

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
January 11, 2010**

PRESENT: Blough, Batchelor, Simmonds, Clements and Sanford

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 3

**PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT TO REGULATE
SETBACKS FROM FUTURE ROADS**

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:02 p.m. Mr. Simmonds outlined the public hearing process for those present. Secretary Clements read the Notice of Hearing into the record.

Planner Tim Johnson summarized the proposed Ordinance, noting it's applicability throughout the Township but in particular its application to the current proposed future road along the South side of M-21 as shown on the current Master Plan.

Mr. Batchelor asked how this Ordinance would apply to land West of the current Walgreens. Tim Johnson indicated the exact road location would need to be determined, after which any buildings on the property would need to be the proper setback to that road. At the time of consideration the Planning Commission can decide whether building the road makes sense, but the Planning Commission would not address any compensation offered for the right of way.

Mr. Blough asked if a developer who doesn't want the road would need to come in and argue why it is not needed. Tim Johnson concurred that they would; there would still be flexibility to remove the proposed road from the Master Plan if doing so made sense in the future.

Mr. Simmonds noted that he viewed this as future development planning.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:21 pm.

Mike Seiloff - passes

Jerry Hale - Agrees with Mr. Batchelor's concerns, but feels this Ordinance is needed as a future planning tool with flexibility.

There being no further input, public comment and the public hearing were closed at 7:23 pm.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:24 pm.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of December 14, 2009 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:

There were no changes to the Agenda as presented.

DISCUSSION OF ZONING ORDINANCE AMENDMENT TO REGULATE SETBACKS FROM FUTURE ROADS:

Mr. Simmonds expressed his opinion that it was better to have the Ordinance available than to not have it. Mr. Sanford agreed, indicating it gave the Township some control if it needed it.

Mr. Clements felt the proposed Ordinance would raise the level of discussion concerning future roads before the property was developed.

Mr. Batchelor indicated he did not want to see this Ordinance become a big expense for owners, and further said he no longer favors the 29th Street style road planning.

Mr. Blough stated he thinks it is good to have this Ordinance should it be needed.

Mr. Clements then moved that the Lowell Charter Township Planning Commission recommend for approval the Amendment to Establish Setbacks from Future Roads dated January 11, 2010, to the Lowell Charter Township Board. Motion seconded by Mr. Sanford. Motion passed with a majority of Planning Commissioners voting in favor of the proposed Ordinance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment opened at 7:29 pm. One person spoke. Public comment closed at 7:38 pm.

OLD BUSINESS

DRAFT #1 OF AMENDMENT TO ESTABLISH FENCE REGULATIONS DATED JANUARY 11, 2010:

Tim Johnson led a review of the draft Ordinance. The following comments and changes were made:

- Section 1 c) (1) iii): The use of barbed wire strands and electrically charged fencing above grade is permitted in all yards in Ag-1, Ag-2 and R-1 districts. The balance of the sentence is deleted.
- Section 1 c) (5): Corner lot fence setback is reduced from 15 feet to 10 feet.
- Section 1 c) (7): To Fence Height Exceptions, add 'parks' after 'athletic fields' in the first sentence.
- Section 1 d) (2): Tim Johnson will add a drawing to illustrate the clear vision requirements.
- Section 1 d) (5): Mr. Simmonds was concerned about the 'except farms' language in this section. After discussion, electric and barbed wire fencing was addressed in Section 1 c) (1) iii) as noted above, the final sentence of the section prohibiting razor wire was relocated to the end of Section 1 d) (3), and the balance of the section was dropped.
- Section 1 d) (6): This section was dropped.
- Section 1 d) (7): To be renumbered to Section 1 d) (5).
- Section 1 d) (8): To be renumbered to Section 1 d) (6). Alternative A and Definition 1 were selected for this section.

Language regarding spire tips and sharp objects which was removed from Section 1 d) (5) will also be removed from the two drawing accompanying the draft Ordinance.

Mr. Blough noted taller fences may be installed along I-96, where the State controls the Right of Way. He also raised concerns about taller fences for controlling deer in agricultural areas. After discussion, it was decided to add language to the proposed Ordinance so the Planning Commission could approve specific deer fence requests in the Ag-1 and Ag-2 districts.

DRAFT #2 OF THE LOWELL CHARTER TOWNSHIP PLANNING COMMISSION BY-LAWS AND RULES OF PROCEDURE:

Only minor changes were made from Draft #1. Mr. Batchelor therefore moved to approve Draft #2 of the By-laws and Rules of Procedure dated January 11, 2010, except that Paragraph 4.6.B.6 shall be removed, and Paragraph 4.6.B.7 shall be renumbered as Paragraph 4.6.B.6. Motion seconded by Mr. Blough. All in favor and Draft #2 of the proposed Ordinance, with the changes noted, was passed unanimously.

**DRAFT #2 OF ORDINANCE TO CONFIRM THE ESTABLISHMENT OF THE
LOWELL CHARTER TOWNSHIP PLANNING COMMISSION UNDER THE
MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008:**

Mr. Blough pointed out duplicate language in Section 102 F., first sentence. It was agreed to remove this typographical error.

There being no other changes or questions, Mr. Clements then moved that the Lowell Charter Township Planning Commission recommend for approval Draft #2 of an Ordinance to Confirm the Establishment of the Lowell Charter Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, to the Lowell Charter Township Board, with the additional change of deleting 'with terms' at the end of the first sentence of Section 102 F. Motion seconded by Mr. Batchelor. All in favor and the proposed Ordinance was recommended for approval.

NEW BUSINESS

2009 ANNUAL PLANNING COMMISSION REPORT:

This Report was prepared by Mr. Simmonds. The other members of the Planning Commission reviewed the report. No changes were offered.

2010 WORK PLAN:

The Plan was prepared by Mr. Simmonds. It was noted that a snow removal ordinance for sidewalks was needed. After further discussions, the order of priority of items listed in the 2010 Work Plan were adjusted as follows:

1. Amend the fence ordinance
2. Develop sidewalk ordinance
3. Noxious weed ordinance
4. Lot frontage requirements in Ag-1 zone
5. Amend mineral mining regulations
6. Develop ordinance for outdoor wood burning furnaces
7. Develop driveway setback distances
8. Amend Prime Ag, Rural Ag and R-1 Chapters of Ordinance to reflect regulation of placement and operation of intensive farming operations such as feed lots and manure storage facilities as now being handled by the State of Michigan Agricultural Commission
9. Amend zoning Ordinance Chapter 4 to provide more stringent standards for construction within the 100 year flood plain
10. Prepare an M-21 Corridor Plan in conjunction with the City of Lowell

Mr. Sanford moved to approve the 2009 Annual Planning Commission Report and the amended 2010 Work Plan. Motion seconded by Mr. Blough. All in favor and the report and plan were approved.

COMMISSIONER COMMENTS:

It was determined that a workshop meeting would not be required this month.

Mr. Blough noted that GAAMPS for Farm Markets had been approved recently.

Mr. Batchelor distributed copies of the Ordinance recently passed by Bowne Township regulating outdoor furnaces.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Blough. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:18 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____