

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
January 13, 2020**

**PRESENT:** Blough, Simmonds, Clements, Edwards

**ABSENT:** Batchelor

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE:** 15

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 December 9, 2019 were presented for approval. Mr. Edwards moved to approve the meeting minutes as submitted. Motion seconded by Mr. Blough. All in favor and the minutes of the December 9, 2019 meeting are approved.

**CHANGES OR ADDITIONS TO THE AGENDA:**

Chairperson Simmonds moved to Remove Item 7.1, Fairgrounds Special Use Permit Review, and to move Item 8.1, Request from Steve Hanson for a Minor Amendment to Cumberland Ridge PUD, ahead of Item 7, Unfinished Business. Motion seconded by Mr. Edwards. 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 7:03 pm. No citizens spoke. Public comment was closed at 7:03 pm.

**ANNUAL REVIEW OF SPECIAL USE PERMIT:**

1. Tip Top Gravel Special Use

Al Matthews presented. Required sealed plans should be available later this week. A letter and photos were presented. He estimated 15,000 to 20,000 cubic yards have been removed in the past two years. All licensing and inspections are up to date. Operation will resume in the Spring. The year 2020 is expected to be the same as 2019.

There being no further questions or comments from members of the Planning Commission, Mr. Clements moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Tip Top Gravel Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in January 2018 and that the next annual review will be held in January 2021. Motion seconded by Mr. Edwards. All in favor and the Special Use Permit of Tip Top Gravel is approved for another year.

## 2. RRR Landscape Home Based Business Special Use

Ms. Riebel presented. There have been no changes since mid-October, nor are changes planned for 2020. Chairperson Simmonds presented photos provided by Mark Larabel, Enforcement Officer, showing empty planting containers and other material at the back of the sheds. He asked that these materials be stored elsewhere out of sight of the neighbors. It was agreed that this will be done no later than May 1, 2020. Mr. Edwards asked about the planned location for the port-a-jon in 2020. He was advised that it would be placed inside one of the buildings.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the RRR Landscaping Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions approved in December, 2018, with landscaping containers and other materials to be moved from the back of the sheds to inside the building no later than May 1, 2020, and that the next annual review will be held in December 2020. Motion seconded by Mr. Clements. All in favor and the Special Use Permit of RRR Landscaping is approved for another year subject to the stated requirement.

### **NEW BUSINESS:**

#### **Request from Steve Hanson for Minor Amendments to Cumberland Ridge PUD**

The three changes requested were an increase in the building envelope size, construction on a slab rather than a basement, and the reduction of the number of units from 63 to 54. Chairperson Simmonds asked about the size change for the building envelopes, and was informed the size would increase from 80x48 feet to 88x61 feet. It was noted that the ~~number~~ size [TC] of units was not set in the original grant of the PUD. Mr. Hanson then added to his request the use of dusk-to-dawn house lights instead of street lights, consistent with earlier development of a portion of the PUD.

Mr. Clements asked numerous questions as to whether this property was being developed as a Planned Unit Development or a Site Condominium. After discussion and review of the original Site Plan, it was established that the development was a Planned Unit Development, but was being built primarily as duplexes with a condominium agreement. Mr. Clements also asked about 20 degree natural and man-made slopes approved with the original 2005 Site Plan, and was told that this was due to the site having previously been a gravel mine where no reclamation had been performed.

Mr. ~~Edwards~~ **Johnson** [TC] stated that the original Site Plan did not specify the size of building envelopes.

Two of the changes requested relate to Section 14.09b)4), changing the quality of the materials, and whether changing from basements to slab foundations represented a change to materials of lesser quality, and Section 14.09b)8), changing natural features without changing the basic site layout, as it relates to a reduction in the number of units to be built.

Mr. Clements asked how street lighting was handled for that portion of the PUD already constructed, and was told that they used the dusk-to-dawn lights instead of street lights.

Mr. Edwards expressed concern about tornado sheltering if basements were eliminated, and how moving to slabs would impact on sales. Mr. Hanson indicated there were about 10% of potential buyers who 'walked away' from purchasing due to the lack of a basement.

Chairperson Simmonds suggested running through the requested changes to determine if each was major or minor. Mr. Hanson indicated that he was removing the first request on building envelope size, as no size was originally specified so increasing their size did not require a new approval from the Planning Commission. He also added the issue of changing street lighting requirements to allow dusk-to-dawn lights on buildings.

With the request for the use of slab foundations rather than basements, the change was determined to be a major change by Mr. Blough, Mr. Edwards and Chairperson Simmonds, and a minor change by Mr. Clements. With respect to the reduction of the number of units to be constructed, this change was determined to be a major change by Mr. Clements, Mr. Edwards and Chairperson Simmonds, and a minor change by Mr. Blough.

With respect to the use of dusk-to-dawn lights on units to satisfy street lighting requirements, this change was determined to be a minor change by all Planning Commissioners present.

Chairperson Simmonds then moved that a public hearing be set for the February 10 24, [TC] 2020 meeting of the Planning Commission for those items on which a majority of Planning Commission members had found the change to be major. Motion seconded by Mr. Edwards. All in favor and a public hearing will be set for consideration of the request for use of slab foundations and the reduction of units to be constructed as major changes to the original Planned Unit Development.

#### **UNFINISHED BUSINESS:**

##### **Fill Ordinance Referred from Township Board**

A Fill Ordinance drafted as a Regulatory Ordinance by the Township Board, then reviewed in a series of workshop meetings by representatives of the Township Board and Planning Commissions as well as citizens, eventually led the Township Board to decide to implement this Ordinance as a Zoning Ordinance, and responsibility for completing the work was given to the Planning Commission. Planner Johnson presented the most recent iteration of the draft Ordinance dated December 2, 2019 and referred to the Planning Commission on January 8, 2020.

Mr. Edwards offered extensive research materials for the proposed ordinance, and suggested that it should be tabled as it was not yet ready for a final review. Chairperson Simmonds indicated that the draft Ordinance would be reviewed by an attorney. It was questioned to what degree this

draft Ordinance related to the current Mining Ordinance. Planner Johnson indicated that the Township Board was only looking for changes to the draft Ordinance required to put it into the form of a Zoning Ordinance rather than a Regulatory Ordinance. Mr. Edwards maintained that much more work was required, citing in particular Section 10 of the draft Ordinance.

Chairperson Simmonds proposed a workshop meeting to review the draft Ordinance. Mr. Edwards wanted a full discussion and review of the draft Ordinance if it was to be discussed in a workshop meeting.

Mr. Clements asked if there was any discretion given to the Planning Commission in revising this draft Ordinance, or if it was principally ‘mechanical’ changes, which might be handled by Planner Johnson. After further discussion Chairperson Simmonds suggested the review be put on hold, and that the Township Board will be asked at their next meeting for more detail on the extent to which changes to the draft Ordinance in its current form are desired.

**COMMISSIONER COMMENTS:**

Mr. Clements noted that multiple methods of attaching work materials to emails from the Township offices to members of the Planning Commission were being used, with the result that some Planning Commissioners were not able to obtain all those work materials. Chairperson Simmonds will address the issue at the Township offices.

Chairperson Simmonds advised Planning Commissioners that a list of projects for 2020 will be compiled at the February 2020 meeting.

There will be no workshop meeting on January 27, 2020.

**Adjournment:**

Motion to adjourn made by Mr. Edwards. Motion seconded by Mr. Blough. All in favor and the meeting of the Lowell Charter Township Planning Commission was adjourned at 9:00 pm.

Submitted \_\_\_\_\_ Secretary

Timothy Clements

Approved \_\_\_\_\_