

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION**  
**PUBLIC HEARING AND REGULAR MEETING**  
**January 9, 2017**

**PRESENT:** Blough, Batchelor, Simmonds, Clements, Edwards  
**TOWNSHIP PLANNER:** Absent  
**CITIZENS IN ATTENDANCE:** 60+

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:01 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of December 12, 2016 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes of December 12, 2016 are approved.

**CHANGES OR ADDITIONS TO THE AGENDA:**

There were no changes to the Agenda.

**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 HEARING**

The public hearing on the Kissing Rock Estates Site Condominium Development was opened at 7:05 pm. Chairperson Simmonds explained the hearing process to those present. Mr. Clements read the Notice of Hearing into the record.

Don DeGroot led the presentation for Applicants, with assistance from David Rapp. He noted some ordinance interpretation differences with the Township after speaking with the Township's new Planner, which resulted in extension of the private roads in the Development. Continuing, he explained to those present that the Development will be a Site Condominium on land zoned Ag-2. Five separate lots along Kissing Rock Road are traditional land splits and not a part of the Development. Within the Development will be eleven 4-acre or more [TC] lots, each to eventually contain a single-family residence. These homes will be serviced with individual water wells and septic systems. There will be storm water retention to prevent any increase of water flow onto neighboring properties. Private roads with cul-de-sacs will ensure each parcel meets road frontage requirements, and there will be private drives for access to homes as well.

Mr. Simmonds confirmed with the developer that the North private road will extend to provide the required frontage to Parcels 2 and 3 as well as Parcels 1 and 4, and that the East private road will be extended to provide the required road frontage for Parcels 7 and 8.

There being no further questions or comments from members of the Planning Commission, the meeting was opened for public comment at 7:20 pm.

Jim McDonald – asked for explanation of the term Site Condominium. Mr. Simmonds explained that it would not be multi-tenant buildings, only single family homes on 4 acre lots.

Claudine Witten – asked if this was an Open Space Planned Unit Development. Mr. Simmonds indicated that an OS-PUD was an alternative way to develop land. She also asked about a water detention pond, and was told there would be one, although the location was not yet determined (most likely to be in the center or on the North side of the Development). Mr. Batchelor explained that the Township Engineer would also review the water flow across the Development.

With respect to lighting affecting the Veen Observatory, Mr. Clements noted that he had been advised that the Observatory had filters to negate the effect of artificial lighting. Dave DeBruyn, president of Veen Observatory, indicated that filters helped, but also that the Township Lighting Ordinance prevented up-lighting to minimize impact on the Observatory.

Concern was expressed about the current state of Kissing Rock Road and the impact of additional traffic on the road. Mr. Batchelor advised that concerns about the road should be directed to the Kent County Road Commission.

Jim and Elaine Firlan – expressed concern about not knowing the value of the homes to be built. They are concerned about an increase in sound levels. In seeking to learn the difference between normal residential and site condominium development, the Applicant explained that Site Condominium is just about the form of ownership of the parcels. The land being developed has varying elevation, and it was asked how each house would get sewer service. Applicant indicated that each house would get its own water well and septic system. They asked for verification that each house would be located on a minimum of four acres, and that was confirmed by the Applicant. When asked about the size of the planned houses Applicant indicated that size had not yet been determined.

Howard Thumser – asked about the square footage of the houses. Mr. Batchelor indicated that minimum square footage was set by the Township Ordinance. The details of the square footage requirements would be looked up in the Ordinance and presented later in the meeting.

Joy Parchetta – passed.

Philip Rice – asked if the homes would use propane gas or would be provided with natural gas. Applicant indicated that was not currently known.

Rolf Ludge – asked for clarification on the effect of a Site Condominium on home ownership. Applicant advised that just the lot would be part of the Site Condominium, and that homes constructed on the parcels would be individually owned. Mr. Simmonds noted that there would be a neighborhood association which would specify the required appearance of the houses built in the Development.

Carolyn Fellner – passed.

R B Bergman – does not like the addition of traffic to Kissing Rock Road.

Clinton Forester – spoke about the Site Condominium which he currently lives in, and that this project would be very similar. When he asked about the home-building process, Applicant indicated they did not know if a single builder would purchase all the parcels and build each house, or if separate builders would be employed by each parcel's purchasers. To clarify probable home values, Applicant indicated each parcel would sell for \$60,000-\$85,000, and that the land price is generally 20%-25% the cost of a home built on a lot.

Roger Plaxton – indicated that there would be rules from the Condominium's Homeowner Agreement, but each purchaser would determine the house they wanted to build.

Robin Cunningham – Her property is adjacent to the Development and she is concerned about her driveway, which is close to the Development. It was indicated that the Kent County Road Commission will need to approve the location of the road out of the Development. She asked about maintenance of the roads in the Development and was advised that these would be private roads maintained by the owners of the parcels through the Homeowner Agreement. In response to further questions, Applicant indicated that they would only be clearing land as necessary for road construction. There will be no 'common areas' within the development. The Bylaws for the Development will be recorded with Kent County.

At this point Chairperson Simmonds answered the earlier question about minimum house sizes by sharing that the Township Ordinance required a minimum of 750 square feet for a one-story house, and a minimum of 900 square feet for a two-story house.

John Jeffries – asked if the homes could be clustered on the property, if portions of the Development would not 'perk' for a septic system. This would not be permitted with a Site Condominium Development. The Developer would have the option at that point to submit a new request for development of the land as an Open Space Planned Unit Development allowing homes to be clustered, but this would be a totally new application to be reviewed, and would require a new public hearing. The speaker would prefer another point of access to Kissing Rock Road from the Development.

John and Diane Van Eek – asked about bylaws, and expressed distrust of what they were being told at the hearing. Mr. Batchelor also clarified that five parcels (designated A through E) are standard land splits and are outside of this Development. There are only eleven parcels within the Site Condominium development.

Russ and Cindy Coon – expressed concern that development in Lowell Township will become similar to that in Kentwood.

Don Doezema – asked who addresses the condition of Kissing Rock Road. Chairperson Simmonds advised him to start with the Township Board. They can also address the question of future expansion of development in the Township.

Amy Taylor – passed.

Chris Abel – feels that this Development will not be good for the neighbors.

Kara Allen – asked if a honeybee house currently on the Development land will be kept. Applicant does not think so.

Zach Bergen – expressed concern about lighting. He also does not like the hearing notification process.

Matt Penninga – passed.

Steve Fleming – passed.

Dave DeBruyn – president of Veen Observatory. Notes Observatory has been in Lowell Township for a long time, and he hopes it can remain there for a long time. He stated that they have had an additional amount of light from neighbors who have come in since the observatory was first built.

Jeff Dickerman – passed.

Wade O'Boyle – asked if the water supply would be 'Type 1' or separate wells. Applicant advised that with only eleven parcels there would be separate wells. The speaker also suggested that there be a review of Kissing Rock Road given the increase in the number of homes it will be servicing.

Cheri Penninga – passed.

Gord Penninga – asked if a resident of the area can discourage this development? Mr. Batchelor advised him that if the developer meets the requirements of the zoning ordinance, the Planning Commission will need to approve the Development.

Nick Sanchez – thinks this development will make things worse.

Linda Hansen – she lives in a similar development, and her house has 2700 square feet on the first floor. She noted the impact on the animal habitat that developments have.

Brenden Hansen – passed.

Sandra Dood – stated that Kissing Rock Road is already being used as a 'cut-through' and that traffic on the road is too fast. Drives onto the road are hidden. There are flooding issues on nearby land.

Blake Charon – did not respond when called.

Diane Black – asked where the developer were from. Currently located in Grand Rapids but formerly from Lowell.

John Pierce – opposes the size of the units. Additional children will affect the school system. Was advised that there was only one phase to the project.

Eric Spross – asked if there had been an Environmental Protection Agency study of this land. That is not known.

John Longchamps – originally from Grand Rapids before moving to Lowell. Noted that the Veen Observatory is a special place.

Lindsey Marsmai – asked about any Internet services coming in. She was advised by another member of the audience that Vergennes Broadband was building out towards her area.

Dave DeBruyn from Veen Observatory spoke again, and indicated that he does not favor additional light and would like it to be controlled.

Charlotte Howard – asked how lighting ordinance is enforced. She was advised that it is often a neighbor complaining, and that the Township Enforcement Officer would follow up and address any issues.

Rachel Swift – asked about hobby farms in Development. They may be allowed.

Dave Cordival – asked if there were restrictions about extending private roads, and was told that there were. Asked if the Department of Environmental Quality had conducted any study of the land. He does not want the project here, and would like to maintain the quiet rural atmosphere.

Judy Vriesema and Bill Vriesma – concerned about the loss of farmland to development.

Anne Marie – questioned why the Township would ruin farmland for development.

Barb Gillman – asked if it was necessary to abide by the Township Ordinance, and was told that it was.

Robin Cunningham – noted there is an area low and wet at the treeline along Kissing Road Road.

Roger Plaxton – asked if all lots would eventually need to be built upon, and was told that the Bylaws will require that.

There being no further questions or comments, public comment was closed at 9:06 pm.

There being no further comments or questions from members of the Planning Commission, the Public Hearing was closed at 9:06 pm.

## **REGULAR MEETING**

The Regular Meeting of the Lowell Township Planning Commission began at 9:07 pm.

### **DISCUSSION AND DECISION ON THE PUBLIC HEARING ITEM**

Chairperson Simmonds indicated that he would like the Township Planner to review the submitted materials and prepare a report with any outstanding requirements or concerns to be addressed. He indicated that Applicant will also need to prepare materials for a review of the proposed private roads, which will require its own public hearing. The Township Planner will work with the Applicant as he prepares the report. Mr. Blough asked some questions about how the private road routes had been established.

The Applicant indicated that they would not be ready to proceed with the private road hearing until March 2017. Chairperson Simmonds then moved that a decision on the Kissing Rock Estates Development be tabled until the March 13, 2017 Regular Planning Commission meeting. Motion seconded by Mr. Batchelor. All in favor and further consideration of the matter is tabled.

## **OLD BUSINESS**

### **Amend Commercial Zoning District to Allow Churches**

Chairperson Simmonds observed that no new materials had been received from the Township Planner, and that a first attempt to draft new Ordinance language contained unenforceable conditions, and could not be used for discussion purposes. A final attorney opinion on the zoning change request is not yet available. After some discussion, Chairperson Simmonds moved to hold a Special Meeting of the Planning Commission on January 23<sup>rd</sup> to discuss possible amendment of the Commercial Zone Ordinance. Motion seconded by Mr. Batchelor. All in favor and the Special Meeting will be held January 23<sup>rd</sup>.

### **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 Driveway**

Timpson Orchards Inc has requested a Site Plan Review and Change to permit a driveway from the existing sandpit to Alden Nash SE. Required drawings will follow. This may also require amendment to the Special Use Permit. The matter will be discussed with the Township Planner. The Planning Commission is advised that Kent County Road Commission will grant a temporary drive permit to allow removal of sand for use by the County.

**COMMISSIONER COMMENTS:**

Mr. Batchelor commented on the notice requirements for public hearings.

Mr. Clements suggested a future agenda item for compiling a work list for the Planning Commission in 2017.

As noted previously, there will be a Special Meeting on January 23<sup>rd</sup>, and therefore there will not be a Workshop Meeting on that date.

**ADJOURNMENT:**

Mr. Batchelor moved to adjourn. Seconded by Mr. Blough. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 10:02 p.m.

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

Timothy Clements

Approved \_\_\_\_\_