

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
May 10, 2010**

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

**ABSENT:** Blough

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE:** 4

**PUBLIC HEARING ON AMENDMENT TO THE ZONING ORDINANCE TO ALLOW  
LOTS IN THE AG-1 ZONE TO BE CREATED WITHOUT PUBLIC STREET  
FRONTAGE**

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 gave an overview of Draft #3 dated May 10, 2010 for the benefit of those present. Mr. Clements asked how many lots might be affected by this Ordinance, and was advised about 80 lots could have building permits issued.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:08 pm.

Henry VanderZiel - thought this Ordinance was a good idea.

Randy Smith - agreed this was a good thing, and asked if it applied in the Ag-2 district as well. He was advised it was limited to the Ag-1 district only.

There being no further input, the public comment and the public hearing were closed at 7:09 pm.

**REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:10 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Public Hearing and Regular Meeting of April 12, 2010 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.

**APPROVAL OF AGENDA:**

No changes were made to the Agenda.

**DISCUSSION OF AMENDMENT TO THE ZONING ORDINANCE TO ALLOW LOTS IN THE AG-1 ZONE TO BE CREATED WITHOUT PUBLIC STREET FRONTAGE:**

Mr. Simmonds noted that the Planning Commission would still be involved in final approval of lots without road frontage under the terms of this Ordinance. Mr. Batchelor noted that no public hearing would be required in considering such a request, and after discussion it was observed that the impact on the public from the issuing of a building permit in the Ag-1 district would be minimal.

There being no further questions or comments, Mr. Sanford moved that the Lowell Charter Township Planning Commission recommend for approval to the Lowell Charter Township Board Draft #3 of an amendment to allow the creation of lots in the Ag-1 zone which do not have street frontage dated May 10, 2010. Motion seconded by Mr. Batchelor. All in favor and the proposed Ordinance to amend the zoning Ordinance of the Charter Township of Lowell to allow lots without road frontage in the Ag-1 district was approved.

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

Public comment opened at 7:19 pm. No one spoke. Public comment closed at 7:20 pm.

**OLD BUSINESS**

**RECONSIDERATION OF FENCE ORDINANCE RETURNED BY TOWNSHIP BOARD:**

Mr. Blough joined the other members of the Lowell Charter Township Planning Commission.

Mr. Simmonds outlined the concerns expressed by members of the Township Board, particularly with respect to distinguishing true walls from retaining walls, and measuring the height of fences over low areas such as drainage ditches. Tim Johnson summarized the proposed changes in Draft #5 of the Ordinance to establish fence regulations and clear vision areas. Specifically, the definition of fence has been changed to include freestanding walls. Additionally, language has been added to address how a fence is to be measured for height when it passes over a low area, with an added drawing to illustrate that measurement process.

Mr. Sanford expressed concern about fences extending into low areas and affecting the flow of water in those areas. After discussion, it was agreed to have Tim Johnson add language to Section 1 c) 7 iii) indicating that fences shall be constructed and maintained so as not to impede the flow of water.

Mr. Simmonds confirmed that the provided drawing would be part of the proposed Ordinance.

There being no further questions or comments, Mr. Clements moved that the Lowell Charter Township Planning Commission recommend approval of Draft #5 of the amendment to establish fence regulations and clear vision areas to the Lowell Charter Township Board, with the addition of a provision that fences shall not impede the flow of water. Motion seconded by Mr. Batchelor. All in favor and Draft #5 is recommended for approval to the Lowell Charter Township Board.

**SIDEWALK ORDINANCE:**

Tim Johnson reviewed the changes made in Draft #2 of the sidewalk maintenance ordinance dated May 10, 2010.

Mr. Simmonds asked about the impact of the ordinance on sidewalks along private streets, and was advised by Tim Johnson that those would not be public walks.

Mr. Blough asked if the walk up to a store would also be private, and was advised that it would be.

Mr. Clements inquired into the impact of Section 4.A.6 on multi-use blacktopped walkways generally. After discussion, it was agreed these differed from sidewalks, and no change was made to this language.

There being no further questions or comments, Mr. Simmonds moved that the Lowell Charter Township Planning Commission approve Draft #2 of the proposed Township Sidewalk Maintenance Ordinance dated May 10, 2010 and forward it to the Township Board for further action. Motion seconded by Mr. Batchelor. All in favor and the draft language will be sent on to the Township Board.

**GREEN ACRES FINDING OF FACT:**

After review of the draft Finding of Fact, Mr. Batchelor moved that the Lowell Charter Township Planning Commission approve the Final Decision and Rationale of the Planning Commission on the Green Acres Retirement Living facilities. Motion seconded by Mr. Blough. All in favor and the Finding of Fact and Rationale were approved.

Tim Johnson will send a copy of the approved Finding of Fact to the Applicant.

**NEW BUSINESS**

**UNOFFICIAL PRESENTATION OF DEVELOPMENT CONCEPT FOR GROOTERS PROPERTY BY THEO MOL, ZERMATT ENTERPRISES:**

Mr. Mol did not appear before the Planning Commission. It was agreed to wait and see if they pursue this concept at a later time. It was noted that several issues would need to be addressed in connection with the proposed uses, including the bridge crossing the freeway near this location and the need to get farm equipment and trucks across that bridge at the same time, raised by Mr. Blough.

**REVIEW OF SAMPLE OUTDOOR FURNACE ORDINANCE:**

Tim Johnson presented a copy of the Sparta Township outdoor furnace amendment as a starting point for discussion of a similar ordinance in Lowell Township. It was noted that a mechanical or electrical permit for such a furnace would be required, rather than a building permit as indicated in the sample ordinance. This sample will be reviewed and discussed at the next Planning Commission meeting.

**PRIVATE ROAD APPROVAL REQUEST:**

Tim Johnson advised the members of the Planning Commission that a request for a private road had been received by the Township that day from Judy Pitsch for property on Bewell Avenue. Mr. Blough moved that the matter be set for public hearing on June 14, 2010 at 7:00 pm. Motion seconded by Mr. Sanford. All in favor and the public hearing will be scheduled for June 14th.

**COMMISSIONER COMMENTS:**

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

Mr. Simmonds reminded members of the Planning Commission that Lowell Township would be hosting the Joint Planning Commission meeting with the City of Lowell and Vergennes Township on May 18th, 2010 at 7:00 pm at the Lowell Township Hall, and that they should bring any topics for discussion to that meeting.

**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 8:19 p.m.

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

Approved \_\_\_\_\_