

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
May 12, 2008**

**PRESENT:** Blough, Batchelor, Simmonds, Clements and Sanford  
**TOWNSHIP PLANNER:** Tim Johnson  
**CITIZENS IN ATTENDANCE:** 6

**PUBLIC HEARING ON SPECIAL LAND USE AMENDMENT**

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:00 p.m. Secretary Clements read the Notice of Hearing into the record. Mr. Simmonds outlined the public hearing process for those present.

Tim Johnson summarized the proposed amendment, explaining that it was intended to bring the current ordinance language up to date with State law, with minor and major amendments to land uses, the operation of the permit system and cessation of a special land use, and to provide for revocation of a special land use.

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

Mike Seiloff presented a written set of questions to the Planning Commission inquiring into the meaning of 'substantial adverse effect', the granting of minor changes by the Zoning Administrator, possible recording of special land use permits with Kent County Register of Deeds, and the time frame for voicing a special use permit.

Sandra Miles also inquired into the term 'substantial adverse effect', the specific reference to the lighting section of the Ordinance, Planning Commission and landowner involvement in changes to the special use permit, the recording of permits, and the determination of cessation of a special land use.

There being no further questions or comments, public comment closed at 7:15 pm.

The public hearing closed at 7:16 pm.

**REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:16 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Public Hearing and Regular Meeting of April 14, 2008 were presented for approval, with the secretary noting a minor date correction incorporated into the final Minutes presented for approval. Mr. Sanford moved to approve the Minutes as presented. Seconded by Mr. Batchelor. All in favor and the Minutes were approved.

**APPROVAL OF AGENDA:**

Mr. Blough moved that the Agenda be approved as presented. Motion seconded by Mr. Sanford. All in favor and the Agenda was approved.

**DISCUSSION OF SPECIAL LAND USE AMENDMENT:**

Mr. Simmonds suggested discussion of the proposed special land use amendment be set aside until the next meeting to allow the Township Planner to do more work on the Ordinance based on feedback from the public hearing and for further Planning Commission review.

Tim Johnson addressed some of the questions presented, indicating that 'substantial adverse effect' was to be determined by the Planning Commission after hearing testimony at public hearing. Both the recording of a special use permit and cessation after three years would need further discussion.

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

Public comment began at 7:25 pm. One person spoke. Public comment closed at 7:28 pm.

**OLD BUSINESS**

**WIND GENERATOR ORDINANCE (Proposed Section 5.7):**

The draft wind generator ordinance was taken up for discussion.

Mr. Simmonds expressed concern about height restrictions, particularly in residential areas. Mr. Batchelor felt these units would be limited to areas with good wind available.

Tim Johnson suggested a use by right for systems up to 65 feet tall with necessary setbacks, with a Special Use Permit required for taller structures. Mr. Sanford liked this approach, but also expressed concern about previously installed units which were often home-made.

With respect to a maximum available height, it was felt this would be controlled by lot sizes and FAA regulations, as part of the Township is in an airport glide path.

With respect to limiting their use in specified land districts, it was felt units up to 65 feet in height could be allowed anywhere subject to setback and other requirements, and that above 65 feet would be addressed by Special Land Use Permit, but would exclude the R2 and R3 residential districts.

On the question of abandonment of wind generators, it was agreed that they could remain in place as long as they were kept in good repair.

With respect to the number of units allowed on a parcel, it was determined that grouping them together would be acceptable, noting that safety and noise restrictions, and the need to keep a distance between generators for efficient use, would control density. Should several parcels wish to join together for a wind generator project, a Special Land Use Permit would be required.

Addressing specific sections of the draft Ordinance, it was decided that:

C.a.1 could be removed, since the required height of a wind generator and the necessary setbacks would establish the minimum lot size.

C.a.2 should allow a height up to 65 feet by right.

C.a.3.a should require a setback of 1.5 times the vertical height of the wind generator system.

G.a.1 will not set a maximum height limit.

G.b.2 will also set a setback of 1.5 times the vertical height of the wind generator system.

G.c.2 will provide for a minimum blade clearance of 8 feet.

G.c.3 will provide that the lowest position of the rotor blade shall be 30 feet above the ground.

I.d will provide for guy wires to be visible to a height of 10 feet.

J.a will set a sign requirement for all installations.

M, addressing sound levels, will need to consider changes in sound level as the unit turns to follow wind direction.

N, addressing flicker, will need further research as to units at or below the 65 foot height.

Tim Johnson will prepare a revised draft Ordinance for further consideration, as well as Ordinance language for wind monitoring towers and equipment used prior to installation of a wind generator, which will most likely follow the cell tower Ordinance. The Planning Commission expressed interest in an independent expert in the field to help address some of the questions raised in reviewing the proposed Ordinance.

## **NEW BUSINESS**

### **WHISPERING HILLS PRELIMINARY PLATS 5 & 6:**

Mike Berg presented for Dykema Excavators. It is their desire to get both remaining plats approved at one time. It is still necessary to show water and sewer, underground utilities and light spacing on the preliminary plat. Enclosed drains are planned. Use of the detention pond in Phase III and additional drainage South near Meijers is planned. Building and Use Restrictions and sidewalk construction will be the same as prior phases.

With respect to street frontage requirements, it was noted that two lots (155, 156) are on 90 degree street bends and have only 50 feet of frontage at the street, 80 feet at the setback line. Three lots (176, 143, 144) are narrow at the back lot lines, but have steep slopes at the back line; the North 125 could be made 'no disturb' zones.

There will be temporary cul-de-sac easements on lots 147, 148 until the road is extended at a future date. An actual cul-de-sac will be built, with all but seven feet within the 66 foot road easement.

Mr. Sanford asked about gravel currently stored by the cul-de-sac and was advised that it would be used up during road construction.

Mr. Simmonds noted that the Planning Commission could not grant a variance on road frontage for lots 155 and 156, and that these lots would need to be reconfigured.

There being no further questions or discussion, Mr. Sanford moved that the Whispering Hills Preliminary Plats 5 and 6 be set for public hearing on June 9, 2008. Motion seconded by Mr. Blough. All in favor and the public hearing is to be scheduled for June 9.

#### **DISCUSSION OF PORTABLE SIGNS:**

The List of Possible Regulations for Portable Signs originally prepared by Tim Johnson July 10, 2006 has been updated as of May 7, 2008. Mr. Sanford indicated his belief that something to regulate portable signs needed to be done, but that he would like to get his notes together first for discussion at the next meeting.

#### **MISCELLANEOUS ZONING ORDINANCE AMENDMENTS:**

Tim Johnson summarized his May 12, 2008 Draft #1 of Amendments to Update the Zoning Ordinance, updating terms which are no longer valid. Motion to set the Amendments for public hearing on July 14, 2008 was made by Mr. Clements. Motion seconded by Mr. Batchelor. All in favor and the Amendments will be set for public hearing on July 14, 2008.

#### **GROUP DAY CARE AMENDMENT:**

Tim Johnson summarized his Draft #1 dated May 12, 2008 for Day Care, Foster Care and Similar Uses.

Mr. Simmonds questioned Section 4.h which limits the determination that an operation is a 'nuisance' to the three factual situations listed. Mr. Sanford questioned the number of children to be allowed in a given home, and requested more time to consider the proposed Amendment. Tim Johnson noted that the State allows six children or six adults in a regulated home. Mr. Clements asked if the maximum number of children allowed included children of the caregiver, and was told that it did not.

It was determined that a request for an increase in group daycare from 6 children to 12 could not be set for public hearing until the Ordinance was amended, and that further time would be required to review such amendment. The matter will be set for further consideration by the Planning Commission in July 2008. Mr. Simmonds will write the Applicant requesting the increase in children permitted and so advise them.

**COMMISSIONER COMMENTS:**

Mr. Sanford noted that the housing development project on Cumberland Drive, formerly used for sand mining, is now owned by a bank, that topsoil is piled in the back and rough land has been left behind. He suggested future projects might require a bond for spreading the topsoil back if the project fails.

Mr. Blough noted that the joint meeting with the City of Lowell and Vergennes Township had gone well.

It was determined that the next Planning Commission meeting would be the regular meeting on June 9th.

**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 9:23 p.m.

Submitted \_\_\_\_\_ Secretary

Timothy Clements

Approved \_\_\_\_\_