

LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
February 26, 2018

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 6

The special 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 Changes or Additions to the Agenda as the third item on the Agenda, and Public Comment for Items Not on the Agenda as the fourth item on the agenda. Motion seconded by Mr. Edwards. All in favor and the two items are added to the agenda.

Chairperson Simmonds moved to add the topic of Blu Sky Farms ahead of Commissioner Comments on the Agenda. Mr. Blough removed himself from participation in the motion. Motion seconded by Mr. Batchelor. Four in favor and Blu Sky Farms is added to the Agenda. Mr. Blough resumed participation in the proceedings.

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.

Impact Church – Special Land Use

Aaron Stanski was the primary presenter and responder for Impact Church. He deferred any initial comments and the Planning Commission moved on to the review of Tim Johnson's Report dated February 22, 2018 and the Engineer's Report of February 19, 2018.

There was a brief delay while additional copies of reports were prepared and distributed. Discussion resumed at 7:12 pm.

Under Traffic & Access, paragraph 2, reference was made to a letter from the State of Michigan, Department of Transportation, dated January 5, 2018, with the Subject of Site plan review for 11930 East Fulton Street (M-21) Impact Church, stating that they had "performed a review of the site plan dated 12/25/17 for the subject site and have not observed anything that would prevent a permit from being issued.

Under paragraph 3, it was stated that the driveway serving the Biggby/Subway property is subject a recorded easement which allows Impact Church to utilize this driveway. In response to a question, Mr. Johnson indicated that there is no corresponding easement between the Impact Church property and the adjacent Walgreen parcel. Mr. Edwards directed the Planning

Commission to the Zoning Ordinance, Section 22.01(c)(3)(iv) which addresses connections between parking lots of a “similar use”, and also that the easement at Biggby/Subway was granted before churches were allowed as a Special Land Use in the Commercial Zone. When asked if MDOT had considered the drive cut on Bowes Road, Mr. Stanski indicated that the approval was based on a review of the Site Plan, and that he considered the Walgreen exit to be usable as a drive. Chairperson Simmonds asked if Impact Church had discussed church traffic crossing with Walgreen, and was advised that they had discussed this with Walgreen, and that they were also talking with other neighboring property owners. Mr. Edwards indicated that an further easement was still required for use of the Biggby/Subway Walgreen [TC] drive. Tim Johnson noted a 2008 connection had been made, although Mr. Batchelor questioned whether it had ever been used. Mr. Hale reiterated that there was a recorded easement between the Impact Church land and the Biggby/Subway land. Mr. Clements suggested that the Planning Commission might accept an updated letter from the properly authorized representative for Walgreen, indicating they were aware of the plans for a church on the neighboring property, and that they would allow traffic to and from the church through the Walgreen property. Mr. Clements emphasized several times to Mr. Stanski that this letter would not be the same as an easement, and was not a permanent grant of the right to cross this land.

Paragraph 4 stated that the church site plan shows a paved connection to the Township Park parking lot, although the church does not currently have permission to use this connection. Mr. Blough expressed concern about traffic safety at Walgreen, and having enough room for fire equipment to turn. Mr. Edwards agreed, and further expressed his concern about the ability of Walgreen customers to access the drive-through pharmacy window during heavy traffic to and from the church. Mr. Hale raised the possibility of a locked gate for fire equipment to access the church through the Township Park, although Mr. Edwards pointed out that the easement necessary to cross park land did not currently exist, and would need to be granted by the Township Board. Mr. Edwards asked whether MDOT required a second drive. Mr. Stanski responded that the church had not specifically discussed use of the right-turn only in and out drives of Walgreen for church access to M-21. The church had initially thought they could use the drive currently serving the Noon Equipment facility on the church’s land. Mr. Clements indicated that he would accept the letter from Walgreen as granting access, so long as that would meet the requirements of the fire chief. Mr. Edwards agreed. Mr. Blough asked that the Site Plan be changed, to remove the fire access route now shown as being available though the Township Park.

Paragraph 5 addressed the inadequacy of the two drives to efficiently move traffic into and out of the church property. It was suggested that Kent County Sheriff deputies might be employed during peak church traffic (Saturday evening, Sunday morning) to aid in the flow of traffic. Mr. Hale indicated that a light on M-21 at the Biggby/Subway drive would not be allowed at this time by MDOT. Mr. Stanski felt that the initial traffic generated by the church would not be as high as the number of parking spaces being allowed would indicate. There was some discussion of performing a traffic volume study after use of these drives was commenced. It was also questioned as to whether MDOT would allow such a use of traffic control on a State highway. It was concluded that Impact Church should first seek permission of MDOT to provide such traffic control, and that a letter from MDOT, most likely denying such traffic control on M-21, would

be a condition of a Special Land Use approval. If traffic direction is allowed, there would need to be further consideration of the need for traffic control if complaints are received by the Township. Traffic direction would be for Saturday evenings and Sunday mornings.

With respect to the Site Plan, Paragraph 6, it was recommended that specified landscaping trees near the Biggby/Subway entrance be removed from the Site Plan, for clear vision purposes. Mr. Stanski agreed to this change.

Paragraph 8 requires approval of some of the proposed facade materials, which are not expressly allowed in the Ordinance. The Planning Commission approved the use of colorized concrete masonry unit blocks as part of the facade.

Paragraph 9 states that the Planning Commission include in any motion to approve the Site Plan the number of parking places allowed, which exceed by more than 20 percent the maximum spaces permitted by the Ordinance.

With respect to Other Issues, paragraph 11 notes that the front sign does not comply with the Ordinance as to lighting, or with regard to height. This will need to be addressed when a sign permit is sought. Any motion to approve the Site Plan and Special Land Use Permit will need to exclude this sign from the approval.

Paragraph 12 requires the Biggby/Subway drive be striped to show three lanes.

Paragraph 13, referencing Erosion Control Note #3 on Sheet C2a, requires that the limits of the 100-year flood plain be visibly flagged before any grading is commenced on site. Also required, with reference to Sheet CO, is checking and replacing wetland flags marking the edge of the wetlands, to ensure they are still visible to on-site workers.

Paragraph 14 requires that all separate parcels making up the church site be combined into one parcel.

Paragraph 15 requires that all construction equipment is to use the Biggby/Subway drive. It was decided that the currently existing Noon Equipment drive may also be used as long as it remains available.

It is necessary for the church to meet the remaining outstanding requirements of the Township Engineer.

Reviewing the requirements of Section 20.03 of the Ordinance, all of which would need to be met before the granting of the Special Land Use, was discussed. It was determined that no motion could be made at this meeting, due to the complexity of the findings and outstanding conditions. As a result, the review of the requirements of Section 20.03 was deferred until the necessary motion language was available for review. Both the review of Section 20.03 of the Ordinance, and the motion to decide on the request for the Special Land Use, will be scheduled for the next Regular Meeting of the Planning Commission on March 12, 2018 at 7:00 pm.

Mr. Edwards noted problems with the fire system plans which had been included with the Site Plan, and suggested that these be double-checked. Mr. Stanski stated that the fire system will be constructed to meet current standards.

The original request for the Special Land Use has been tabled while remaining issues have been addressed. It will be taken off the table for further consideration at the next Regular Meeting.

Representatives of Impact Church stressed their urgent desire to get a decision on their request no later than the March 12, 2018 Regular Meeting.

Fairgrounds – Special Land Use Standards

An updated Kent County Youth Fairgrounds Site Master Plan Concept dated February 2018 was reviewed by the Planning Commission. Jessica Marks spoke on behalf of the Kent County Youth Fair. She discussed planned buildings and their locations, and access to the fairgrounds.

Mr. Batchelor asked where the primary access drive would be located, and was told it would be at the West side of the property. Mr. Edwards asked about the Kent County Road Commission review of the planned access drives, and Ms. Marks responded the Fair had been advised by the Road Commission that they have no issues. When asked about an area on the South side of the property, he was advised that it would be overflow parking.

Mr. Blough expressed concern about the proposed East drive due to the hill at that location. The Road Commission indicated that the current hill was too steep to allow a cut at this point, but the Fair might be able to do so by cutting into the existing adjoining hill, with the permission of the adjoining landowner.

Mr. Edwards questioned the 800 foot by 1200 foot space to be used by the fair, and was advised that the Fair would need to work around protected lands near the current golf clubhouse, and that there is a pond North of the truck circulation drive, the route of that drive being shown in red arrows on the Site Concept drawing. With respect to development priorities, Ms. Marks indicated they would be looking first for approval to build the barns planned for the fairground. The Planning Commission was advised that the land North of the current drawing was planned for campground use. Chairperson Simmonds asked about the 'central square' and was told that it is an extension to the park. The overall plan is to have animals on one side of the Fair and food services on the other side.

Chairperson Simmonds then moved on to discuss which of two different documents addressing the matters to be discussed in preparing the Fairground Standards should be used, that identified as Draft #3 dated January 8, 2018, or another identified as Version 3-A from Mr. Edwards. It was decided to defer to Tim Johnson as to the best way to approach the creation of the standards.

Mr. Edwards proposed that the three biggest issues for the Fair to address would be traffic, noise and light. Mr. Clements agreed, emphasizing the need to address the noise issue as soon as possible. Mr. Edwards explained that a 100db sound drops to a 70db sound level about 320 feet

from the sound source. Ms. Marks was able to determine that the carnival rides would produce about 80db of sound.

Tim Johnson will review previous work on the Fairground Standards so discussion can continue at the Regular Meeting on March 12, 2018.

Ms. Reitsema asked if she could present some of her thoughts on the Fair to members of the Planning Commission and Chairperson Simmonds allowed her to do so.

She likes the idea of a 240 foot setback. She has concerns about maintaining the safety of people on the fairgrounds, including those who 'sneak in'. She noted in particular the occasional walkaway from Hope Network who might be drawn to the fairgrounds. She also has concern about kids wandering off the fairgrounds. Measurement of traffic, especially for other activities on the land, was a concern. Finally there was concern expressed on the environmental impact of the fairgrounds, including the impact from others who might be leasing the land. Questions about the sale of alcohol on the property were raised.

Mr. Blough stated that fair animals and people will need to be kept off of adjoining lands. There is also the need for biosecurity to keep animals on the fairgrounds from infecting animals on the neighboring properties. Ms. Marks indicated that Coggins testing is required, and other health testing is routinely performed.

Mr. Edwards asked about the plans of the Fair to acquire a liquor license for the property. Ms. Marks indicated that there were some negotiations with the golf course people who currently hold a liquor license on the land. Mr. Edwards also asked about any deadlines the Fair faces, and was told that there was a need to spend money by July 1, 2018.

Mr. Batchelor asked about the use of the midway when there was no fair in progress. He was told that this land would probably be used for parking. He suggested that this be noted on the plan presented.

Mr. Clements asked that future drawings and plans include the location of the homes located across the street from the Fair property.

Blu Sky Farms

Mr. Blough recused himself from the discussion.

Due to an error in the notice for the Special Land Use hearing of Blu Sky Farms, the matter would have to be re-noticed for hearing at a later date. After discussion, Chairperson Simmonds moved to set the Blu Sky Farms Special Land Use hearing for Thursday, March 15, 2018 at a Special Meeting. Motion seconded by Mr. Clements. All in favor and the hearing for the Blu Sky Farms Special Land Use request will be held at a Planning Commission Special Meeting on March 15, 2018.

Mr. Blough rejoined the other members of the Planning Commission.

Commissioner Comments

There were no comments from members of the Planning Commission.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Motion seconded by Mr. Edwards. All in favor and the Special Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:10 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____