

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
May 9, 2011**

PRESENT: Batchelor, Simmonds, Clements and Edwards

JOINING LATE: Blough

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 6

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

APPROVAL OF MINUTES:

The Minutes of the Public Hearing and Regular Meeting of April 11, 2011 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Seconded by Mr. Batchelor. All in favor and the Minutes were approved.

APPROVAL OF AGENDA:

There were no changes to the agenda.

PUBLIC COMMENTS AND COMMUNICATIONS FOR ITEMS NOT ON THE AGENDA:

Public comment opened at 7:02 pm. Three people spoke. Public comment closed at 7:29 pm.

PRESENTATION BY RED FROG TECHNOLOGIES:

No one appeared to speak on behalf of Red Frog Technologies regarding Wireless Internet Service Provider (WISP) services.

OLD BUSINESS

ANNUAL REVIEW OF GREEN ACRES SPECIAL USE PERMIT:

Doug Maas presented a one-page summary of progress on the Green Acres Lowell Assisted Living Facility. It is hoped that construction of the 20 units will be completed in mid-June, with licensing from the State of Michigan to follow after the occupancy permit is received.

Mr. Batchelor asked the Chairperson if all conditions of the special use permit had been met. Mr. Simmonds reviewed those conditions with members of the Planning Commission.

There being no further questions or comments, Mr. Simmonds moved that the Lowell Charter Township Planning Commission finds that the Green Acres developer has met the conditions of

the Special Use Permit as reviewed at the May 9, 2011 annual review, and that the Planning Commission has determined that no further annual reviews for the facility will be necessary. Motion seconded by Mr. Batchelor. All in favor and the motion is approved.

ANNUAL REVIEW OF OVERBECK U-HAUL SPECIAL USE PERMIT:

Members of the Planning Commission reviewed the letter of April 8, 2011 from William Overbeck Jr. concerning the prior year's operations and planned 2011 operations of the U-Haul rental business on Fulton Street.

Mr. Simmonds reviewed the history of the Special Use Permits granted to sections of this property, two of which appear to have expired at this time due to non-use and non-extension by the landowner. It was noted that U-Haul operations were proceeding as required under the Special Use Permit and that no complaints had been received in the prior year.

After discussion, Mr. Clements moved that the Lowell Charter Township Planning Commission finds that William Overbeck Jr. has met the conditions of the Special Use Permit as reviewed at the May 9, 2011 annual review, and that the Planning Commission has determined that no further annual reviews for the operation will be necessary. Motion seconded by Mr. Edwards. All in favor and the motion is approved.

REVIEW OF THE DRAFT MINERAL MINING ORDINANCE:

Tim Johnson led a review of Draft #2 of the Lowell Charter Township Mineral Mining Ordinance dated May 9, 2011.

Members of the Planning Commission discussed at length the question of when a mining permit should be required.

At 8:21 pm Mr. Blough joined the other members of the Planning Commission.

In general, it was decided that removal of 5000 or fewer cubic yards of material from the subject property in any zoning district would not require a permit (removal of over 5000 cubic yards would be allowed in all zoning districts except R2, R3 and all PUD districts). Removal of over 5000 cubic yards up to 10,000 cubic yards could be approved by the Zoning Administrator, if such removal was to be completed in one year or less. Removal of over 10,000 cubic yards of material, or over 5000 cubic yards of material in more than one year's time, would require a Special Use Permit from the Planning Commission. Additionally, any determination which could be made by the Zoning Administrator may, at the Administrator's discretion, instead be referred to the Planning Commission for determination.

It will be necessary to develop standards to be met before the Zoning Administrator could approve mining operations.

Section c) 4) - Removal above 10,000 cubic yards of material would require a Special Use Permit from the Planning Commission.

Section d) 1) - The Zoning Administrator can only approve where removal of material is between 5000 cubic yard and 10,000 cubic yards, completed in 12 months or less.

Section d) 3) - should reference Section 22.02(e)(1)

Section d) 4) iii) - drop 'of the property lines'.

Section e) Introduction - Planning Commission must approve mining involving material removal over 10,000 cubic yards, or if mining will be in operation for more than one year, or referred to it by the Zoning Administrator.

Section e) 4), second paragraph - clarify that the first annual review is one year after initial approval, and each year thereafter during the term of the Special Use Permit.

Section e) 5), first paragraph - be more specific about 'other items'.

Section e) 6) - change various references from 'Township Board' to 'Planning Commission'.

Additional language is needed to clarify that existing operations will be allowed to continue under the previous conditions of their Special Use Permits after this Ordinance goes into effect.

A copy of the next Draft of this proposed Ordinance will be provided to the Township Board for their information and comment.

REVIEW SAMPLE ORDINANCE REGARDING MEDICAL MARIJUANA:

Tim Johnson led a first review of Draft #1 of Amendments to Regulate Medical Marijuana in the Township of Lowell dated May 9, 2011.

The Planning Commission discussed the proposed Amendments generally, and in particular Section 3, where some members questioned the need for Sections 4.39 b) and c) and d).

Further review and discussion on the proposed Amendments will be taken up again at a future Planning Commission meeting.

NEW BUSINESS

PUBLIC HEARING FOR FITZGERALD VET CLINIC:

The subject matter of the proposed hearing is a small portion of property previously approved for the business known as Roarkes Landscaping, in the AG-2 Zoning District of Lowell Township,

with the larger balance of the property being in Ada Township. This will be a request to change the zoning from a legal, non-confirming landscaping business to a legal, non-confirming veterinary clinic business, as allowed under the Lowell Charter Township Zoning Ordinance.

Mr. Edwards moved to set a public hearing date for the Fitzgerald request for June 13, 2011. Motion seconded by Mr. Blough. All in favor and the public hearing will be set for June 13, 2011.

COMMISSIONER COMMENTS:

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

Mr. Batchelor asked about the non-appearance of Red Frog Technologies at the meeting.

Mr. Clements asked when the Joint Townships Planning Commission meeting date would be set, and was advised it would be set later in the week.

ADJOURNMENT:

Mr. Clements moved to adjourn. Seconded by Mr. Edwards. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:35 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____