

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
January 23, 2017**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Bob Toland
CITIZENS IN ATTENDANCE: 4

The Special 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 Public Hearing and Regular Meeting of January 9, 2017 were presented for approval. Mr. Edwards moved to postpone approval of the Minutes until the next Regular Meeting of the Planning Commission. Seconded by Mr. Batchelor. All in favor and review of the Minutes of January 9, 2017 is postponed until the February 13th Regular Meeting.

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes to the Agenda.

CLOSED SESSION

Mr. Edwards moved for a Closed Session to discuss the Privileged and Confidential Opinion Letter of January 9, 2017 from Township Attorney Clifford H. Bloom concerning an Application to allow churches in the Commercial Zone in Lowell Township, as permitted under the Open Meetings Act, Section Item [TC] 8. Motion seconded by Mr. Clements. All in favor and the closed session was commenced at 7:03 pm, after all non-Planning Commission people were removed from the room.

The Closed Session ended at 8:18 pm, and members of the public were invited back into the meeting room.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

The meeting was opened to public comment at 8:19 pm. No one spoke. Public comment was closed at 8:19 pm.

OLD BUSINESS

Amend Commercial Zoning District to Allow Churches

Mr. Clements moved that the Planning Commission request the Township seek a further legal opinion on the following questions:

1. Does adding a Special Use to the Commercial Zone constitute a re-zoning as suggested in the Michigan Supreme Court decision of The Greater Bible Way Temple of Jackson v. City of Jackson et al?
2. If it does constitute a re-zoning, does the Religious Land Use and Institutionalized Person Act apply to the re-zoning?
3. What restrictions can be applied to a religious facility during a Special Use hearing?

Motion seconded by Mr. Edwards. Four support, one oppose the motion, and the motion carries.

Home Based Business Ordinances

Chairperson Simmonds stated that Draft #4 of the proposed Ordinance was not yet available, and so further discussion could not proceed until that draft was available.

NEW BUSINESS

Timpson Orchards Inc – Revise Special Land Use Permit

Mr. Edwards noted that just one sketch of the driveway had been received. Township Supervisor Hale advised that the Kent County Road Commission had further changes regarding the proposed driveway exiting onto Alden Nash Road, and that final drawings would be prepared to reflect those changes.

Mr. Simmonds indicated that the Special Uses for sand mining and for controlled atmospheric storage, and possibly Timpson Transport, would need to be changed to permit the driveway.

The Township Planner indicated that the new property with the proposed driveway should be combined with the existing property and treated as a single use. Mr. Clements asked why the special uses required amendment as the driveway is on separate land. The Township Planner indicated that the current Special Uses included Site Plans showing the current driveway, and that these would need to be amended to show the new driveway.

It was discussed that construction requirements for the new driveway can be specified as part of the amended Special Use.

It was decided to wait on scheduling the public hearing for the Special Use amendments until all required drawings and information had been received.

COMMISSIONER COMMENTS:

Mr. Blough advised the Planning Commission that the Township Board has requested preparation of a noise ordinance addressing shooting within the Township.

Mr. Batchelor asked about the draft Home Occupation ordinance and was advised that it would be taken up again at the February 13, 2017 Regular Meeting.

Mr. Clements asked that a list of projects to be addressed by the Planning Commission in 2017 also be taken up at the February 13, 2017 Regular Meeting.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Blough. All in favor and the Special Meeting of the Lowell Charter Township Planning Commission was adjourned at 8:45 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____