

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING AND PUBLIC HEARINGS**  
**August 13, 2018**

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

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE:** 13

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 and Public Hearing of July 9, 2018 were presented for approval. Mr. Edwards raised two possible concerns, but changes were not made. Mr. Edwards then moved to approve the Minutes as presented. Motion seconded by Mr. Batchelor. All in favor and the Minutes of August 13, 2018 are approved.

**CHANGES OR ADDITIONS TO THE AGENDA:**

Chairperson Simmonds changed the order of the matters for public hearing, making the density question first, parking spaces second and the requested OS-PUD third. With these changes, Chairperson Simmonds moved to approve the Agenda as amended. Motion seconded by Mr. Blough. 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 7:04 pm. No one spoke. Public comment was closed at 7:04 pm.

**PUBLIC HEARINGS:**

Chairperson Simmonds opened the Public Hearings at 7:05 pm. He explained the hearing process to those present. Since the three matters were closely related, they were addressed concurrently. Mr. Clements read the Notices of Hearing into the record.

Todd Stivey presented on behalf of Forest Hills Homes. In order to gain approval of the Fulton Street Apartment project as presented a housing unit density of 11 units per acre would be required. Current density is 8 units per acre. The increased density request has been reviewed by the Township Board and they expressed approval of the proposed change. He next addressed a change to the currently required width of parking spaces, reducing it from 10 feet to 9 feet, as this is the industry standard. Again, the Township Board has expressed approval of the proposed change.

Lastly, Mr. Stivey presented the request of Forest Hills Homes for creation of an Open Space Planned Unit Development on 7.4 acres at 11519 Boulder Drive, which is presently zoned

Commercial. The project will have four buildings of 20 townhouse units each, with the center section of [TC] each building having three floors. Approximately 36 percent of the property will be open space. A community building, dog run and sidewalk to Meijer to the East will be part of the project. Municipal water and sewer services will be used. Unit sizes have been reduced somewhat since the original submission of the Site Plan.

Planner Johnson then reviewed his Report of August 8, 2018. Both the density increase and the parking space width reduction will need to be approved before a decision on the proposed OS-PUD can be made. The Site Plan has been well prepared and requirements of the Ordinance have for the most part been met. A copy of the OS-PUD Agreement must be provided. The Planning Commission will need to address the question of approval of the overall height of the buildings, as each has a center section with a total height of 36.1 feet, and the general Township maximum height is 35 feet. Mr. Edwards asked how the height of buildings is determined and was advised that the height is the point halfway between the eave and the peak of the roof.

Mr. Batchelor confirmed with Planner Johnson that the Planning Commission can approve the first two proposed Ordinance changes, but still have the right to deny the OS-PUD request.

Planner Johnson explained that, even with the higher density requested, Applicant would need to show the Planning Commission that it was providing extra amenities before the number of units requested could be approved.

Mr. Edwards noted that the number of parking spaces shown on the Site Plan had changed during discussions of the project and asked what the final number of spaces being requested was. There will be 80 covered parking spaces and 103 uncovered spaces. Mr. Clements followed up on the question of minimum unit size and was advised that it had been reduced slightly since the original request had been submitted, but each unit was well above the minimum required by the Ordinance.

Mr. Edwards and Chairperson Simmonds questioned the need for 9-foot high ceilings in the units, which causes the overall height of the buildings to be 36.1 feet. They were advised that this height was common and expected in units like this. Planner Johnson noted that the Planning Commission had flexibility in approving the height, just as it had flexibility with setback requirements.

Mr. Clements asked if “townhouse” indicated a rental unit rather than a condominium. Applicant confirmed these would be rental units.

There being no further comments or questions from members of the Planning Commission, the Hearing was opened to Public Comment on all three requests at 7:30 pm.

Greg Forde – pass

John Timpson – pass

Phyllis Phillips – expressed her appreciation for the Planning Commission’s foresight regarding the need for more apartments in the community. She also feels more condominiums will be needed in the future.

Don Rhoda – stated he had worked with Forest Hills Homes Matt McCollum and in his experience they go above and beyond for their clients and that they ‘do things right’. He indicated that he also spoke for Impact Church on this matter. Finally he indicated the nine foot ceilings would aid in drawing applicants to these units.

There being no other comments or questions, the Public Input portion of the Public Hearing was closed on all three requests at 7:36 pm.

Mr. Batchelor asked Mr. McCollum about ownership of these buildings, and was advised that they would be owned by Mr. McCollum along with some investors. Mr. Blough asked what amenities were being offered by Applicants, and members of the Planning Commission were given a document listing Fulton Place Amenities and Features. Mr. Blough felt that the list showed amenities sufficient to justify the Planning Commission in granting the additional requests of Applicant.

Mr. Batchelor stated that he liked the concept of the project, that nine foot ceilings did not cause him concern, nor did the density and narrowing of parking places, the last of which just matched the Ordinance to the parking spaces of other sites. He noted the need for additional apartments in the Township.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 7:43 pm.

Chairperson Simmonds stated that there would be separate motions and votes on the increase in housing unit densities, width of parking spaces and rezoning of the land to OS-PUD with the amenities presented to justify the method of calculating the total number of housing units allowed on the land.

Chairperson Simmonds moved that the Planning Commission recommend to the Township Board approval of the amendment of Section 14.07(a) of the Lowell Township Zoning Ordinance to increase the maximum average density for multi-family uses in the Open Space Planned Unit Development zoning district from eight dwelling units per acre to 11 dwelling units per acre. Mr. Batchelor seconds. All in favor and the recommendation to change density from 8 to 11 units per acre is approved.

Mr. Batchelor moved that the Planning Commission recommend to the Township Board approval of the amendment of Table 23-1 of the Lowell Township Zoning Ordinance to reduce parking space widths from 10 feet to 9 feet. Motion seconded by Mr. Edwards. All in favor and the recommendation to reduce parking space widths to 9 feet is approved.

Chairperson Simmonds moved that the Planning Commission recommend to the Township Board the rezoning of the 7.4 acre parcel of land at 11519 Boulder Drive to Open Space Planned Unit Development, the extra amenities provided justifying use of the full acreage to determine the total units allowed and for approval of building heights of 36.1 feet. Motion seconded by Mr. Edwards. All in favor and the recommendation to approve the Open Space Planned Unit Development with the noted allowances is approved.

## OLD BUSINESS

**Barringer/BMG Holdings LLC Request to set a public hearing date to rezone property at Alden Nash and Foreman Street from R-1 to R-2 in conjunction with a Special Land Use Permit to establish an assisted living facility (Adult Foster Care Facility) to be called Maple Ridge Manor. This is an amendment to the original request for a conditional rezoning to R-3.**

Sarah Ross presented on behalf of Barringer/BMG Holdings LLC. Ms. Ross reviewed the necessity for assisted living facilities in Lowell Township. She stated that only municipal water is available for this property and that a septic system would be required. She indicated that it is not uncommon for these facilities to be allowed in residential areas. Landscaping and land slope were discussed. Applicant would agree to connect to a sewer line within two years of such a line becoming available.

Mr. Blough asked about a white area on the site drawing, and was told that it was a house eighty to ninety feet away. Mr. Batchelor asked if sewer stubs would be in place for future connection. He was advised that there would be a 'Y' connection for switching from septic to sewer when that became available, and that the septic drain fields would be left in place.

Mr. Clements asked the other members of the Planning Commission if they would favor rezoning the land from R-1 to R-2, adding a new Special Land Use for R-2 to allow an adult assisted living facility, and creating an option for the Planning Commission to choose either sewer line service or septic facilities on such properties, if the request for a special land use for an adult assisted living facility at Alden Nash and Foreman Road was not approved.

There commenced an extended discussion of a septic system being used with an adult assisted living facility of at least 53 resident rooms. Ms. Ross indicated that the Kent County Health Department would not approve a septic system unless it met their standards. Mr. Edwards felt there had been fewer test borings than were required for a commercial septic system. He has not seen any disposal code requirements or details shown on the plans. During discussion, Ms. Ross indicated that there was room for additional secondary septic fields if the primary field were to fail. She also advised that the holding tanks would have sufficient capacity to provide seventy-two hours of use without a functioning drain field, to allow a switch to a backup drain field. On further questioning, she advised that filters would be part of the septic system to handle medications flushed into the system. Finally she named several other communities which allow systems like this. After extensive further discussion between members of the Planning Commission and with the Applicant, Mr. Clements reminded everyone that his original question

did not seek to get into the details of Applicant's planned septic system, but just questioned whether the three proposed amendments to the Ordinance would be acceptable if the project driving consideration of those changes was not approved.

Chairperson Simmonds moved that a Public Hearing be set for September 10, 2018 to consider the rezoning of property South of Foreman Road and East of Alden Nash Drive from R-1 Rural Low Density Residential to R-2 Medium Density Residential. Motion seconded by Mr. Batchelor. All in favor and the public hearing on rezoning from R-1 to R-2 will be set for September 10, 2018.

Chairperson Simmonds then moved that a Public Hearing be set for September 10, 2018 to consider adding a new Special Land Use to the R-2 Medium Density Residential zone to allow Adult Foster Care Facilities. Motion seconded by Mr. Blough. All in favor and the public hearing on adding a Special Land Use for Adult Foster Care Facilities to the R-2 zone will be set for September 10, 2018.

Chairperson Simmonds then moved that a Public Hearing be set for September 10, 2018 to consider the use of septic systems in the R-2 zone for Adult Foster Care Facilities as a Special Land Use, with the stipulation that any approved septic system must be connected to a sewer line when one becomes available, and further, that such a septic system must be approved by the Kent County Health Department. Motion seconded by Mr. Edwards. All in favor and the public hearing on the use of septic systems in the R-2 zone as a Special Land Use will be set for September 10, 2018.

Applicant asked that a public hearing on their request for a Special Land Use to allow construction of an Adult Foster Care Facility on property at Alden Nash and Foreman Street also be set for September 10, 2018. Mr. Clements questioned holding such a hearing that soon, given the incomplete information submitted about the facility to date, and that normal practice would require an opportunity to review the materials before setting the public hearing, including receiving and reviewing a report from the Township Planner and from the Township Engineer.

Chairperson Simmonds moved that a Public Hearing be set for September 10, 2018 to consider the request of Barriger/BMG Holdings LLC for a Special Land Use Permit on property at Alden Nash and Foreman Street for an Adult Foster Care Facility, to be known as Maple Ridge Manor. There was no second for the motion. Motion failed.

**Review Township Board directive to amend the Township Zoning Ordinance to allow Adult Foster Care facilities in the R-2 zone with or without public utilities**

This was covered in the prior discussion.

**NEW BUSINESS**

**Request from Timpson Transport to amend its Special Use Permit to allow sand mining and hauling operations later than 7:00 PM**

Mr. Timpson explained that MDOT would be rebuilding the I-96/I-196 connection in Grand Rapids, with Phase 1 of the project being the addition of two bridges. MDOT wants to conduct as much of the project as possible during the night when traffic is low, and that would require loading and moving materials from the Timpson Transport mining site after the hours permitted by their Special Land Use Permit. He asked if such a change would be considered as minor or major.

Planner Johnson indicated that the hours when mining was allowed is not in fact a part of the Special Land Use Permit, but is a general provision of the Ordinance. The provisions of the Ordinance were changed in 2011, after Mr. Timpson's Special Land Use Permit was granted, so any restrictions on his current operations are grandfathered. He felt the only option would be to change the Ordinance, and if Mr. Timpson chose to operation under the new Ordinance, he would lose his current grandfathered rights.

Mr. Batchelor asked if the night mining for MDOT would be an essential service. Planner Johnson stated that it would not. Mr. Clements suggested Mr. Timpson check with MDOT or use his attorney to see if the State's need for the sand and gravel can take precedence over local zoning. Mr. Blough suggested taking the matter to the Township Board, but Planner Johnson indicated that the Board cannot waive an Ordinance provision. Chairperson Simmonds suggested the material might be moved off-site during daylight hours, but Mr. Timpson responded that this would require loading and unloading the material twice, which wasn't practical. Mr. Edwards suggested that Mr. Timpson look at ~~Section 6.32~~ Part 632 [TC] of the Natural Resources and Environmental Protection Act (451 MCL 324.632).

**COMMISSIONER COMMENTS**

There will be no special meeting on August 27, 2018.

**ADJOURNMENT**

Mr. Edwards moved to adjourn. Motion seconded by Mr. Batchelor. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:25 pm.

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

Timothy Clements

Approved \_\_\_\_\_