

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
December 11, 2017**

PRESENT: Blough, Simmonds, Clements, Edwards

DELAYED: Batchelor

TOWNSHIP PLANNER: Bob Toland

CITIZENS IN ATTENDANCE: 7

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:02 pm.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of November 13, 2017 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Seconded by Chairperson Simmonds. All in favor and the Minutes of November 13, 2017 are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

Under New Business, Mr. Edwards moved to move the Tip Top Gravel matter ahead of the Special Land Use Standards for Fairgrounds, and to approve the Agenda as amended. Motion seconded by Chairperson Simmonds. All in favor and the Agenda as amended is approved.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

The meeting was opened to public comment at 7:04 pm. No one spoke. Public comment was closed at 7:04 pm.

PUBLIC HEARINGS:

None.

OLD BUSINESS

None.

NEW BUSINESS

Tip Top Gravel – SLU – Amendment – Set Date for a Public Hearing

Chairperson Simmonds began by identifying materials received with regard to the requested Special Land Use, as well as providing a copy of the Mineral Mining Licensing Ordinance of 2011.

Todd Olin of Design & Construction Services, LLC presented on behalf of the Applicant.

The request is to extend current mining operations Southeast into the adjoining 13.76 acres being acquired from Timothy Holtz. They expect to remove around 400,000 cubic yards of material (excluding the overburden) over the next ten to twenty years. Initial removal operations will start at the North side of the property.

Chairperson Simmonds asked about crushing operations, which are currently located in the existing mining area. The crusher could eventually be moved from its current location, closer to the new mining land. He also asked Mr. Olin if he was aware of the Mineral Mining Licensing Ordinance of 2011 and was advised by Mr. Olin that they were aware of it and had reviewed it.

Township Planner Toland spoke next. He indicated that the submitted materials were being reviewed. Questions such as reclamation plans, water table depth, and access around a current pond will be included in the review. There is also a question about the correct setback requirement for the operations on the new land, which will be resolved. Mr. Olin noted that no groundwater issues were expected, and that access will go around the current pond as they will be working from North to South.

Mr. Edwards raised the question as to whether the remainder of the mining operations will need to be brought up to current requirements if the Special Land Use is granted on the new land. After reviewing the Ordinance, it was determined that existing mining operations would not be affected by the granting of the requested Special Land Use on the new land.

Mr. Blough noted that the new land is lower than the mined land to the West. He also asked if the existing mine was running out of product, and was advised that the new mining would just be supplemental to the continuing mining operations on the original land.

Mr. Clements asked about noise from the crusher if it is moved closer to the new property. He was advised that the crusher would remain below grade if moved, which will block much of the noise.

With respect to further information required for consideration before the granting of a Special Land Use, Mr. Olin will work with Mr. Toland to meet any additional information requirements prior to the Public Hearing on the request.

There being no further questions or comments, Mr. Blough moved to set the Public Hearing for the request of Tip Top Gravel for a Special Land Use on the identified property for January 8, 2018. Motion seconded by Mr. Edwards. All in favor and the Public Hearing is set for January 8, 2018.

Special Land Use Standards for Fairgrounds

Discussion began with a review of Draft #2 of Fairground Special Land Use Regulations, Zoning Ordinance Amendments dated October 23, 2017. These Regulations would add a new Subsection 22.08 to the Lowell Charter Township Zoning Ordinance. These in turn will relate to

the recently passed Ordinance Amendment providing for fairgrounds in the Ag-1 Zoning District with a listing of allowed activities. The Regulations will detail what can be done and how.

Mr. Toland noted that the activities listed in the recently passed Ordinance would otherwise need to be allowed outright, but these regulations can set any additional requirements for the listed activities. To the extent possible, objective requirements are preferred over subjective requirements. He also noted that, unlike most zoning, this Special Use will allow multiple activities on the same land.

Mr. Clements suggested that it might be easier to start with regulations which affect the entire property, then address each activity separately, and where necessary add further regulations specific to that activity. This is basically the approach suggested in Draft #2, starting in the middle of Page 2. He thinks the focus of the regulations should be on protecting the health, safety and welfare of the residents of the Township.

Mr. Batchelor joined the proceedings at 7:43 pm.

Mr. Toland suggested the use of performance standards, which are more discretionary, at the end of the regulations. Mr. Edwards agreed.

Chairperson Simmonds reminded other members of the Planning Commission that the proposed regulations should be in place before a Special Land Use application is received. There was general agreement on this point.

To assist in preparation of the regulations, Mr. Edwards offered materials from the University of Tennessee, which will be distributed to Planning Commissioners prior to the next regular meeting.

With respect to general provisions for fairgrounds property, Mr. Clements suggested adding road and drive regulations. Mr. Edwards raised the question of parking, which will probably be on grass. Mr. Clements responded that parking might be limited to specific areas, with the fairgrounds operators determining the details of the parking layout necessary to meet their needs.

Mr. Batchelor suggested that regulations be included to allow control over the natural features of fairgrounds property.

A member of the public offered comment on the environmental impact of a fair, setback requirements and noise levels.

Mr. Toland was asked to prepare a list of matters to be addressed, starting with those affecting all of the fairgrounds property, then the specific uses permitted, and ending with performance standards. This outline will serve as the starting point for developing specific regulations, beginning at the next Regular Meeting of the Planning Commission.

Election of Planning Commission Officers for 2018

Mr. Edwards moved that the current slate of Planning Commission officers be re-elected to their current positions for the 2018 term. Motion seconded by Mr. Blough. All in favor and the current officers shall continue in their current positions in 2018.

Items for Potential Discussion

None of these matters were discussed.

Commissioner Comments

Chairperson Simmonds advised that there will not be a Planning Commission meeting on December 25, 2017.

Mr. Blough commented on the value of the Joint Meeting with the City of Lowell and Vergennes Township the prior month.

Mr. Batchelor noted that the City of Lowell is looking at a request for a transport business to meet the needs of moving medical marijuana.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Motion seconded by Mr. Edwards. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 8:18 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____