

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
October 9, 2006**

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

**ABSENT:** None

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE:** 7

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

**PUBLIC HEARING FOR AMENDMENT TO SIGN ORDINANCE**

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

Tim Johnson summarized the proposed ordinance change, in particular extending the number of days allowed before a permit is issued from seven to one hundred twenty days.

There were no questions regarding the proposed amendment from the Planning Commission.

Mr. Simmonds opened the meeting to public comment at 7:03 p.m. No one spoke. Public comment was closed at 7:04 p.m. The public hearing was closed at 7:04 p.m.

**REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:05 p.m.

**APPROVAL OF AGENDA:**

Mr. Simmonds suggested moving the site plan review for Flat River Ministries ahead of the continued discussion on changes to the Ag-1 Zone regulations. Mr. Simmonds then moved to approve the Agenda as amended. Seconded by Mr. Batchelor. All in favor and the Agenda as amended was approved .

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of September 11, 2006 were presented for approval. Mr. Batchelor moved that the minutes be approved as presented. Seconded by Mr. Sanford. All in favor and the Minutes as presented were approved.

The Minutes of the Public Hearing and Special Meeting of September 25, 2006 were presented for approval. Ms. Blumm asked about a reference to Roanoke Ranch having two classes twice a week, and it was agreed that this was the original statement of Petitioner, although that information had changed somewhat later in the public hearing. Ms. Blumm then moved that the minutes be approved as presented. Seconded by Mr. Sanford. All in favor and the Minutes as presented were approved.

**DISCUSSION ON AMENDMENT TO SIGN ORDINANCE:**

Ms. Blumm noted the time put into the proposed amendment and her readiness to decide. Ms. Blumm moved that the Lowell Charter Township Planning Commission recommend to the Lowell Charter Township Board that the proposed amendment to the Sign Ordinance as presented be enacted. Motion seconded by Mr. Batchelor. All in favor and the motion to recommend was approved.

**PUBLIC COMMENT:**

Public comment began at 7:11 p.m. No member of the public spoke. Public comment ended at 7:11 p.m.

**ROODVOETS REQUEST FOR ADDITIONAL NON-FARM DWELLING IN AG-1 ZONE:**

This was a continuation of the original request by Mr. Roodvoets from the June 12, 2006 Regular Meeting of the Planning Commission, which after discussion on that date, he had asked to be tabled. Mr. Robert Scott, attorney, appeared for Mr. Roodvoets. He explained to the Planning Commission that the key issue was the suitability of the parcel in question for farming. To support the non-suitability of the parcel for farming, a letter from Don Suwyn, a farmer, dated August 16, 2006 was presented. Mr. Laurin Lobbezoo, who indicated that he had farmed 160 acres of land most of his life until two years ago, also stated that in his opinion the parcel in question was poorly suited to farming, being low and flat. He believed that costs today made it economically a waste of time to farm this land. Mr. Scott then closed by reiterating Mr. Roodvoets request to grant approval to put a house on the parcel in question.

The Planning Commission then reviewed Tim Johnson's letter to the Planning Commission dated June 7, 2006, and in particular Item 2, which set out the 3 conditions in the Ordinance which need to be met before allowing an additional parcel in a quarter-quarter section of Ag-1 land.

With respect to the first condition of poor suitability for farming, Mr. Batchelor stated that no evidence had been presented that the soil would not grow anything, although he noted it may not be economical to farm this small piece of land.

Concerning the second condition of the likelihood of a conflict with surrounding agricultural activities, Mr. Simmonds noted that the surrounding land was in active agricultural use, primarily for corn and wheat. While an actual conflict may not arise, there was still a question of a likelihood of conflict. Mr. Batchelor thought this was not very likely as the parcel to be built upon was currently surrounded on three sides by the balance of the Petitioner's land.

On the third condition of adverse effect on long term development plans and goals of the Township, it was felt that there would be an adverse effect, as this would set a precedent for more development in the Ag-1 zone. Mr. Batchelor noted that other owners in the past year had requested additional parcels and had been turned down.

Mr. Batchelor concluded that there may be some valid arguments by Applicant on the first two conditions, but not as to the third condition of setting an adverse precedent. Mr. Simmonds agreed.

Mr. Sanford noted that the land was low and poorly drained, but referred to the Township's Master Plan and a map indicating that the subject property was prime agricultural land if drained. Mr. Scott responded that water comes on the site from across the road, and that tiling costs were prohibitive and made no economic sense. Mr. Batchelor suggested an alternative use, such as a sod farm, might be feasible.

Ms. Blumm noted Item 5 in Tim Johnson's letter, referring to the number of lot splits allowed to Mr. Roodvoets by his chain of title. Mr. Scott indicated that three lot splits were intended to be conveyed by a prior Buy/Sell Agreement dated January 30, 2006, and that if those splits had not yet been correctly conveyed of record, that matter could be resolved in the future. Ms. Blumm noted that any future lots would separately have to meet the same conditions under discussion. It was agreed that the additional information concerning allowed lot splits was to be conveyed by Tim Johnson to the Township Assessor.

Ms. Blumm expressed concern about prior split denials, and explained that the Planning Commission was currently reviewing the restrictions in the Ag-1 zone, but also noted that the current ordinance only allowed two non-farm homes per quarter-quarter section by right. She added that the farmers she has spoken to indicate that farming is adversely affected by each non-farm home in the area.

Mr. Simmonds reiterated that the Planning Commission was addressing the non-farm homes restriction in the Ag-1 zone to see if the existing limitation might be softened at some time in the future. He then asked Mr. Scott if he wished the Planning Commission to make a decision on Mr. Roodvoets request at this meeting. After consultation with Mr. Roodvoets, Mr. Scott asked that the request be tabled until such time as the Applicant chooses to bring it back before the Planning Commission.

Ms. Blumm then moved to table Mr. Roodvoets' request for an additional non-farm house in a quarter-quarter section of land in the Ag-1 zone. Motion seconded by Mr. Sanford. All in favor and the matter was tabled.

#### **SITE PLAN REVIEW FOR FLAT RIVER MINISTRIES:**

Craig Haybarker presented the site plan for Flat River Ministries, for a retail store and accessory uses at the former Cumberland Retirement Village building at 11535 Fulton East. Review of the site plan by the Planning Commission focused on the issues raised in the October 5, 2006 letter from Tim Johnson of MainStreet Planning.

The first item concerned required parking space. Mr. Haybarker indicated the retail site was 2655 square feet, and proposed future classroom space was 1125 square feet. Seventy-two parking spaces were indicated, but Mr. Batchelor noted only 52 spaces actually shown. The difference represented possible parking on the circular drive. Given the planned use, it was concluded that 49 regular and 3 handicap spaces would provide sufficient parking for the current operations.

The second item concerned landscaping. It was agreed that the current landscaping was sufficient.

The third item addressed lighting. In particular it was determined that twelve 15-foot pole lights (globes) in the parking lot, which are on all night for security, do not meet the current lighting

Ordinance. Mr. Sanford felt compliance with the Ordinance was required as this was a new use of the property. Ms. Blumm agreed, noting that we would need to enforce this requirement on other commercial businesses in the future. It was agreed that a lighting plan should be provided, and that the up-lighting from the present globe lights would need to be shielded.

With respect to the fourth item, sidewalks, it was noted that none existed out front along Fulton Avenue currently. After discussing various ways to ensure installation of a sidewalk consistent with the long-term development of the area, it was agreed that the sidewalk would be constructed by Flat River Ministries within two years of site plan approval, and that a bond or letter of credit guaranteeing construction would be required.

The fifth item, location of an outdoor 'drop box' for non-business hours, it was indicated by Mr. Haybarker that the structure would be located at the North end of the current parking area, next to an existing cement block outbuilding. The 'drop box' would be the structure at the current location of Flat River Ministries, which they would be moving to this new location. Ms. Blumm advised Mr. Haybarker that if the structure was larger than 9 feet by 12 feet, a building permit would be required. The location of the 'drop box' is to be shown on the site plan. Lighting is provided by an existing light on the adjoining building. The drop box is emptied daily, according to Mr. Haybarker.

Item six addressed any dumpster on the site. Mr. Haybarker indicated the dumpster will go on the concrete pad shown on the site plan in the Northeast corner of the parking area, next to the main building. There is already some screening of this location by evergreens, but for better screening and control of use of the dumpster, a six foot solid fence surrounding the dumpster is required.

Item seven concerned minor corrections to the site plan itself; these will be addressed in the updated site plan.

Mr. Simmonds then moved that the Lowell Charter Township Planning Commission approve the preliminary site plan of November 10, 2005 for the Flat River Ministries facilities at 11535 Fulton Street, Lowell, Michigan, with the following conditions:

1. The site plan must reflect 49 regular parking spaces and three handicap parking spaces in the parking lot.
2. The Planning Commission is satisfied with existing landscaping, and no additional landscaping is required.
3. A lighting plan must be submitted showing how lighting will be completed in compliance with the zoning ordinance.
4. A sidewalk along the front of the property in the Fulton Street Right of Way must be installed within two years of the final site plan approval. A bond or letter of credit must be provided before the site plan is signed.
5. The drop off shed must be shown on the site plan.
6. The dumpster will need to be fenced, and clearly identified on the site plan as to location and fencing details, including gate location and construction materials.
7. The requirements set out in Item 7 of the MainStreet Planning review of October 5, 2006 must be shown on the site plan.

8. Construction of the fence around the dumpster, and lighting changes to meet the current ordinance, and relocation of the drop off shed, must occur before occupancy of the premises, or a bond sufficient for completion of this work must be posted before occupancy.

It was noted by Mr. Simmonds that this flexibility was being granted due to the not-for-profit status of the Applicant.

Mr. Batchelor seconded the motion. All in favor and the motion passed unanimously.

#### **CONTINUED DISCUSSION ON CHANGES TO AG-1 ZONE REGULATIONS:**

Each Planning Commission member was to present their top two priorities for the Ag-1 zone at this meeting.

Mr. Simmonds indicated his desire to preserve the rural character of the area by limiting the number of homes allowed and not allowing dense development in the Ag-1 zone.

Ms. Blumm expressed a desire to retain the rural atmosphere and ensure the viability of agriculture in the Ag-1 zone, and to allow landowners to get money out of their land when they need to.

Mr. Sanford was not interested in wholesale change in the zone, but wanted to get away from the 'non-farm home' designation in the current ordinance. He also did not want to 'punish' long-term farmers.

Ms. Blumm brought up the Transfer of Development Rights (selling development rights in the Agricultural district to developers building in higher density zones), citing work by Alpine Township in this regard. Tim Johnson indicated that this had been discussed but never implemented in Alpine Township.

Mr. Batchelor concurred that he too did not want to punish long-term farmers, and that he did not want a desire to have rural character violate the rights of the landowner. He felt possible future uses, such as crops for ethanol production, might overcome the current profitability issues. The two issues he hears regularly from landowners is soil and economics.

Mr. Simmonds noted that the requests for land splits were not coming from the long-term farmers. Mr. Sanford was not sympathetic to those who purchase the land now, then ask to build on it. Mr. Batchelor noted that sale of small parcels might give relief to farmers, at least in the short term.

Mr. Clements expressed his desire to respect the long-term investments of farmers as well as preserving open space and agricultural activities, both commercial and non-commercial. He conceded that the idea of an agricultural PUD was better left for consideration during the Master Plan review, likely to occur in 2007. He suggested that a minimum 12 acre lot size would have the effect of limiting development in the Ag-1 zone to three homes per quarter-quarter section, the same as the current home density, without getting into the economics of farming or debates over the quality of small parcels of land. He also indicated a willingness to continue with the current ordinance, if the decision to allow more than two non-farm homes was based on existing soil maps and the requirement that any parcel for a non-farm home have less than 50 percent prime agricultural land. He felt that any parcel of four

acres or less becomes effectively non-farmable, and any home built on such a small parcel is a non-farm home.

Mr. Simmonds noted that Vergennes Township has an extensive area designated as a 'Farmland Preservation Area'.

Tim Johnson observed that only three requests for additional non-farm homes had been made in the past three years, and that the question was not a 'crisis' at this time. After further discussion, it was agreed that each member of the Planning Commission should bring one article or information piece related to this issue to the February 2007 Regular Meeting of the Planning Commission for review and discussion.

Mr. Batchelor suggested that the Future Farmers of America organization might be a good source of information on current farming, and that students from that group might even research and present a report on this issue to the Planning Commission.

**COMMISSIONER COMMENTS:**

Mr. Simmonds indicated that he has a draft of the Vergennes Township Master Plan. Mr. Clements asked if copies of the 'Farmland Preservation Area' section of that master plan might be made available to members of the Planning Commission.

It was determined that a Workshop Meeting of the Planning Commission would not be required this month.

Tim Johnson advised that J&H Oil Company had enlarged their septic holding pond in response to a failure of their drainage field. The contents of this holding pond were being sprayed outside their special land use area. A meeting was planned with Craig Hoppen regarding this situation at the Township office. There is concern that the spray area is neither fenced nor posted, and that this activity may violate the special use permit.

**ADJOURNMENT:**

Ms. Blumm moved to adjourn. Seconded by Mr. Batchelor. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 10:08 p.m.

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

Approved \_\_\_\_\_