hearing was closed at 7:41 p.m.

Mr. Simmonds announced a short recess between the Public Hearings and commencement of the Regular Meeting.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:43 p.m.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of February 12, 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.

APPROVAL OF AGENDA:

Mr. Simmonds asked if there were any changes or additions to the Agenda. None were forthcoming.

DISCUSSION OF AMENDMENT REGARDING SALE OF FARM AND NON-FARM PRODUCTS:

Mr. Batchelor and Tim Johnson briefly discussed the wholesaling of landscaping supplies, and noted that it was limited to the Ag-1 District. Mr. Batchelor and Mr. Simmonds then discussed the interaction between Right to Farm Act and a township ordinance, with Mr. Simmonds feeling the two can co-exist, and noting the intent of the proposed Amendment was to provide other options for farmers to use their land. Mr. Clements noted that court interpretations of the Right to Farm Act were at the Court of Appeals level, and that future decisions, including those by the Michigan Supreme Court, could modify the impact of Right to Farm Act from time to time, and he did not want to be limited just to the current understanding of the Act, noting that the Ordinance has a Severability Clause, should part of the proposed amendments be found in conflict with the Act in the future. He too was concerned with the health, safety and welfare of township residents.

Mr. Clements then moved that Draft 4 of the 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 March 12, 2007 be recommended for approval to the Lowell Charter Township Board. Motion seconded by Mr. Batchelor. All in favor and the motion to recommend was approved.

DISCUSSION ON AMENDMENT REGARDING ACCESSORY BUILDINGS:

Mr. Simmonds noted that the primary concern expressed had been the 100 foot setback for accessory buildings containing non-house pets. He further noted that this setback did not represent a change from the current Ordinance.

Mr. Sanford questioned the application of the language of Section 4.2.4.F.a.3, concerning location of accessory buildings in the case of corner lots, and suggested that this section needed clarification.

Mr. Sanford then moved that that Draft 3 of the Accessory Building Amendments dated January 22, 2007 be tabled until the next regular meeting of the Lowell Charter Township Planning Commission to allow time to clarify the language in Section 4.2.4.F.a.3. Motion seconded by Mr. Blough. All in favor and consideration of the draft ordinance was tabled.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Mr. Simmonds opened the Regular Meeting for public comments for items not on the Agenda at 8:04 pm. Eight people spoke. Public comments were closed at 8:28 pm.

ANNUAL REVIEW OF SPECIAL USE PERMIT FOR TIMPSON SAND MINE:

Mr. John Timpson presented the Planning Commission with a topographic map of the property being mined, ten receipts for dust control applications, and photographs showing signs posted, existing fencing, and trees planted on the premises. Mr. Simmonds asked if the mining would conclude when the adjoining township property line was reached, and was advised that it would. Mr. Simmonds then reviewed the requirements of the special use permit from the minutes of the April 26, 2004 Planning Commission meeting when the permit was granted, and concluded that Mr. Timpson had complied

with those requirements. Mr. Simmonds also noted that no complaints about the operation had been received by the Township to his knowledge.

Mr. Batchelor then moved that the Lowell Charter Township Planning Commission renew the Timpson sand mining special use permit for one calendar year based on the materials presented, with another review in March 2008. Mr. Blough seconded. All in favor and the special use permit was renewed for one year.

SHORT TERM OPEN AIR ORDINANCE:

Tim Johnson reviewed the draft ordinance, and indicated that this was not an amendment to the Zoning Ordinance, but that the Township would like comments from the Planning Commission.

Mr. Simmonds asked about how fees would be set, and was advised that the Township would set those fees. Mr. Sanford expressed concern about regulating things such as car washes at the Meijers location; Tim Johnson indicated that services would not be covered.

With respect to Section 7 (Signs), concern was expressed about both the square footage of signs allowed, and a desire to avoid spray-painted 4 x 8 foot signs. Mr. Sanford felt this section needed more consideration.

With respect to Section 8 (Compliance and Enforcement) it was thought that either the Township Administrator or the Sheriff should be allowed to enforce the Ordinance, and language making clear that the Administrator can enforce should be added.

Mr. Clements suggested that this Ordinance should exclude commercial businesses having their own outside sales. Mr. Clements and Mr. Sanford discussed this issue at some length and agreed that their concern was limited to sales on open property zoned Commercial rather than on developed Commercial property. It was also felt that this should be a Vendor's License ordinance. Tim Johnson will work on language to reflect these discussions.

Mr. Clements also suggested that the fees for these licenses be set outside the language of the Ordinance to avoid the need to amend the Ordinance should fees change in the future. He also suggested that permits be allowed for up to 180 days, such as six periods of 30 days each, given a desire to regulate on health and safety grounds rather than to unreasonably limit the time of operation of these businesses.

MASTER PLAN SURVEY:

A draft survey was presented by Tim Johnson. The desire is a survey taking under 5 minutes to complete, and easy to tabulate. Comments will be allowed at the end of the survey. It was suggested that a question be asked about the willingness of township residents to have a special millage to fund recreational developments. It was also decided to clarify Question 5 on uses of land along Alden Nash Road from I-96 Northward, to indicate how far North this area would extend. An additional proposed land use to be listed in Questions 5 and 6 is Professional Office Park. The last choice of 'no Township restrictions' is to be removed from Question 8. Tim Johnson will finalize the survey, confirm it's

content with Mr. Simmonds and Ms. Blumm, and have it ready for use at the Lowell Expo on March 24, 2007.

NEW BUSINESS:

There was no new business brought before the Lowell Charter Township Planning Commission.

COMMISSIONER COMMENTS:

It was determined that there was no need for a special workshop meeting on March 26th.

Mr. Simmonds announced that there would be CPR training offered in the early evening of March 27th at the Township Hall, which would last about 2 hours.

The schedule for coverage of the Township booth at the Lowell Expo was reviewed.

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 10:13 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____