

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
December 8, 2008**

PRESENT: Blough, Batchelor, Simmonds, Clements and Sanford
TOWNSHIP PLANNER: Tim Johnson
CITIZENS IN ATTENDANCE: 7

PUBLIC HEARING ON PORTABLE SIGN AMENDMENTS

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:01 p.m. Mr. Simmonds outlined the public hearing process for those present. Secretary Clements read the Notice of Hearing into the record.

Tim Johnson presented an overview of the proposed amendments for the benefit of those present.

Mr. Batchelor asked if IPUD should be included in Section 2.D.a. It was agreed that it should be included.

It was also agreed that if a sign has text on both sides, only the square footage of one side is counted in determining the allowable square footage.

It was further agreed that in Section 1, the definition of Reader Board Sign should have the 'or' at the end of paragraph number 1 removed.

Mr. Sanford raised concern about Section 2.D. addressing off-premise portable signs for farm products, and how fixed signs were to be addressed. It was decided to remove both instances of the word 'portable' where it appears in Section 2.D. As a result of this change, this section will be put under another section of the Ordinance, rather than remaining under 'portable signs'.

Mr. Blough asked if a community event under the proposed Amendments was determined by whether the event was for profit. It was agreed that community events were those by or for non-profit organizations.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:29 pm.

Ben Kaeb thanked the Planning Commission for creating guidelines for local businesses to work with.

Gary Blough approved of the changes.

There being no further questions or comments from those present, public comment closed at 7:31 pm.

The public hearing closed at 7:31 pm.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:32 pm.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of November 10, 2008 were presented for approval. Mr. Blough moved to approve the Minutes as presented. Seconded by Mr. Sanford. All in favor and the Minutes were approved.

APPROVAL OF AGENDA:

There were no changes to the agenda.

DISCUSSION OF PROPOSED SIGN ORDINANCE AMENDMENTS:

Mr. Simmonds reviewed the comments of Marc Larabel, the enforcement officer, in his letter of November 24, 2008. With respect to defining a property owner in connection with off-premise signs, the Planning Commission felt the common definition could be used, and that the owner would be in the best position to remove a sign no longer allowed by that owner. It was agreed to change the phrase 'power poles' to 'utility poles'. It was determined that the Amendments as written would limit vehicle signs to one or two as requested by Mr. Larabel. Finally it was determined that vehicle and RV sales should not be addressed at this time under this particular section of the Ordinance.

Two notes to the Planning Commission in the current draft of the Amendments were informational only and did not require action by the Planning Commission.

It was decided that Section 2.C.c should be changed to 2.C.d, and that a new 2.C.c should limit portable signs in this section to 32 feet square with a maximum height of six feet.

There being no further discussion or changes, Mr. Simmonds moved to direct the Township Planner to make the changes identified by the Planning Commission to the Draft #2 of the Portable Sign Amendments and to provide a Draft #3 of the Portable Sign Amendments at the January 2009 Regular Meeting. Motion seconded by Mr. Sanford. All in favor and the motion directing preparation of Draft #3 passed unanimously.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment began at 7:46 pm. There being no other public comments, Mr. Simmonds asked that Michael J Callahan be allowed to bring his request to the Planning Commission as a Public Comment.

Mr. Callahan is using two existing buildings to conduct business operations in an Ag-2 District, both from a prior poultry business. One building is being used in connection with his electrical contractor operations, which is a use not permitted in that zone. He requested that the Ordinance be modified to allow contractors to operate businesses in this District, citing the Master Plan language which suggested alternative uses for agricultural buildings.

There is an prior use variance on the property dated February 15, 1980 for Agricultural activities with a variance to allow 80% storage, 10% hobby garage, and 10% automobile restoration and repair. It was indicated this is not grandfathered to the present.

Mr. Batchelor asked if this was a home business. Mr. Callahan does not live on the property so it is not a home business. Mr. Callahan further indicated the location is not advertised and visitors are not wanted at the site. Employees take vehicles home, and only stop occasionally to pick up parts. There are three to five employees working at the site at any time, including Mr. Callahan.

Tim Johnson asked for confirmation of the storage activities which were assumed from a prior owner, and was told about 60% of the second building was being used for storage when Mr. Callahan acquired the land, with a higher percentage of occupancy now.

Mr. Batchelor asked about the reason for a complaint being filed about the current use, and if it had to do with vehicles coming and going. Mr. Callahan indicated that all employees came to the property twice a month from about 6:30 am to 8:00 am for payroll and safety training. He felt he knew the incident which had prompted the complaint and indicated that the employee involved no longer worked for him.

Mr. Clements asked if we had one business we were addressing, or two. Tim Johnson indicated two businesses.

Mr. Simmonds reviewed the Master Plan language indicated by Mr. Callahan. Mr. Sanford suggested the language was aimed at storage of construction equipment and so forth in the Ag-1 District, but that the Planning Commission might want to address this in the Ag-2 District at the same time. Mr. Simmonds expressed reservations about extending this into the Ag-2 District.

Mr. Clements felt the Planning Commission was wandering from the original intention of this language in the Master Plan, which was to assist farmers in preserving agriculture rather than to preserve agricultural buildings on lands no longer being farmed.

Mr. Batchelor asked if a use variance could be granted or the old variance changed. It was noted that use variances could no longer be granted by the Zoning Board of Appeals, and amending the old use variance would be the equivalent of issuing a new use variance.

Mr. Clements asked if the current assessment of the property as Commercial might stop the Township from enforcing the prohibition on the current use, but it was felt that it would not.

Mr. Blough expressed concern about others who may be in a similar situation, and asked if the Ordinance will be enforced against them as well. Mr. Callahan noted a car repair business on Kissing Rock Road which seemed to be operating without approval.

Mr. Blough also asked about the size of the parcel in question. Mr. Callahan felt it was about 3 acres; Mr. Sanford noted the old variance indicated 2.5 acres.

While Mr. Sanford expressed sympathy for Mr. Callahan's situation, he was not sure he wanted to open up Ag-2 to these types of operations generally. Mr. Clements felt it would be hard to change the Ordinance to solve Mr. Callahan's problem, and that the problem could have been avoided by Mr. Callahan by checking the Township Zoning Ordinance before purchasing the property.

Mr. Simmonds suggested that the Township Planner be directed to review the situation and present a staff report of the options before the Planning Commission in addressing this situation, and the pros and cons of each option, for review at the January 2009 regular meeting of the Planning Commission. He also expressed the hope that the Township would hold off on enforcing the Ordinance against Mr. Callahan until the Planning Commission had had an opportunity to review that report.

Public comment closed at 8:35 pm.

OLD BUSINESS

FLAT RIVER OUTREACH MINISTRIES:

Due to the presence of Roger Leware to address this matter, it was discussed prior to discussions on the Industrial Zone Amendments.

The Planning Commission reviewed the report of the enforcement officer dated December 1, 2008 in connection with compliance with the conditions of the Site Approval granted to Flat River Outreach Ministries in October 2006.

With respect to a 5 foot wide sidewalk to be constructed in front of the facilities, it was learned that money had been raised, but the presence of underground sprinkling pipes has unexpectedly raised the cost of the work. An effort is underway to raise the necessary additional funds.

As to the location of the donations drop-off in the front corner of the building, some items are being left outside the building although the doors are open at all times. An effort is made by the Flat River Outreach Ministries to move these items indoors within a day of arrival, or to the dumpster when trash is left.

No lighting plan was submitted to confirm compliance. Mr. Sanford noted the only requirement was to paint the top of the fixtures to stop up-lighting, which Mr. Sanford indicated had been done.

The sign out front, which had a temporary sign over it previously, has been replaced with a more permanent change to the original sign.

Mr. Simmonds noted that just the installation of the sidewalk remained to be completed. Mr. Batchelor advised Mr. Leware that a sign permit would be required for a new sign, but in this case just a change in text on the current sign had occurred, which would not require a permit.

It was felt by members of the Planning Commission that a one year extension on installation of the sidewalk would be appropriate. Mr. Batchelor therefore moved to extend the sidewalk requirement of Flat River Outreach Ministries pursuant to the conditions of their Site Plan of October 2006, to December 31, 2009. Motion seconded by Mr. Sanford. All in favor and compliance with the sidewalk installation requirement was extended to December 31, 2009.

INDUSTRIAL ZONE AMENDMENTS:

The draft Industrial Zone Amendments of November 11, 2008 were reviewed, with the intention of determining which uses would be allowed by right, with the rest being allowed by special use permit. It was noted that even uses by right would still be subject to Planning Commission oversight to the extent a site plan was still required.

After discussion, it was determined that the following numbered uses listed in the Proposed Uses by Right should remain subject to a special use permit:

1. Warehouses and storage buildings
2. Truck terminals
- 3c. Light manufacture involving lumber and wood products
- 3i. Light manufacture involving metal products
6. Agricultural service establishments
7. Research and testing facilities
11. Building contractors
13. Commercial fuel depots
14. Park and Ride lots
15. Other uses not found by the Planning Commission to similar to the above uses

All other uses listed in the Proposed Uses by Right will be allowed by right.

All uses listed in the proposed Uses Permitted by Special Use Permit shall in fact be uses requiring a special use permit.

Next reviewed were those uses somewhat more commercial in nature, listed in a Note to Planning Commission on Page 4 of the materials. After discussion, the following numbered uses will be allowed by special use permit:

1. Sale of temporary storage units and refuse collection units.
2. Sale of farm and garden products except picnic and patio furniture.
5. Sale of concrete fences.
6. Sale of utility trailers.

8. Sale of tanks for fuel and other liquids.
9. Sale of granite, marble and similar raw materials.
10. Sale of landscaping products, but limited to wholesale sales.

On Page 5, all of the proposed Site Plan review language was found to be acceptable.

Tim Johnson will prepare Draft #2 to the Light Industrial Regulations for review at the January 2009 regular meeting.

ELECTION OF OFFICERS:

Mr. Simmonds opened for nominations individually or as a slate.

Mr. Sanford moved that the 2008 officers (Mr. Simmonds as Chairperson, Mr. Batchelor as Vice Chairperson, Mr. Clements as Secretary) be returned in 2009. Motion seconded by Mr. Batchelor.

No other nominations were forthcoming.

The motion to continue with the current officers in 2009 was approved unanimously.

COMMISSIONER COMMENTS:

Mr. Blough passed along the approving comments of former Chairperson John Cornish with respect to the recently recommended Wind Energy Ordinance.

Mr. Batchelor noted that the Park & Sell had a Christmas tree sale operation and it was not believed that a temporary vendor's permit had been obtained. It was suggested they be made aware of that requirement prior to future vendor activities on the premises.

Mr. Simmonds asked about the need for a workshop meeting on December 22nd. It was determined such a meeting was not required.

Mr. Sanford thanked the returning Planning Commission officers for their efforts in 2008.

Tim Johnson indicated he would be preparing a work agenda for 2009 for consideration at the January 2009 regular meeting.

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 9:55 p.m.

Lowell Charter Township Planning Commission

December 8, 2008

Page 7

Submitted _____ Secretary

Timothy Clements

Approved _____