

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
MAY 9, 2016**

INITIALLY PRESENT: Simmonds, Clements, Edwards

JOINING: Blough

ABSENT: Batchelor

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 11

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 Regular Meeting of April 11, 2016 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Seconded by Mr. Simmonds. All in favor and the Minutes of April 11, 2016 are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes to the Agenda.

PUBLIC COMMENT:

The meeting was opened to public comment at 7:03 pm. No one spoke. Public comment was closed at 7:03 pm.

Segwun Avenue Issues

Mr. Simmonds noted that some residents on Segwun Avenue wished to have their comments on sand mining operations in their area 'on the record', and that the Planning Commission would accommodate their wishes. He invited them to submit their written comments, and to make comment at this meeting, as to all of their concerns.

Mr. Blough joined other members of the Planning Commission at 7:07 pm.

Brian Bodemann began by offering written materials including a photo of a dump truck with driver-side wheels over a double yellow line of the road, Mr. Bodemann's 2016 Board of Review Decision lowering the assessed value of his home due to "noise from trucks", one page of the Gerald R. Ford International Airport Master Plan Update Executive Summary summarizing public participation, and twenty-six pages of quotes from prior Planning Commission minutes beginning in 2004, concerning the sand mining operation in his area, with comments from Mr. Bodemann throughout. This documentation will be made part of the public record and will be available at the township offices. Mr. Bodemann also submitted a five-page document titled "Complaints and Concerns About the Sand Trucks and Timpson Trucking", which also contains a

Summary section and a Solutions section. Several signatures of neighboring landowners appear on the original of this document. It too will be made part of the public record and will be available at the township office.

Mike Grant indicated that he backs the materials presented.

Staci Bohr asked that others not able to be present also be recognized as supporting the submitted documentation. She also provided a separate document comprised of emails between her and the Township concerning this situation, which will be made part of the public record and will be available at the township offices. In response to a question, Mr. Simmonds advised that Saturday operation of the sand mine was allowed from 7:00 am to 7:00 pm. The newer 2011 regulations, which do not apply to the prior Special Use Permit under which the sand mine is operating, would limit Saturday operations to 7:00 am to 1:00 pm. Also asked was a question about truck repair locations allowed. There are two, one being the sand mine location.

It was noted that the drive to the sand mine had been recently paved, reducing problems with dust. It was asked that similar paving be required for the fill operations on the opposite side of the road. Tim Johnson indicated the property in question was in the Ag-2 zoning district and the township does not regulate fill activities.

Bill Burt expressed concern about how close the sand removal operations could come to neighboring property lines. He was also advised of the reclamation requirements to properly slope the mined land after all sand had been removed.

Larry Precious asked if a copy of the State's Department of Environmental Quality (DEQ) permit for the fill operations was in the possession of the Township. He also asked about enforcement of the fill operations by the Township. It was stated that the Township would acquire a copy of the DEQ permit and maintain it on file. The question was raised as to whether concrete brought in to the fill site was related to concrete crushing operations allowed elsewhere by the holder of the sand mining Special Use Permit. These crushing operations are covered by a different Special Use Permit.

It was observed that at least some of the truck traffic on Segwun Avenue was related to the fill operation rather than the sand mining operation.

Mr. Blough, who is also a member of the Township Board, said he would bring to that Board a recommendation that the speed limit on Segwun Avenue be lowered, most likely to 45 miles per hour from the current default limit of 55 miles per hour. He indicated that such a change would require the involvement and approval of the Kent County Road Commission and the State Police as well, and that historically, such a change can be hard to obtain. Mr. Bodemann and others indicated that a speed limit reduction would be quite helpful.

OLD BUSINESS

Sign Ordinance Amendments

Tim Johnson led a review of his two-column document, showing the current sign ordinance sections, and the suggested changes to those sections.

Mr. Clements expressed concern over the complexity of the proposed changes, and suggested that the Township may want to wait on attempting to comply with a recent US Supreme Court decision on differentiating sign requirements based on content of those signs, until either further court decisions clarified the extent of the changes required, or other revised township ordinances became available for review and possible incorporation into the Lowell Township ordinance. Mr. Simmonds expressed similar sentiments.

Tim Johnson acknowledged that the quality of advice on making changes greatly varied, but felt that it was important for the Township to get out front of the process of coming into compliance with the Court's decision. Mr. Clements noted that the Court's decision did not in itself make the Lowell Township ordinance unconstitutional, but did impose a 'strict scrutiny' requirement which might make it more difficult for the Township to justify its current Ordinance provisions.

It was decided to continue with a review of the first page of the document submitted by Tim Johnson.

It was decided that permanent signs up to two square feet in size would be allowed without requiring a permit. This would address signs formerly designated as home occupation signs, nameplate or under canopy signs, and property address signs.

It was also determined that current ordinance language addressing agricultural industry signs, farm identification signs, off-premise signs for farm products, and incidental signs would be replaced with language allowing each parcel to have four permanent signs of up to twelve square feet each without requiring a permit.

At his request, Mr. Blough was excused from the meeting at 8:33 pm. The rest of the first page of the proposed changes were reviewed without comment. Review of the proposed changes will continue at future Planning Commission meetings.

Discussion Regarding Home Based Businesses

Of the three ordinances from other areas reviewed by Planning Commission members, Mr. Simmonds felt that the ordinance from the City of Saline, Washtenaw County, Michigan would serve as the best model for a similar ordinance in Lowell Township, as it addresses issues raised at a prior Joint Meeting with the Township Board. Other Planning Commission members agreed.

Mr. Simmonds felt that “Tier 1” provisions were similar to our existing Home Occupation provisions, and that “Tier 2” provisions would expand the current Ordinance to allow Home-Based Businesses.

The Planning Commission has a preference towards structuring the new Ordinance as a licensing arrangement managed by the Township, which would have the power to receive and investigate complaints, and to determine if a permit should be withdrawn or denied. It was felt that some form of 'appeal' of these decisions should be available. After discussion, it was decided that this appeal should be made directly to the elected Township Board, rather than to the Planning Commission or the Zoning Board of Appeals, which are appointed positions.

To aid in further review of the possible provisions of such an ordinance, the Planning Commission will be provided with a list of any existing home-based businesses which may be known to the Township, the type of work occurring, which zoning district the property is located in, and the size of the parcel where the work is being done.

Tim Johnson will check with the Township Attorney regarding enforcement of a new home-based business ordinance on existing home-based businesses.

NEW BUSINESS

There is no New Business before the Planning Commission.

COMMISSIONER COMMENTS:

Mr. Edwards questioned the actions of an attending member of the public who has been recording the Planning Commission proceedings without first notifying those present.

There will be no workshop meeting on May 23rd.

ADJOURNMENT:

Mr. Clements moved to adjourn. Seconded by Mr. Simmonds. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:40 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____