

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING AND PUBLIC HEARING  
December 10, 2018**

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

**ABSENT:** Blough

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE:** 6

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 12, 2018 and Findings of Fact for RRR Lawn and Landscaping Special Land Use were presented for approval. Chairperson Simmonds offered changes to Page 4, Conditions 4 and 6 of the Minutes, to match the language of the Minutes with the corresponding language in the Findings of Fact for the RRR Lawn and Landscaping Special Land Use. Mr. Edwards then moved to approve the Minutes as amended and the Findings of Fact for RRR Lawn and Landscaping Special Land Use. Motion seconded by Mr. Batchelor. All in favor and the Minutes of November 12, 2018 as amended, and the Findings of Fact for RRR Lawn and Landscaping Special Land Use, 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 7:07 pm. No one spoke. Public comment was closed at 7:07 pm.

**PUBLIC HEARING:**

**An amendment to Section 8.03 to permit Adult Foster Care Large Group Homes in the R-2 Zoning District as a Special Land Use and an amendment to Section 22.03(k) to delete the requirements for housing for the elderly and replace this language with specific regulations for Adult Foster Care Large Group Homes**

Chairperson Simmonds opened the Public Hearings at 7:09 pm. He explained the hearing process to those present. Mr. Clements read the Notice of Hearing into the record.

Mr. Batchelor confirmed that the decision coming out of this hearing would be a recommendation to the Township Board for a final determination. Mr. Clements noted that this was only the addition of a new Special Land Use, and that a separate hearing would be needed for a specific project proposed for the R-2 zone. Planner Johnson advised that the request for

this public hearing was from Mr. Barriger and that he could present to the Planning Commission before the hearing was opened to public comment.

Sarah Ross presented on behalf of the Applicant. She stated that the original desire of Applicant was to construct a Home for the Aged (HFA) but due to the lack of sewer capacity they had changed this to a request for an Adult Foster Care Large Group Home (AFC). Now that sewer capacity for their anticipated project has become available, she asked to include in the current proposed Amendment the allowance of an HFA in the R-2 zone.

Chairperson Simmonds reviewed prior Public Hearing Notices, and explained that the prior public hearing related to this matter had been to approve a re-zoning of land to R-2, and to update definitions relating to the current application to make the Lowell Township Ordinance consistent with current State definitions. The current public hearing was only noticed for consideration of AFC facilities in the R-2 Zone.

Mr. Edwards stated that the Planning Commission had not yet had an opportunity to review and discuss HFA facilities. He pointed out that there are differences in the licensing of the two types of facilities. Mr. Edwards suggested tabling the current application and revising the proposed Special Land Use Amendment to include HFA facilities, after which a new public hearing could be set for the revised Amendment.

Ms. Ross noted that HFA facilities had been discussed with the Planning Commission initially, but that they had to drop pursuing this option as a sewer connection would have been required. She also noted that an HFA facility of more than 20 residents would only require a single license, rather than the multiple licenses which would be required for an AFC project for more than 20 residents.

Mr. Batchelor asked if the current public hearing notice superseded any prior notices. Planner Johnson advised that adding HFA facilities to the AFC facilities Amendment set for the current public hearing would be a sufficient enough change to require a new public hearing, and he confirmed that the Township Attorney agreed with this conclusion. Either the current hearing could proceed just for AFC facilities, or AFC facilities could be combined with HFA facilities for discussion together at a new public hearing. Mr. Clements further explained that the Planning Commission was limited in what it could do this evening by the language of the Notice of Public Hearing, which did not include notice of a discussion of HFA facilities in the R-2 Zone.

Chairperson Simmonds asked if Applicant was dropping the request for AFC facilities and now pursuing a Special Land Use only for HFA facilities. Planner Johnson noted that little change would be needed to make the current proposed Ordinance language include HFA facilities.

Mr. Edwards stated that HFA facilities had the option of using either a sewer connection or a private lagoon system for waste disposal. He also pointed out that a HFA facility could have 80 or more residents. He reminded the Applicant that a septic system for an AFC facility was likely to fail after one year, according to comments from Jason Buck of the Kent County Health

Department, and that further discussion on this was needed. There would also need to be other changes made to the Ordinance, including to the Bulk Use Table.

Chairperson Simmonds asked if the Applicant wanted to continue the public hearing this evening on just AFC facilities, or if they were now only interested in HFA facilities. Ms. Ross felt that such homes in residential communities had already been discussed, and that should be enough to allow pursuing both AFC and HFA facilities at this evening's public hearing.

Mr. Batchelor asked if both types of facilities should only be allowed if public sewer was available. After discussion, it was felt that only public sewer should be allowed for these kinds of facilities. The current matter being discussed included the use of a septic system in addition to the option for a public sewer connection. Mr. Edwards reminded Applicant that the language ultimately approved would affect multiple parcels in the R-2 zone.

There being no other questions or comments by members of the Planning Commission, the hearing was opened to public input at 8:03 pm.

Marjorie Mayhew – approves of nursing homes in the area and thinks it is a good idea to have them here.

There being no one else wishing to speak, the public input portion of the Public Hearing was closed at 8:05 pm.

Mr. Edwards noted that HFA facilities could be approved for less than 20 residences, but that would require an attached nursing home, which had not been discussed for the R-2 zone. He is generally agreeable to these facilities but is not comfortable with their use of septic systems.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 8:07 pm.

Chairperson Simmonds discussed with Planner Johnson the changes that would be needed to adapt the current Amendment language to allow HFA facilities, to meet the desire of the Applicant. Planner Johnson felt that creating a Special Land Use for both AFC and HFA facilities would require minimal changes to the current proposed language, and that a hearing on both types of facilities could be set for January 2019. He clarified that the changes being requested by the Planning Commission were the addition of HFA facilities to the current Special Land Use Amendment language, the removal of the option to use a private septic system for these facilities, and that another public hearing on these changes should be set for January 2019. Mr. Batchelor suggested that nursing homes were substantially similar to these other facilities, and that they too should be included in the Amendment to be discussed at the January 2019 public hearing. Other members of the Planning Commission agreed.

Chairperson Simmonds then moved that the Planning Commission table the request for a Special Land Use for Adult Foster Care Large Group Homes in the R-2 zoning district until January 14,

2019. Motion seconded by Mr. Batchelor. All in favor and the request is tabled until January 14, 2019.

Chairperson Simmonds moved that the Planning Commission revise the Adult Foster Care Large Group Home Amendment of December 10, 2018 to include Homes for the Aged and Nursing Homes in the R-2 Zoning District, to require public water and sewer for all of these facilities and to revise the Amendment to remove private water and septic systems as options for these facilities. Motion seconded by Mr. Edwards. All in favor and the public hearing on the revised Amendment shall be set for January 14, 2019.

### **OLD BUSINESS**

There is no old business.

### **NEW BUSINESS**

#### **Set Public hearing date for January 14, 2019 for the Tentative Preliminary Plat for Stony Bluff No. 3**

Planner Johnson advised that another 25 lots would be added to Stony Bluff by Phase 3. The plans for Phase 3 will be sent out to members of the Planning Commission. Mr. Clements noted the public road which will need to be completed as part of Phase 3.

Chairperson Simmonds moved that a Public Hearing be set for January 14, 2019 for review of Phase 3 of Stony Bluff. Motion seconded by Mr. Batchelor. All in favor and the matter will be set for public hearing on January 14, 2019.

#### **Election of Officers for 2019**

Mr. Edwards moved that the current slate of officers of the Planning Commission be returned to their positions for 2019. Motion seconded by Chairperson Simmonds. All in favor and the current officers will continue in their positions in 2019.

#### **Comments**

Mr. Edwards advised that Michigan's Senate Bill 637 was having its second reading and would have a major impact on the location of wireless systems, including the right to attach such equipment to telephone poles or other poles in public rights-of-way. This will supersede Township control over these matters and will require amendment to the Township Ordinance. It was also noted that control of mining activities might be taken over by the State.

There will be no workshop on December 24, 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 8:30 pm.

Submitted \_\_\_\_\_ Secretary  
Timothy Clements

Approved \_\_\_\_\_