

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
March 8, 2021**

Held by Teleconference

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 12

The Regular Meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:00 pm.

APPROVAL OF MINUTES OF FEBRUARY 8, 2021 REGULAR MEETING

Mr. Edwards moved that the Minutes of the Regular Meeting of February 8, 2021 be approved as submitted. Motion seconded by Mr. Blough. All in favor and the Minutes of the Regular Meeting of February 8, 2021 are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes or additions to the Agenda.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

The meeting was opened to public comment at 7:02 pm. Two people spoke. Public comment was closed at 7:03 pm.

ANNUAL REVIEWS:

Maple Ridge Manor Annual Review for Special Use Permit for an Assisted Living Facility located at 2535 Gee Dr.

Howard Berringer presented. A written report with photos has been submitted. The facility opened September 1, 2020 with a slow start due to the COVID-19 pandemic. There are currently 20 residents. More residents and employees are expected to be added soon. A problem with water runoff across the roadway has been corrected. No complaints have been received. Both Mr. Batchelor and Mr. Blough complemented the appearance of the facility. Chairperson Simmonds asked if there was any reason to continue the annual reviews. Mr. Batchelor did not see any remaining work to be done and did not see a reason to continue annual reviews. Mr. Edwards agreed.

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 Maple Ridge Manor Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in March 2019, and finds that at this time no

further annual reviews are required, although any other existing conditions on the Special Use Permit remain in place. Motion seconded by Mr. Batchelor. All in favor and the Special Use Permit is in compliance, and no further annual reviews will be required.

Impact Church Annual Review for Special Use Permit located at 11840 Fulton SE

Chris German presented. COVID-19 has caused many projects planned for last year to be moved to this year. Wi-fi extenders were installed to allow students to attend virtual classes from their cars. A walk connecting to the Township park is planned, as are additional pickle ball courts. The old Noon barn will be updated and an approach added. A gas fire pit and speed signs in the parking lot will be added. Many other activities for the benefit of the community are planned. A small basketball court may be added to the East of the building in the green space. The plan is to fence it and close it at 10:00 pm, with lights on 24 hours a day. No violations or complaints have been received.

Mr. Blough noted that the church has been a help to the community. Mr. Batchelor recognized that traffic issues on M-21 had not materialized. Chairperson Simmonds asked about continuing annual reviews and there was agreement that no further reviews should be required.

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 Impact Church Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in March 2018, and finds that at this time no further annual reviews are required, although any other existing conditions on the Special Use Permit remain in place. Motion seconded by Mr. Edwards. All in favor and the Special Use Permit is in compliance, and no further annual reviews will be required.

Timpson Orchards Annual Review for concrete crushing Special Use Permit located at Cascade Road and Alden Nash

John Timpson presented. A written report with photos has been submitted. Summer materials, primarily from Lowell, have been crushed and are expected to move off the property soon after seasonal weight restrictions are removed, due to demand. Security cameras have been installed. A crush is planned for late summer.

Ms. Olesko asked about the current height of the crush pile, and how high the pile could be. It was discussed whether the pile could be as high as the top of the flagpole in the adjoining gas station; Chairperson Simmonds pointed out that the original Special Use Permit specified a maximum height of 30 feet. The pile may be a few feet higher than that presently. The Township Enforcement Officer has visited the site, but no violation was issued. Mr. Edwards noted that the height of the pile is limited by the dimensions of the property and the amount the pile can spread out. Any excess will be removed when seasonal weight restrictions are removed. Mr. Batchelor noted that that this was likely a one-time incident. He also noted that the sound of crushing is not that bad. Dust control issues have been solved.

Chairperson Simmonds asked if an annual review should still be required. It was agreed that the Enforcement Officer should control operations as needed going forward. Members of the Planning Commission felt further annual reviews should not be required.

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 Timpson Concrete Crushing Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in May 2015, and finds that at this time no further annual reviews are required, although any other existing conditions on the Special Use Permit remain in place. Motion seconded by Mr. Batchelor. All in favor and the Special Use Permit is in compliance, and no further annual reviews will be required.

Timpson Orchards Annual review for sand mining Special Use Permit located at 3175 Segwun Ave.

John Timpson presented. A written report with photos has been submitted. Operations are moving southward with reclamation work occurring on the side adjacent to the Precious property, including topsoil, grass seed, and later this year trees. The North side of the property is completely done, and future work will be on the West side, where the sand is deeper. Chairperson Simmonds noted that no new complaints have been received, and truck traffic no longer uses Segwun Avenue. Mr. Timpson stated that an underground sprinkling system is controlling dust.

Ms. Burtt asked about a pond created on the Timpson property, and that she is advised that it is causing water to run onto the adjoining Precious property. There is a slope issue. The matter of runoff is being handled by attorneys for the land owners, so Chairperson Simmonds suggested working out the problem with the Township staff if the problem continues. The Enforcement Officer has indicated that no complaints have been received. Mr. Batchelor indicated that he does not favor dropping the annual review on this Special Use Permit. He would like to continue the reviews to see the project through to completion. Mr. Edwards pointed out that Township control of mining operations will end when State law changes. Mr. Timpson then indicated that he had no problem with continuing annual reviews.

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 Timpson Sand Mining Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in April 2004, and that the next annual review will be held in March 2022. All in favor and the Special Use Permit is in compliance, and the next annual review will be in March 2022.

UNFINISHED BUSINESS:

There is no unfinished business.

NEW BUSINESS:

Review reformatted Zoning Ordinance and set public hearing date

Tim Johnson presented with the assistance of Ms. Burt. The new format is digital with links for easy navigation. Some minor changes have been made to the Ordinance language, including the Township Board holding PUD meetings, an adjustment of Ag-1 setbacks from 60 feet to 50 feet, and building height is now defined. Bulk tables have been slimmed, and all PUD districts will be included. The Ordinance will continue to be kept updated at the Township web site, and paper copies with periodic updates will still be given to members of the Planning Commission. Table of Content entries will be linked to the appropriate section of the Ordinance. Links to the Zoning Map are planned in the future. Mr. Batchelor asked about the ability to download the Zoning Ordinance from the Township web site. Mr. Clements advised that he does this regularly without a problem.

There being no further questions or comments, Chairperson Simmonds moved that a public hearing on the reformatted Ordinance and the few changes noted be set for public hearing on April 12, 2021. Motion seconded by Mr. Blough. All in favor and the public hearing is set for April 12, 2021.

Continue review of draft I-96 Planning Area Ordinance (formerly Mixed Use PUD)

A review of Draft 3 of the I-96 Planned Unit Development Zoning District (I-96 PUD) dated March 8, 2021 was led by Tim Johnson. Changes to prior language is shown in bold. Residential use has been removed. The Planning Commission may allow other uses if they meet the specific requirements set out. Mr. Edwards was concerned about a retirement home being located next to offices, and Mr. Blough raised the same concern with respect to Light Industrial activities. Mr. Clements suggested leaving this decision to the developer, and Chairperson Simmonds agreed. Section 15.03(c) is left unchanged.

Industrial Special Land Uses, beginning on page 15 of the draft, were next discussed. The list was taken from the current Special Land Uses allowed in a Light Industrial zone. The question discussed was whether all uses allowed in a Light Industrial zone must also be allowed in the I-96 PUD. After discussion, it was decided this was not the case, and removal of uses j) through p) on page 16 of the draft was proposed. Item p) was modified to only allow metal stamping and forges. Items j) through o) were completely removed. In response to a question from Mr. Batchelor, the developer indicated the land would be mostly industrial activities, with a mix of owned and leased properties. The developer's desire is to retain control over development.

Section 15.03(d), regarding the total area of the I-96 PUD where Commercial uses would be allowed, was reviewed. After discussion, it was decided that of the four criteria for allowing more than 15 percent Commercial development should be amended to drop item 3), which would have required a determination be made of whether the area proposed was more conducive to Commercial use or Industrial use.

With the changes noted, the new Section 15 of the Ordinance would replace the current Section 15 of the Ordinance.

There being no other questions or comments from members of the Planning Commission, Chairperson Simmonds moved that a public hearing on the removal of the current Section 15 from the Ordinance and its replacement with the new language be set for April 12, 2021. Motion seconded by Mr. Edwards. All in favor and the public hearing is set for April 12, 2021.

COMMISSIONER COMMENTS:

Mr. Batchelor asked if the April 2021 Planning Commission meeting would be held in person. Subject to State directives, it probably will be.

Mr. Blough advised that Kent County will be taking possession of the building on the former ~~Yeater~~ **Yeiter** property at the end of the month.

Chairperson Simmonds indicated that there would be no workshop meeting on March 22, 2021.

Adjournment:

Motion to adjourn made by Mr. Edwards. Motion seconded by Mr. Batchelor. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:27 pm.

Submitted _____ Secretary
Timothy Clements
Approved _____