

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**March 9, 2009**

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

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE:** 7

**REGULAR MEETING**

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

**APPROVAL OF AGENDA:**

Mr. Simmonds indicated Roanoke Ranch could not attend this month for a review of their special use permit, but would appear at the April regular meeting. Mr. Sanford moved to approve the agenda as amended. Seconded by Mr. Batchelor. All in favor and the Agenda as amended was approved.

**APPROVAL OF MINUTES:**

The Minutes of the Public Hearing and Regular Meeting of February 9, 2009 were presented for approval. Mr. Batchelor moved to approve the Minutes as presented. Seconded by Mr. Sanford. All in favor and the Minutes were approved.

The Minutes of the Special Meeting of February 23, 2009 were presented for approval. Mr. Blough moved to approve the Minutes as presented. Seconded by Mr. Batchelor. All in favor and the Minutes were approved.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Public comment began at 7:04 pm. No one spoke. Public comment closed at 7:05 pm.

**OLD BUSINESS**

**HUNAN GARDENS SITE PLAN:**

Tim Johnson reviewed his Staff Report on the revised site plan dated March 5, 2009, which details twelve items for review. Mr. Simmonds noted that item 8 concerning agreement to be included in a future sidewalk assessment district had been addressed by a letter on Animal Hospital letterhead signed by the landowner Bruce Langlois dated March 9, 2009, presented by the Applicant.

Mr. David VanVeldhuizen, on behalf of Hunan Gardens, identified parking as the main remaining item to be addressed. The number of seats planned for the facility is now 50-60 rather than the 88 originally projected. Mr. Sanford noted that handicap parking spaces would be larger than standard parking spaces, affecting the number of spaces drawn on the revised Site Plan.

Tim Johnson indicated that the language currently on the Site Plan addressing future access to neighboring properties would need to be more specific. Mr. Sanford added that these access roads

would need to be in front of the building at some future date, and Tim Johnson noted they would need to be 20 to 24 feet in width.

Mr. Simmonds then led a review of the twelve outstanding requirements set out in the Staff Report.

Requirement 1 - The revision date shown on the Site Plan should indicate a day as well as a month and year.

Requirement 2 - It was determined the drawing needed to be done to scale, with the front property line determined accurately from Township maps before parking spaces could be properly reviewed. There is a conflict in distances shown on the Site Plan in front of the building which needs to be corrected. After discussion, it was agreed that the row of parking spaces closest to the street could be placed along the edge of the existing asphalt.

Requirement 3 - It was determined that the Ordinance requires the dumpster to be screened from view from public thoroughfares. The location should therefore either be screened by the building or the dumpster should have a screening gate added to the fourth side.

Requirement 4 - Parking spaces are to be 10 feet by 18 feet (larger for required handicap parking). These should be drawn to scale on the Site Plan.

Requirement 5 - As the number of parking spaces is to be the larger of the number determined from the building size or from the seating capacity, a total of 32 parking spaces will be required. Applicant will need to place some parking behind the building to meet the 32 parking space requirement.

Requirement 6 - After reviewing the wall light details, it was determined that the WP2 Cutoff unit, with the necessary visor, would be required to meet the Ordinance. Two such lights are planned for the front of the building, two on the back of the building, and one on the West side of the building. Existing lights on poles need to be tipped down to minimize up-lighting, which is deemed to be inconsequential if the bulbs are of reasonable size and recessed up into the light fixtures. Lighting recessed up into a planned canopy would also be acceptable. This level of lighting will not exceed the total light levels allowed in the Ordinance; if this plan is followed, a formal lighting plan will not be required.

Requirement 7 - Landscaping should be shown in an enlarged sketch on the Site Plan. In ground plantings of three evergreens and three deciduous trees with some ornamental grasses would be acceptable, in the strip of land across the front of the property defined by the current sign.

Requirement 8 - Met by previously identified letter from the landowner.

Requirement 9 - Specific language agreeing to access to adjoining properties in the future was proposed in the Staff Report, and was accepted by Applicant. This language will be added to the Site Plan.

Requirement 10 - Parking spaces are to be painted on the paved surface prior to occupancy.

Requirement 11 - Applicant and landowner have agreed to connect to city water. The location of the connecting line to the building and the size of that line are to be shown on the Site Plan.

Requirement 12 - Informational. A separate sign permit will be required prior to installing a new sign on the premises.

On the request of the Applicant, Mr. Batchelor moved to approve the Site Plan received by the Township on March 5, 2009 for Hunan Gardens at 11630 Fulton Street with the condition that the final version of the plan be reviewed by Township Planner Tim Johnson and found to be consistent with the requirements set forth in the March 9, 2009 Minutes of the Lowell Charter Township Planning Commission. Motion seconded by Mr. Sanford. All in favor and the Site Plan is approved with condition.

### **NEW BUSINESS**

The Planning Commission elected to move to the administrative task of setting a public hearing date for the request of McTee & Company LLC for a change in non-conforming uses. Mr. Sanford moved to set the public hearing date for the Regular Meeting of the Lowell Charter Township Planning Commission on April 13, 2009. Motion seconded by Mr. Clements. All in favor and the public hearing date is set.

### **RESUMPTION OF OLD BUSINESS**

#### **DISCUSSION OF AMENDMENTS FOR CHILD DAYCARE ETC:**

Discussion focused on Tim Johnson's Draft #1 dated February 9, 2009. Tim Johnson supplemented that draft with a copy of an excerpt from Act 110 of 2006 of the Michigan Zoning Enabling Act and information that Group Child Care facilities (7-12 children) must be allowed in any district with single family homes, by special use permit. This would include the Ag-1 District, formerly excluded from the Draft ordinance.

Mr. Simmonds presented a chart of the different care facility options and how many might be allowed in each district.

Mr. Sanford received clarification that Day Care facilities of six or fewer children (and possibly adults) must be allowed by right in districts, subject to State licensing. Day Care Facilities of 7 to 12 would be discretionary with the Planning Commission, as are Large and Small Adult Foster Care facilities.

Mr. Clements was advised that Section 4, paragraph e regarding hours of operation would allow the Planning Commission to require children be kept indoors in the later evening hours.

Mr. Blough asked where Adult Foster Care Congregate Facilities might be located, and was advised they might best fit in the R3 or Commercial Districts, consistent with the Hope Network facility in the area. It was also suggested a Child Care Center similar to Learning Tree might be provided for in the Commercial District.

Mr. Clements suggested allowing larger facilities based on minimum acreage requirements rather than specifically by district.

There being no further comments or questions, Mr. Batchelor moved that the Draft 2 of Amendments for Day Care, Foster Care and Similar Uses be set for public hearing at the Regular Meeting of the Lowell Charter Township Planning Commission on May 11, 2009. Motion seconded by Mr. Sanford. All in favor and the hearing date was set. Tim Johnson will incorporate the items discussed into the Draft 2 prior to the hearing.

The meeting was briefly recessed at 8:51 pm, and business continued at 8:57 pm.

#### **DISCUSSION OF RV AMENDMENTS:**

Mr. Simmonds reported on his discussions with Enforcement Officer Marc Larabel concerning the non-enforcement of the current Ordinance, which grew out of the numerous violations in existence and a desire to have the Planning Commission review the current Ordinance, with concurrence of the prior Township Supervisor. Most of the problems are in the Eastgate subdivision, and some of those residents have complied with the current Ordinance following discussions with the Enforcement Office, but most have not.

After discussion, it was determined that an education effort should be undertaken with respect to the requirements of the Ordinance, with the goal of resuming enforcement this Fall. Mr. Sanford then moved that the Lowell Charter Township Planning Commission, having reviewed the matter and being comfortable with the current Ordinance provisions, not make any changes to the existing Ordinance at this time. Motion seconded by Mr. Batchelor. All in favor and the Ordinance remains unchanged.

#### **RESUMPTION OF NEW BUSINESS**

#### **DISCUSSION OF AG-1 ZONE REQUIREMENTS:**

This is a proposed Ordinance change consistent with the recently adopted Master Plan. A review of Appendix C, Ag-1 Zone, Lot Split Formulas & Analysis dated December 10, 2007 was reviewed, and the Planning Commission continued to favor Formula 4, which was recommended by the Master Plan. A second document entitled Other Ideas for Ag-1 Amendments dated March 11, 2009 was also reviewed. Tim Johnson will take the feedback from this discussion to use in creating proposed Ordinance language for further review by the Planning Commission.

#### **COMMISSIONER COMMENTS:**

Mr. Simmonds determined, after discussion with other members of the Planning Commission, that a workshop meeting would not be required this month.

Mr. Batchelor led a short discussion on how best to handle changes in the normal agenda order. It was determined that this could best be done on a case by case basis.

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Mr. Blough shared the appreciation of the Township Board for the attendance of Planning Commission members at the most recent Township Board meeting while the Township Board considered two Ordinances recommended for approval by the Planning Commission.

**ADJOURNMENT:**

Mr. Clements moved to adjourn. Seconded by Mr. Sanford. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:36 p.m.

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

Approved \_\_\_\_\_