

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
October 10, 2016**

PRESENT: Batchelor, Simmonds, Clements, Edwards

ABSENT: Blough

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 4

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 August 8, 2016 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Seconded by Mr. Batchelor. All in favor and the Minutes of August 8, 2016 are approved. [Secretary's Note: There was no meeting of the Planning Commission in September 2016].

CHANGES OR ADDITIONS TO THE AGENDA:

Mr. Simmonds moved that the Review of Red Creek Special Use Permit be moved to just before Discussion Regarding Home Based Business. Motion seconded by Mr. Edwards. All in favor and the Agenda as amended is approved.

PUBLIC COMMENT:

The meeting was opened to public comment at 7:02 pm. No one spoke. Public comment was closed at 7:02 pm.

OLD BUSINESS

Review of Red Creek Special Use Permit

Eric Schelhaas presented on behalf of Red Creek Waste Services, Inc. A one-page summary entitled Red Creek Waste Services Facility Use was provided to Planning Commission members for review, as well as photos. The building approved for the property is still under construction, and so the facilities are not yet operational. A water flow issue with neighboring property has been identified, and Red Creek Waste Services will be working with the affected landowner to address this when a berm between the two properties is constructed.

Mr. Simmonds then led a review of the conditions of the Special Use Permit. Due to the delay in the start of construction, the Michigan Department of Environmental Quality wetland permit has been provided to the Township, but other permits are yet to be acquired. The property is only being used to park and maintain trucks at this time. Review of on-site fuel tanks and a locking gate with the Bowne Township Fire Department is awaiting installation of the tanks and gate.

There being no further comments or questions from members of the Planning Commission, the hearing was opened to public comment. Kirk Sterzick indicated that it was water runoff from his property which was the issue with the planned berm and that Red Creek Waste Management will be working with him to address the problem when the berm is constructed. There being no other comments or questions, public comment was closed.

There being no further comments or questions from members of the Planning Commission, Mr. Batchelor moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Red Creek Waste Services Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in October 2015 and that the next annual review will be held in October 2017. Motion seconded by Mr. Clements. All in favor and the motion finding compliance with the Special Use Permit and its conditions is approved.

Discussion Regarding Home Based Businesses

Tim Johnson presented Draft #1 of the Home Occupation and Home Based Business Ordinances dated October 10, 2016.

Home Occupation

Section 4.45 b) 2) will be amended to exclude the allowance of accessory buildings used in a Home Occupation in the R-2 and R-3 zones. This should also be addressed in other possible high-density zones such as Planned Unit Developments.

Section 4.45 b) 4), which addressed the maximum percentage of a home or accessory building which could be used for the Home Occupation, will be dropped.

Section 4.45 b) 9) is amended to allow products associated with a Home Occupation to be stored in an accessory building only where accessory buildings are allowed.

Section 4.45 b) 11) will allow a sign not to exceed 2 square feet in size.

Section 4.45 b) 13) which would require a permit for a Home Occupation is deleted.

Section 4.45 c) addressing the permitting process is dropped in its entirety.

This section of the Ordinance will be renumbered to account for the dropped provisions.

Home Based Business

Section 4.46 a) 1) was discussed at length. One option proposed was to not restrict the number of employees directly, but to control the size of a home based business based on its external impacts, such as the number of cars parked on the property. Ultimately it was decided that the better approach would be to set a maximum fixed number of employees which will be allowed, based on the acreage of the property on which the Home Based Business was located. This will

be based on a formula allowing one employee for each two acres of land on which the Home Based Business is being conducted, up to a maximum of six employees on a parcel of 12 acres or greater.

Section 4.46 b) 4) does not address the maximum size of truck allowed to be located on the property of a Home Based Business. It was suggested that the maximum size allowed be determined by the type of road being used by the Home Based Business (gravel, main commercial roadway, etc).

Section 4.46 b) 5), concerning the percentage of floor area of a dwelling used in the conduct of the business, is deleted.

Section 4.46 b) 7), concerning the hours of operation of a Home Based Business, is unchanged, but the Planning Commission shall have the power to change these hours where appropriate, as a condition of the Special Use Permit.

Section 4.46 b) 9) Options for annual reviews were discussed, including the annual approval of a Special Use Permit with Conditions by the Township Supervisor, subject to appeal to the Planning Commission by either the Township Supervisor or the Applicant. However, it was ultimately agreed that the annual reviews should be conducted by the Planning Commission, with the Planning Commission having the option of waiving further annual reviews after the first annual review.

NEW BUSINESS

There is no additional New Business before the Planning Commission.

COMMISSIONER COMMENTS:

There will be no workshop meeting on October 24th, but instead there will be a joint meeting with the City of Lowell and Vergennes Township, to be held at the City of Lowell offices.

Tim Johnson noted that an upcoming change to State law will allow the township to either allow or forbid the sale of medical marijuana.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Edwards. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 8:54 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____

