

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
August 14, 2006**

PRESENT: Batchelor, Clements, Sanford, Simmonds

ABSENT: None

CITIZENS IN ATTENDANCE: 11

PUBLIC HEARINGS

The public hearings of the Lowell Charter Township Planning Commission were commenced by Chairperson Simmonds at 7:00 p.m. Mr. Simmonds explained the procedures for public hearing to those present.

PUBLIC HEARING FOR FLAT RIVER MINISTRIES REZONING REQUEST

The Planning Commission secretary read the published notice for the public hearing.

Ann Dimmick presented for Flat River Ministries, repeating her presentation to the Planning Commission the prior month, and handing out updated Statistics for 2006. The request is for a rezoning of properties located at 11535 East Fulton from R-3 to General Commercial, with the rezoning being one of five conditions to their purchase of the Cumberland Retirement Village buildings at that location. The intended use includes a food bank, retail store and offices for Flat River Ministries staff.

Mr. Simmonds asked about the other four conditions on the proposed sale of Cumberland Retirement Village to Flat River Ministries, and was advised that the others were resolved or pertained to payment of property taxes based on the date of sale. On further questioning Mr. Simmonds was advised that the land in question was being purchased from Leisure Living, that the purchase included the buildings, and that Flat River Ministries would acquire full title.

Mr. Batchelor asked about the required fifty foot setback of the buildings to be purchased from another building not part of the purchase, and was advised that no setback problem would be created by splitting the current land and leaving buildings on both parcels, according to the August 4, 2006 report from Planner Tim Johnson.

At 7:17 p.m. Mr. Simmonds opened the hearing to public comment. No one offered comment from the public. Public comment was closed at 7:18 p.m.

PUBLIC HEARING ON AMENDMENT OF SECTION 4.2.7.A REGARDING PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

The Planning Commission secretary read the published notice for the public hearing.

Mr. Simmonds presented the history of the proposed change to the current Ordinance, including extension of the Ordinance to include the MH zoning district in addition to the R-2 and R-3 zoning districts, the change from 'tonnage' sizing of vehicles to Gross Vehicle Weight Rating, and a more detailed description of what would constitute a commercial vehicle under the Ordinance.

Mr. Sanford asked if any distinction was made by the proposed Ordinance between indoor parking compared to outdoor parking, and was advised that no such distinction was made by the proposed Ordinance.

The hearing was opened to public comment at 7:24 pm. Sandra Miles asked how the proposed Ordinance would be enforced, and was advised that the township Enforcement Officer would act on receipt of a citizen complaint. There being no further public input, public comment was closed at 7:26 p.m.

PUBLIC HEARING ON AMENDMENTS TO PUBLIC NOTICE REQUIREMENTS

The Planning Commission secretary read the published notice for the public hearing.

Mr. Simmonds explained the background for the public notice requirement changes required by the State of Michigan, and identified the few areas where the new requirements differed from prior practice under the township Ordinance

The hearing was opened to public comment at 7:31 p.m. Paula Blumm asked if the changes only involved the time requirements for publication of notice, or if it changed how notices were to be sent out. Mr. Simmonds indicated that all notices would now be required to be published, and that zoning changes, special use permits, and hearing before the Zoning Board of Appeals would still be mailed to owners of record within 300 feet of the subject property. He reiterated that the changes were to meet the new requirements of the State. There being no further public input, public comment was closed at 7:33 p.m.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was begun at 7:34 p.m.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of July 10, 2006 were presented for approval. Mr. Batchelor moved that the minutes be approved as presented. Seconded by Mr. Simmonds. All in favor and the Minutes as presented were approved.

The Minutes of the Special Meeting of July 24, 2006 were presented for approval. Mr. Sanford moved that the minutes be approved as presented. Seconded by Mr. Batchelor. All in favor and the Minutes as presented were approved.

DISCUSSION OF FLAT RIVER MINISTRIES REQUEST FOR REZONING:

Mr. Simmonds noted that decisions sometimes were not made the same evening as a public hearing, depending on the complexity of the matter under consideration. He also noted that the Planning Commission only makes a recommendation to the Township Board, which has the final decision making authority on the requested rezoning.

Mr. Sanford questioned who should be making the request for rezoning. Neil Kraay with Leisure Living indicated that the property in question was owned by LFP, LLC, and that they had entered a Buy/Sell Agreement with Flat River Ministries. Mr. Clements requested that a letter from the record property owners supporting the rezoning of the property be submitted to the Planning Commission.

Mr. Sanford inquired into the status of the well supplying water to the subject property, which is not located on the subject property, as there were requirements by the Department of Environmental Quality on that well. Flat River Ministries indicated that they were aware of the issues with the well. Mr. Sanford further noted a landlocked parcel North of the subject property, which was presently accessible only through the parking lot of the subject property. Flat River Ministries indicated they had no intention of changing that access, and Mr. Kraay indicated that there was an easement for that access.

Mr. Kraay asked if the letter requested by Mr. Clements could be made a condition on the recommendation to the Township Board, and it was determined that, although a condition could not be put on rezoning, it could be made part of the recommendation to the Township Board.

Mr. Batchelor advised the Applicant that it would still need to address all other zoning requirements, such as signs and lighting.

Mr. Clements noted that rezoning would not be consistent with the current Master Plan future zoning map, but did fit with the goal of directing commercial zoning to the M-21 Corridor. He also emphasized that rezoning would allow any activity allowed in General Commercial, and was not limited just to the proposed uses put forth by the Applicant.

Mr. Batchelor indicated that he was comfortable with recommending rezoning of the subject property, given it was already developed and not open land.

Mr. Simmonds highlighted the parking requirements of the Ordinance, and was advised that the maximum number of cars parked at one time was unlikely to exceed 20 vehicles.

Mr. Clements and Mr. Simmonds each emphasized that overnight residents were not permitted, and were advised that there were no plans to have overnight guests.

Applicant asked that a recommendation be made that evening, as they had a meeting on the progress of the sale in two weeks, and they were applying for a grant soon to finance the purchase of the subject property. Members of the Planning Commission indicated that they were ready to make a recommendation.

Mr. Batchelor moved that the Lowell Charter Township Planning Commission recommend to the Lowell Charter Township Board that the request to rezone the subject property from R-3 residential to General Commercial be approved, as the rezoning is within the intent of the Master Plan, and rezoning would be consistent with the surrounding area. Mr. Clements asked that the motion include the condition of Applicant providing a letter in support of rezoning from the record owners as previously agreed to by the Applicant, which Mr. Batchelor agreed to. Mr. Clements seconded the motion as

amended. All in favor and the motion to recommend rezoning to the Lowell Charter Township Board was approved.

DISCUSSION OF AMENDMENT OF SECTION 4.2.7.A REGARDING PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

Mr. Simmonds noted that the amended Ordinance was an improvement on the prior Ordinance and that the more specific language should help with enforcement.

Mr. Clements moved that the Lowell Charter Township Planning Commission recommend the Lowell Charter Township Board adopt the August 14, 2006 draft amendment of Section 4.2.7.A of the Ordinance. Motion seconded by Mr. Batchelor. All in favor and the motion was approved.

DISCUSSION OF AMENDMENTS TO PUBLIC NOTICE REQUIREMENTS

Mr. Sanford moved that the Lowell Charter Township Planning Commission recommend the Lowell Charter Township Board adopt the standardized notice requirements set forth in Draft 3 dated August 14, 2006. Motion seconded by Mr. Batchelor. All in favor and the motion was approved.

PUBLIC COMMENT:

The meeting was opened to public comment at 8:21 p.m. No comments were offered. Public comment ended at 8:21 p.m.

NEW BUSINESS

SPECIAL USE PERMIT FOR ROANOKE RANCH:

Leroy Johnson presented for Roanoke Ranch, a 501(c)(3) non-profit organization. That organization currently owns 200 acres on Grand River Avenue zoned R-1. It is requesting a special use permit for a day camp for disadvantaged children, which would include horse care and riding. Mr. Batchelor asked if individual members of the Planning Commission could visit the property before the public hearing, and was told that they could. The hearing date for the special use permit will be set for Monday, September 11th, which is the next regular meeting of the Planning Commission.

COMMISSIONER COMMENTS:

Mr. Simmonds asked if there was any reason to have a workshop meeting on the 28th. It was determined that such a meeting was not required this month.

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 8:47 p.m.

Submitted _____ Secretary Approved _____
Timothy Clements