

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION**  
**PUBLIC HEARING**  
**February 24, 2020**

**PRESENT:** Blough, Batchelor, Simmonds, Clements, Edwards  
**TOWNSHIP PLANNER:** Tim Johnson  
**CITIZENS IN ATTENDANCE:** 18

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

**CHANGES OR ADDITIONS TO THE AGENDA:**

Chairperson Simmonds moved to add Public Comment before Public Hearing, and to add Commissioner Comments before Adjournment. Motion seconded by Mr. [TC] Edwards. 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 7:02 pm. No one spoke. Public comment was closed at 7:02 pm.

**PUBLIC HEARING ON PROPOSED CHANGES TO THE CUMBERLAND RIDGE  
OPEN SPACE PLANNED UNIT DEVELOPMENT:**

Steve Hanson presented. A total of 100 housing units for single and two-family dwellings, each with a minimum of 900 square feet of usable main [TC] floor area, were allowed on the OS-PUD when it was approved on January 25, 2005. Currently there are thirty-seven condominium housing units constructed in the OS-PUD as Cumberland Ridge Condominiums.

The Applicant wishes to build the remaining condominium housing units as The Highlands at Cumberland Ridge. To do so, two amendments to the OS-PUD are being requested. First, the number of units to be constructed would be reduced to 54 from the currently allowed 63 units. These units would be a minimum size of 1500 square feet of usable floor space on the main floor, and a minimum of 400 square feet of usable floor space on any second floor or in a daylight basement.

Second, Applicant requests some of the new dwelling units be built with daylight basements, with the rest to be built on “slab” foundations.

Chairperson Simmonds asked how many slab foundations were being requested. Applicant indicated that 15 units would have basements, and 39 units would be on slabs.

Tim Johnson then summarized his Staff Report of February 20, 2020 on the proposed Highlands at Cumberland Ridge Condominiums to be constructed in the Cumberland Ridge OS-PUD Zoning District.

There will be two two separate condominium agreements in the OS-PUD. The new project would be controlled by a new Site Plan, with the new Site Plan being identical to the 2005 Site Plan, other than any approved amendments. The Planning Commission will be making a recommendation to the Township Board, which will make the final determination on the requested amendments.

A request to continue the use of dwelling-unit mounted dusk to dawn lighting fixtures in the new condominium was determined, at a prior meeting of the Planning Commission, to be a minor change to the OS-PUD, and therefore is not a part of this public hearing.

Mr. Edwards pointed out that on Page 2 of the Draft amendments to the OS-PUD, last paragraph, that the setback for dwelling units in The Highlands should be a minimum of 5 feet from the boundary line, rather than the 10 feet shown.

Mr. Johnson continued by addressing the private road for Cumberland Ridge being available for construction and access to The Highlands. The Township Attorney has determined that the existing private streets can legally be used to serve the Highlands at Cumberland Ridge Condominiums.

Concern was expressed about coordinating maintenance of the existing private road for Cumberland Ridge and the new road in The Highlands. Applicant indicated that an agreement for this was in progress with the existing Homeowners Association for Cumberland Ridge and would be provided when completed. He also noted that any construction-related damage to the existing road would be repaired by Applicant. Mr. Batchelor confirmed that the Maintenance Agreement would be long-term, and recorded in the public records.

Mr. Johnson stated that if approval is given, the number of allowed units would be reduced to 91, which could not be exceeded, but the balance between one-family and two-family units could be varied so long as the total number of units does not exceed 91.

The last sentence on Page 2 of the draft ordinance will need to be changed to indicate that some units may be built on slab foundations. On Page 3, second paragraph, it is emphasized that the new buildings will be constructed substantially in compliance with the build descriptions and elevation drawings and the photographs submitted in the Narrative for the Highlands at Cumberland Ridge submitted by Mr. Hanson. This is to be attached to the amended Ordinance.

Section 5 on Page 3 will validate the dwelling-unit based dusk-to-dawn Outdoor Lighting for both of the condominiums. Mr. Blough asked about maintenance of these lights, and was told by the Applicant that the units will be maintained by the Homeowners Association. He also indicated that these lights did not have switches and could not be turned off by the unit owners.

With respect to Section 6, there are no current drawings or other information on the proposed stone wall or pillars, or the allowed signage at the entrance to The Highlands. This information will need to be reviewed and approved by the Planning Commission when it becomes available. Mr. Edwards suggested this be part of the OS-PUD Amendments, along with the 5-foot setback

from the boundary line required in The Highlands. Mr. Johnson noted that there is no setback requirement for signage in the Township Ordinance.

Section 7.2) [TC] addresses phasing of construction. The number of phases can be changed. Also, the road maintenance agreement will need to be referenced in this section, with language referring to the final Maintenance Agreement document when it becomes available.

Currently the two private streets have separate names. Applicant will check with the Kent County Road Commission to see if they can be combined with a single name to avoid address confusion.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public input at 7:43 pm.

Carl Anderson – needs to know about the agreements

Mariea [TC] Borg – on the current Cumberland Ridge condominium board. They are working on the road maintenance agreement and how to divide costs. She is concerned about the agreement. Supervisor Hale suggested the Alto Meadows condominiums might have a similar agreement she could review.

Deb Canfield – purchased unit in Cumberland Ridge last year. Not happy with building on slabs. She feels this will affect value of current units in area. She is closest to the new building area.

Jack Heckaman – has had six months in the Homeowners Association for Cumberland Ridge. Bought for the value of the units. Since original units had basements, wants to know why this is changing. Concerned about change in Phase 2 to slabs. Thinks these units will have half the value as those with basements. Not opposed to reducing the number of units built. Will increase traffic on current road. Concerned units will be built then sold rather than built for specific owners. Feels this change is going back on the 2005 terms. Mr. Hanson advised that homes would start at about 1487 square feet, and move up to as much as 2500 square feet. Anticipates most units will sell for over \$300,000. He compared the value of slab condominiums to others in the area. Mariea [TC] Borg felt these were not fair comparisons as location also affects value.

Mary Gasper – also concerned about allowed square footage compared to actual square footage of current buildings. Has traffic concerns. Thinks several units will sell before being completed. Mr. Hanson stated that there will be some pre-sales before construction begun. Expects spec units and demo units.

Caroline Perkins – Feels safety not being considered, ordinances are being ignored, thinks old drainage design was defective and that the new plan may be the same. Thinks road is narrow for emergency vehicles. 2005 agreement specified basements. Would like to see a deposit for roadway maintenance.

Carl Anderson – spoke again. Asks how density is determined. Mr. Johnson explained that it is the total area divided by the number of units. Asked about a construction timeline. Mr. Hanson said he is waiting on bids, and that he will keep people advised of the timeline, although he thinks it will take 36 months to build all the units. Finally, he has concern about the connection of water lines, and would like to see the new lines tied into the neighboring plat.

There being no further questions or comments from members of the public, the public input portion of the hearing was closed at 8:14 pm.

Mr. Batchelor asked that OS-PUD be used in place of PUD for clarification. Mr. Blough answered questions about the previous zoning for this property by advising it was R-1.

Mr. Edwards expressed concern about water flowing from The Highlands into Cumberland Ridge condominiums. Mr. Hanson stated that the engineers have resolved this. Grading will be changed to ensure water does not go onto neighboring property.

Mr. Batchelor asked about construction of the current road, and was told that it is basically rolled blacktop.

Chairperson Simmonds confirmed that the Planning Commission can recommend these two changes to the Township Board once a decision on the requests is made.

Mr. Edwards asked about contours shown on the three page Site Plan. Mr. Hanson indicated these are current contours, and not the new ones planned as the decision on the two amendments will affect the grading. Mr. Johnson stated that the final Site Plan with contours would be required before a building permit could be issued.

Mr. Batchelor would like to see the slab construction and density questions answered this evening, so Mr. Hanson can finalize his plans and bring them back to the Planning Commission.

Mr. Blough feels the slab construction could go either way on values, as the new buildings will have larger minimum square footage requirements, but original buildings might be above the existing minimum square footage requirement set in 2005.

Mr. Edwards asked if all the basements would be finished space. Mr. Hanson indicated that some would be and others would not. Mr. Hanson felt that the new units would be of higher quality due to their location.

Mr. Batchelor asked about the average number of trips into and out of the new condominiums. Mr. Johnson suggested units would commonly have up to 10 trips in or out in a single day.

Jeff Darling asked about setbacks from the back property line and Mr. Johnson replied that it would be 30 feet.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 8:50 pm.

Deliberation on the requested amends was then begun. The first topic was building on slabs. Mr. Clements asked Mr. Hanson if “slab” in fact meant footings, as set out in Section 4.14 c) of the Township Ordinance. He stated that it did. Mr. Blough felt the main disadvantage of footings might be storms. Chairperson Simmonds felt the Applicant should be specifically limited to 39 units on footings and 15 units with basements.

On density, Mr. Clements would like the number of units to be built specified in the final amendments. Mr. Edwards agreed.

There will need to be a specific minimum square footage provided, as conflicting square footage values have been provided during the meeting, ending with an estimate of 1495 square feet.

Chairperson Simmonds asked if the Planning Commission was ready to make a motion on the requested amendments with conditions. Mr. Clements thought the two amendment requests could be determined as Mr. Batchelor had suggested, but the final recommendation should wait until the March 9, 2020 meeting to ensure all the terms and conditions could be included in the motion.

There being no further questions or comments from members of the Planning Commission, Mr. Batchelor moved to reduce the number of dwelling units from 63 to 54 units in The Highlands at Cumberland Ridge condominium, as requested by the Applicant, and to show the units with 15 basements and with 39 “slab” footings on the next Site Plan. Motion seconded by Mr. Edwards. All in favor and the motion as stated carries.

The necessary required changes to the Amendment to the Ordinance will be made, and the Planning Commission will act on the revised OS-PUD Amendments with conditions at the March 9, 2020 meeting.

#### **COMMISSIONER COMMENTS:**

Chairperson Simmonds reminded Planning Commissioners that the Lowell 4H Fairgrounds Site Plan will be reviewed at a March 23, 2020 meeting.

Mr. Batchelor expressed his feeling that the Land Fill ordinance will require addressing the “grandfathering” provisions at the upcoming hearing.

#### **Adjournment:**

Motion to adjourn made by Mr. Edwards. Motion seconded by Mr. Blough. All in favor and the meeting of the Lowell Charter Township Planning Commission was adjourned at 9:23 pm.

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

Timothy Clements

Approved \_\_\_\_\_