

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
December 12, 2016**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Bob Toland
CITIZENS IN ATTENDANCE: 9

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 November 14, 2016 were presented for approval. Secretary Clements noted a change he had made to his own comments at the prior meeting, to correctly use the term 'non-resident employee' in the table contained in the Home-based Business Amendments. Mr. Edwards moved to approve the Minutes as so presented. Seconded by Mr. Blough. All in favor and the Minutes of November 14, 2016 are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes to the Agenda.

PUBLIC COMMENT:

The meeting was opened to public comment at 7:03 pm. No one spoke. Public comment was closed at 7:03 pm.

OLD BUSINESS

Amend Commercial Zoning District to Allow Churches

Presented for review was Township Planner Tim Johnson's Draft #1 For Planning Commission Review dated December 12, 2016. Representatives of Impact Church presented members of the Planning Commission with a Project Description Document, giving information regarding a proposed church they would like to build in the Township's Commercial Zone, and the types of activities likely to occur at the proposed church.

Mr. Clements raised the issue of the federal Religious Land Use and Institutionalized Persons Act, 42 USC 2000 et seq, which applies some restrictions on allowable land-use laws controlling the location of churches. He suggested that the requirements of said law, which was not discussed in the document under review, be laid out by the Township attorney, before the Planning Commission attempts to draft language for the proposed Ordinance change. After discussion with Township Planner Bob Toland, it was agreed to pursue more information regarding the application of this law to local land-use language which might be proposed by the Planning Commission.

Joshua McCracken of Greenridge Realty asked how other townships addressed churches in Commercial zones. The Planning Commission asked Bob Toland to review other township ordinances on this point.

Home Based Business Ordinances

The Planning Commission reviewed Draft 3 of the proposed Home-based Business and Home Occupation Amendments dated December 12, 2016.

On Page 1, Section 4.45 a), the phrase 'principal single-family residential use' was changed to 'principal residential use'.

On Page 2, Section 4.45 d) 8), addressing product storage in Home Occupations, is deleted, as it is redundant to Section 4.45 d) 2). The paragraphs following 8) will be renumbered.

Section 4.46 a), line 2, should drop the word 'a' in front of the phrase 'family members'.

Section 4.46 c) 2), line 1, should have the term 'non-family employees' changed to 'non-resident employees'.

The table in section 4.46 c) 2) is changed to read as follows:

Minimum Lot Size	Maximum Number of Employees
3.00-5.99 acres	1
6.00-8.99 acres	2
9.00-11.99 acres	3
12.00 acres or more	4

No further changes were made.

Mr. Blough asked about setting out the requirements for information to be provided at annual reviews. Mr. Simmonds suggested that this information would vary by business. It was agreed to set out specifically requested information in each notice of hearing.

After discussion, it was agreed that at least one or two annual reviews would be necessary for each Special Land Use granted, but that the Planning Commission would have the discretion to waive any further mandatory reviews on a case-by-case basis.

NEW BUSINESS

Kissing Rock Estates Development

Don DeGroot presented the proposed Site Condominium project. A Site Plan dated November 21, 2016 was presented to the Planning Commission. 68 acres of land are owned, but some lots will be outside of the proposed Site Condominium project; 11 parcels of 4 acre minimum size (consistent with Ag-2 size requirements) will be included in the project. Each parcel will have a well and drainage field. One private street and two private drives are proposed.

Mr. Simmonds asked for clarification on the use of 'parcels' as opposed to 'units'. The five lots along Kissing Rock Road (Parcels A to E) are outside the Site Condominium. Lots inside the Site Condominium are referred to as 'units'. He also indicated that there is a need to distinguish 'private streets' from 'private (shared) drives'.

Mr. Batchelor inquired into the reasons for omitting Parcels A and B from the Site Condominium. Mr. Simmonds asked about steep slopes and issues with access by fire fighting equipment. Mr. Clements asked about outdoor lighting, and suggested the developer discuss its lighting plans with the nearby Observatory.

The Planning Commission discussed the possible need for reports from other agencies giving approval of drainage, fire access, and similar requirements, before holding the preliminary public hearing. It was decided to have a public hearing on the proposed project, but to hold recommendation of the project to the Township Board until all necessary reports had been received and any resulting issues resolved.

There being no further questions or comments, Mr. Edwards proposed that the preliminary site plan be set for public hearing on January 9, 2017. Motion seconded by Mr. Batchelor. All in favor and the date of hearing for the review of the preliminary site plan is set.

Kent County Communication Tower

Kent County is considering the replacement of one of its emergency services radio towers in the Township with a taller tower. However, this is only at the discussion stage and no formal request has been made, so no Planning Commission action is required at this time.

Election of Planning Commission Officers for 2017

Mr. Edwards moved to re-elect the existing slate of Planning Commission Officers of: Mr. Simmonds as Chairman, Mr. Batchelor as Vice-chairman and Mr. Clements as Secretary for the Planning Commission 2017 term. Motion seconded by Mr. Blough. All in favor and the current officers are re-elected to their current positions for another year.

COMMISSIONER COMMENTS:

Mr. Blough invited Mr. Simmonds to join him at a county-wide meeting addressing how to preserve agricultural land and keep farming viable in the county. He noted that Lowell Township already has one of the more strict Ordinances to preserve farmland. Further information is available on the AccessKent website.

There will be no workshop meeting on December 26th.

Township Planner Bob Toland advised members of the Planning Commission that a second public hearing would also be required for the private street portion of the proposed Site Condominium project discussed earlier, and that Applicant had yet to make application for that hearing. Applicant will be advised of the requirements to be met in order for private streets to be discussed at the same public hearing as has been scheduled for the site condominium project. He also noted that site condominium units require frontage on a private street, and that a maintenance agreement for the private street will be required.

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 8:55 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____