

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
April 10, 2006**

PRESENT: Batchelor, Den Houter, Clements, Sanford, Simmonds

ABSENT: None

PLANNER: Tim Johnson – MainStreet Planning

CITIZENS IN ATTENDANCE: 18

PUBLIC HEARING

The public hearing to amend the Lowell Township Zoning Ordinance governing landscaping was called to order by Chairman Simmonds at 7:00 p.m.

The Notice of Public Hearing was read by the Planning Commission Secretary.

The proposed Draft #2 of the April 10, 2006 Landscaping Ordinance was presented by Township Planner Johnson.

The Planning Commission had no questions or comments at this time.

The hearing was opened to public input at 7:06 p.m. which included the following:

Jeff Miles had no comments.

Sandra Miles asked about current Section 4.3.2.C, entitled Fences (Platted Areas) of the Ordinance. Simmonds indicated that this section would be renumbered as Section 4.11 Fences (Platted Areas). Johnson added that the Planning Commission had determined that this section did not belong in the landscaping section of the ordinance, and that it would be addressed separately at a future date.

This concluded public input.

The Public Hearing was closed at 7:12 p.m.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairman Simmonds at 7:12 p.m.

AGENDA:

Batchelor moved to approve the Agenda as presented. Seconded by Sanford. All in favor and the Agenda was approved.

APPROVAL OF MINUTES:

The Minutes of the Public Hearing and Regular Meeting of March 13, 2006 were presented for approval. Batchelor moved that the minutes be approved as presented. Seconded by Sanford. All in favor and the Minutes were approved.

AMENDMENT OF LANDSCAPING ORDINANCE:

The Planning Commission discussed the proposed Draft #2 of April 10, 2006 amending the landscaping provisions of the Ordinance.

No members of the Planning Commission offered any comments or changes.

Batchelor moved to recommend to the Township Board of Trustees Draft # 2 dated April 10, 2006 to the landscaping provisions of the Ordinance as presented at the Public Hearing of April 10, 2006. Seconded by Clements. All in favor and the proposed landscaping ordinance was recommended to the Township Board of Trustees for approval and enactment.

REQUEST FROM VZ HOLDINGS:

Steve Vander Ziel presented the request of VZ Holdings, a partnership of himself and Henry Vander Ziel, to allow two additional non-farm dwellings in the Ag-1 District, as permitted by Section 4.1.1 (Table of Use), column 7. The property involved is comprised of three parcels totaling 21 acres, as detailed in their Application dated March 15, 2006. The land had been farmed, but was low and wet, and no longer financially justified to remain in production. The current parcel boundaries would be adjusted to account for septic fields. Parcels in Ag-1 cannot exceed 4 acres currently, but it was indicated that the Assessor would recognize larger lots if they were properly approved.

Simmonds indicated that the Planning Commission has authority to make the change requested if it desired to do so, but questioned adding more houses where the character of the area is already set.

Batchelor requested clarification of the proposed lot boundaries and location of drain fields to service those lots.

Simmonds asked about possible future splits, if additional houses on larger lots were allowed. Vander Ziel indicated such splits would be prevented by lack of additional drain field areas. He further indicated that some of the land might also be sold to another owner currently owning the 'exception' parcel on the North side of the area in question (shown on the map attached to the Application).

Johnson re-iterated that this was a question of whether or not two additional non-farm houses will be allowed in this Ag-1 District, based on the criteria set forth in the Ordinance, and that the question of lot sizes would need to be addressed by the Zoning Board of Appeals.

Batchelor indicated that he would prefer an opportunity to view the property before making a decision.

Simmonds expressed concern that the land is still being worked in part (through a lease with other non-contiguous lands) and the precedent which might be set by allowing additional houses on this property. He also felt a public hearing, with notice to the neighbors of the change, would be advisable.

Den Houter noted the goal of preserving farmland, but acknowledged the need to balance this against individual situations.

Sanford supported the idea of a public hearing before making a decision.

Batchelor indicated that in the past the Planning Commission had denied requests for additional non-farm houses where there was even less arable land than in this request. He suggested the matter might better be examined in connection with a general review of the township Master Plan.

It was concluded that Steve Vander Ziel would consider the request further, and would advise the Planning Commission at their May 8th meeting if he wished to proceed with their request and schedule a public hearing.

SCHEDULE OF HEARING ON LAVERNE SMITH REZONING REQUEST:

Johnson indicated that Laverne Smith was requesting a rezoning from Ag-2 to R-1 of land located on Kissing Rock Road, with the possibility of a private road on the property in the future.

The Planning Commission indicated that a May 8th public hearing date would be set to consider the request.

SPECIAL USE PERMIT REVIEWS:

Den Houter:

Den Houter excused himself from the Planning Commission during consideration of his sand mining operation, as well as the consideration of the Timpson sand mining operation.

Den Houter indicated that little sand had been sold from his land, and presented a report dated April 10, 2006 with photographs.

Simmonds indicated that there were no complaints of record against this sand mining operation.

Batchelor noted the absence of warning signage on the entry gates, which Den Houter indicated had been corrected shortly after the photos were taken.

Batchelor moved to extend the Den Houter sand mining special use permit until April 2007. Sanford seconded. All in favor and the special use permit was extended until April 2007.

Timpson:

John Timpson presented on the Timpson sand mining operation. Presented was a report of April 10, 2006 showing several road brinings to control dust. Trees are to be planted. One complaint of record had been made in the past year, Simmonds reported.

Simmonds requested an updated scale drawing of the project. Timpson indicates the drawing and photos will be dropped off at the Township offices shortly.

Sanford noted a missing section of fence near a steep drop off, which Timpson indicated would be replaced.

Timpson indicated in response to a Planning Commission question that the use of only the center drive, where there is visibility when entering the public road, negated the need for traffic direction signs for other routes into the property.

Timpson requested an earlier review date, so he would have his approval prior to entering into Spring sand contracts.

Simmonds moved to extend the special use permit for the Timpson sand mining operation on Segwun with the next review to be in March, 2007, with the following conditions: 1) operator will provide photos in the next two months, and 2) operator will finish installation of temporary fencing around the sand pit. Seconded by Batchelor. All in favor and the special use permit, with conditions, was extended until March 2007.

Batchelor asked Den Houter if he too would prefer a review in March 2007 rather than April 2007, but Den Houter elected to stay with the April 2007 review date.

Den Houter then rejoined the Planning Commission.

Bradford White Conservancy:

Julie Stoneman and Doug Powliss discussed 2006 improvements to the property and presented the required driveway permit dated May 3, 2005. The property has a development restriction, and a permanent special use permit was requested.

After discussion of the volume of use of the property and the adequacy of the parking, Sanford moved that Bradford Dickinson White Nature Preserve has met the conditions of the special use permit, and no further follow up reviews will be required. Batchelor seconded. All in favor and the special use is approved with no follow up reviews required.

Blough Farms:

Carlton Blough indicated that the USDA had inspected his facilities February 15, 2006, and that the loading pad had been re-coated. No changes in operations were planned, and no hazardous materials were on the property. The facilities were primarily for personal use, with a few sales to neighboring farmers. No complaints were made in the past year.

Batchelor moved that the special use permit for Blough Farms be extended to April 2007. Sanford seconded. All in favor and the special use permit was extended until April 2007.

OFF STREET PARKING AMENDMENT:

Johnson presented Draft #2 of the Off Street Parking Ordinance dated April 10, 2006.

The Planning Commission had no questions or comments at this time.

Johnson then presented a Memorandum dated April 3, 2006 concerning Parking of Commercial Vehicles. This is to be discussed at a later date.

Simmonds moved to set a public hearing on May 8th on Draft #2 of the Off Street Parking Ordinance. Batchelor seconded. All in favor and the motion to set a public hearing for May 8th was approved.

JOINT SIGN ORDINANCE WITH CITY OF LOWELL:

Harold Ziegler Ford renewed it's request that the Planning Commission consider a joint sign ordinance with the City of Lowell.

Sanford reported that one meeting had been held with representatives of the City of Lowell, and suggested two to three meetings with two representatives from each governmental unit to discuss and report back on the possibility of a joint sign ordinance.

Simmonds will initiate a meeting with the City of Lowell. Sanford and Batchelor will be the Lowell Township representatives to any meetings scheduled.

COMMISSIONER COMMENTS:

There were no comments or questions by members of the Planning Commission.

PUBLIC COMMENT:

The meeting was opened to public comment at 9:05 p.m. Six members of the public spoke. Public comment ended at 9:35 p.m.

ADJOURNMENT:

Batchelor moved to adjourn. Seconded by 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 _____