

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
March 8, 2010**

PRESENT: Blough, Simmonds, Clements and Sanford

ABSENT: Batchelor

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 9

**PUBLIC HEARING ON AMENDMENTS REGARDING FENCE REGULATIONS AND
CLEAR VISION AREAS**

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:03 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 draft fence Ordinance and its general provisions as they apply to the various zoning districts.

Mr. Blough noted that the text of the included drawings should state that fenceposts in the Ag-1, Ag-2 and R-1 zoning districts can be outfacing in the case of fences intended to enclose animals, consistent with the text of the regulations. This change will be made to the final Ordinance.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:12 pm.

Kat Heggen - no comment

John Timpson - Asked about impact of fence height limits should he need to install a fence more than four feet high on his property near the gas station on Alden Nash. It was determined that the property could be re-zoned Commercial in the future, but that current zoning was Industrial, so a six foot fence was allowed.

Mike Seiloff for Sandra Miles - Read her letter to the Planning Commission. She would like residents in the R-1 zoning district to receive protection from barb wire or electric fences in that zone, and so opposes the proposed fencing Ordinance.

Mike Seiloff - supports the position advocated by Sandra Miles.

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 February 8, 2010 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 moved to amend the agenda to put consideration of the Green Acres preliminary site plan just before the Ag-1 Lot Frontage Amendments Draft 2 discussion. Motion seconded by Mr. Sanford. All in favor and the Agenda as amended was approved.

DISCUSSION OF AMENDMENTS REGARDING FENCE REGULATIONS AND CLEAR VISION AREAS:

Mr. Simmonds, in addressing the comments about fencing in the R-1 zoning district, felt that if large animals are allowed in the district, then substantial fencing needed to be allowed to keep those animals in.

Mr. Clements asked about application of GAAMPS, and it was indicated that they only apply when a certain number of 'animal units' were involved. He also asked Mr. Seiloff if he had any specific recommendations for making animal fences safer in the R-1 zoning district, and some options for marking these fences were suggested.

Mr. Blough noted that some farms exist in the R-1 zoning district, and may constitute the best use of the land in that zone.

Mr. Clements agreed that the fencing was appropriate where large animals are allowed, and further felt marking options for these fences would not be effective where the concern was with very young children. He did note Section 1 d) (3) required all fences to be constructed and maintained so as not to pose a safety hazard to nearby residents, and felt these concerns might best be addressed at this point on a case by case basis where a hazard could be demonstrated.

Mr. Clements also suggested a change to the definition of 'fence' in Section 1 b) (1), changing the beginning from 'a structure consisting of man made materials' to 'a man made structure'. Other members of the Planning Commission agreed with this change.

There being no further comments or suggestions, Mr. Clements moved that the Lowell Charter Township Planning Commission recommend to the Lowell Charter Township Board the approval of Draft 3 of the Amendments to Establish Fence Regulations and Clear Vision Areas dated March 8, 2010, with the addition of language to the drawings allowing the posts of certain fences in the Ag-1, Ag-2 and R-1 districts to face outward as is consistent with the text of the

proposed Amendments, and with a further change of the definition of 'fence' as discussed. Motion seconded by Mr. Sanford. All in favor and the motion to recommend approval of the Amendments passed unanimously.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment opened at 7:46 pm. No one spoke. Public comment closed at 7:46 pm.

OLD BUSINESS

REVIEW OF ROANOKE RANCH SPECIAL USE PERMIT:

Kat Heggen presented the review on behalf of Roanoke Ranch. She noted not much had changed in the past 12 months, with 2009 attendance increasing over 2008, but with a few less children expected to attend in 2010. An undated Activity Report for 2009 was submitted to the Planning Commission, with photographs.

Mr. Blough asked if things were going well generally or if they had any problems or concerns. Ms. Heggen did indicate the ranch was hoping to get more involved with other Lowell organizations going forward.

Mr. Clements asked if any complaints had been filed with the Township concerning the ranch; none were known to have been filed in 2009.

Mr. Simmonds led a review of the conditions of the Special Use Permit, which were found to be met.

There being no further questions or comments, Mr. Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Roanoke Ranch Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted on May 14, 2007, and that the next annual review will be held in March 2011. Motion seconded by Mr. Sanford. All in favor and the Special Use Permit was found to be in compliance, with another review scheduled for March 2011.

REVIEW OF TIMPSON CONTROLLED STORAGE, MOTOR FREIGHT AND SAND MINE SPECIAL USE PERMITS:

Colleen Timpson presented the reviews on these three special use permits in turn, starting with the Motor Freight Special Use Permit. An undated written report for 2009 activity was presented, noting a reduction in traffic in 2009.

Jeanna Schwachs objected to the volume of truck traffic past her home on 16 acres of land on Segwun. After some discussion, it was determined this was related to the sand mine and controlled storage operations rather than Motor Freight operations at Cascade Road and M-50, so further discussion was temporarily deferred.

Mr. Simmonds led a review of the conditions of the Motor Freight Special Use Permit, which were found to be met.

There being no further questions or comments, Mr. Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Timpson Motor Freight Warehousing Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted February 2008, and that the next annual review will be held in March 2011. Motion seconded by Mr. Blough. All in favor and the Special Use Permit was found to be in compliance, with another review scheduled for March 2011.

Ms. Timpson then presented an undated written report for 2009 activity in connection with the Controlled Storage Special Use Permit, noting full use of the apple storage facilities in 2009 due to a very large crop.

Further discussion occurred concerning traffic and noise issues, including a renewal of the possibility of an alternative route for trucks from the storage and mining locations to Alden Nash.

Mr. Simmonds led a review of the conditions of the Controlled Atmosphere Storage Special Use Permit, which were found to be met, noting however a complaint concerning storage of crushed concrete and similar products stored on the premises filed in November 2009 had been resolved. It was noted that traffic levels were not a condition of the Special Use Permit, and that the transport of agricultural products was not under the control of the Township due to the Right to Farm Act.

There being no further questions or comments, Mr. Sanford moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Timpson Controlled Atmosphere Storage Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted February 2008, and that the next annual review will be held in March 2011. Motion seconded by Mr. Blough. All in favor and the Special Use Permit was found to be in compliance, with another review scheduled for March 2011.

Ms. Timpson then presented an undated written report for 2009 activity in connection with the Sand Mining Special Use Permit, noting that more sand had been removed than originally predicted, and that this would continue in 2010 due to the Lowell Bridge project. A map of the sand mine and storage building was included in the report, as was Proof of Insurance issued in April 2009 which was still in effect as of March 2010.

Mr. Simmonds led a review of the conditions of the Sand Mining Use Permit, which were found to be met.

There being no further questions or comments, Mr. Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Timpson Sand Mining Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted April 2004, and that the next annual review will be held in March 2011. Motion seconded by Mr. Sanford. All in favor and the Special Use Permit was found to be in compliance, with another review scheduled for March 2011.

NEW BUSINESS

GREEN ACRES RETIREMENT LIVING SITE PLAN AND SPECIAL LAND USE PRELIMINARY REVIEW:

Presentation of the proposed retirement living preliminary site plan was made by Dennis Johnston, with Doug Maas also present. Discussion followed Tim Johnson's Memorandum of March 3, 2010.

With respect to Paragraph 2 of the Memorandum, the error with scaling of the Site Plan would be corrected.

With respect to Paragraph 3 of the Memorandum, the revised plan would be available in the next two weeks, and it was further stated that there was in fact sufficient land for proper setbacks.

With respect to Paragraph 5 of the Memorandum, discussing access to the premises, the location of the M-21 access is set by the Kent County Road Commission, and the Township Planning Commission can waive the usual distance required between drives in this case. A deceleration lane is planned; a bypass lane may be required also.

Further, access via a connection with the bowling alley to the East of the property does not appear desirable at this time, although an easement or letter of agreement reserving a future connector between these two parcels should be required.

Finally, the driveway radius requirement will be determined after consultation with the Kent County Road Commission.

With respect to Paragraph 6 of the Memorandum, it was determined by the Planning Commission that the usual maximum number of parking spaces could be exceeded in this case, as higher than normal requirements at the holidays is expected and there is no safe roadside overflow parking on M-21. Further, more than the normal handicap parking spaces is consistent with the proposed use of the land as a retirement living facility.

With respect to Paragraph 7 of the Memorandum, it was stated that the retaining walls would be about seven feet tall at the rear, tapering to one foot at the sides of the building, with railings where the drop was more than 30 inches. A decorative landscape wall in the northwest corner was expected to be two to three feet tall.

With respect to Paragraph 8 of the Memorandum, there was an extensive discussion of necessary and desirable landscaping. It was stated that nice landscaping in the front was important to the operation of the business. There is existing vegetation on the west side of the property, and some is within wetlands which are regulated by the State. Mr. Blough expressed the opinion that some cleaning up of the existing vegetation would be sufficient. Wetlands on the East side of the property may also require preservation of existing vegetation. The Applicant with solicit options from the DNRE in the next two weeks.

With respect to Paragraph 9 of the Memorandum, the Applicant will need to change the side lights on the building to provide proper shielding in accordance with the requirements of the Township Lighting Ordinance.

With respect to Paragraph 10 of the Memorandum, the property can be divided as shown, and this can be handled after Site Plan approval.

With respect to Paragraph 11 of the Memorandum, Applicant is agreeable to being included in a sidewalk district in the future, should it be determined that a sidewalk needs to be installed along this section of M-21.

With respect to Paragraph 12 of the Memorandum, the existing creek and 42-inch storm drain under M-21 for the creek, as well as utility easements, will be added to the Site Plan. The seal will only be required on the final Site Plan.

Mr. Blough asked about a target start date for the project, and was advised the hope was to start construction this Spring with a Fall opening of the facility.

Tim Johnson inquired into the planning for Phase 2, an attached Specialized Care Facility. Both phases will be included in the Site Plan and will be presented for approval at the same time.

Mr. Sanford asked about a February 25, 2010 requirement to make a change to the grading, and was told that had already been completed.

There being no further questions or comments, Mr. Sanford moved to set a public hearing on the proposed Green Acres Retirement Living Site Plan and Special Land Use for April 12, 2010. Motion seconded by Mr. Blough. All in favor and the public hearing will be set for April 12, 2010.

CONTINUATION OF OLD BUSINESS

AG-1 LOT FRONTAGE AMENDMENTS:

The Planning Commission took up a review of Draft 1 of an Amendment to Allow the Creation of Lots in the Ag-1 Zone Which Do Not Have Street Frontage dated March 8, 2010.

Mr. Simmonds suggested that Section 1 (d) (4), second sentence be changed, to state that the Planning Commission 'may' deny a request that fails to meet all requirements, rather than 'shall' deny such a request. Other members of the Planning Commission agreed with this change.

He also noted that Section 1 (d) (3) (iii) a) required a comma after the phrase 'fertilizer application'.

After discussion, it was decided that the last sentence of Section 1 (d) (2) (ii) should be dropped, as the concept of 'lot frontage' did not apply to a parcel without street frontage.

The reference in Section 1 (d) (3), first sentence, to Subsection (d) (ii) should be corrected to Subsection (d) (2) (ii).

There being no further questions or changes, Mr. Clements moved to set a public hearing on the proposed Amendment to Allow the Creation of Lots in the Ag-1 Zone Which Do not Have Street Frontage, with the noted changes, for May 10, 2010. Motion seconded by Mr. Sanford. All in favor and the public hearing will be set for May 10, 2010.

COMMISSIONER COMMENTS:

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

ADJOURNMENT:

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

Submitted _____ Secretary
Timothy Clements

Approved _____