

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARINGS
July 9, 2018**

PRESENT: Batchelor, Simmonds, Clements, Edwards

DELAYED ARRIVAL: Blough

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 29

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 June 11, 2018 were presented for approval. Mr. Edwards noted that the word “sound” should be changed to “noise” on page 4 and page 6, and that the name of Planner Johnson needed correction on page 5. With those changes, Mr. Edwards moved to approve the Minutes as amended. Seconded by Mr. Batchelor. All in favor and the Minutes of June 11, 2018 as amended 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 7:05 pm. No one spoke. Public comment was closed at 7:05 pm.

PUBLIC HEARINGS:

Fairgrounds Amendment

Chairperson Simmonds opened the Public Hearing at 7:06 pm. He explained the hearing process to those present. Mr. Clements read the Notice of Hearing into the record.

Planner Johnson summarized the draft amendment dated July 9, 2018. He noted the Ordinance change last year which allowed fairgrounds in the Ag-1 zone, and highlighted some of the uses which would be allowed, both as to core fair activities and accessory uses.

Mr. Clements noted that fairgrounds had been allowed in the Ag-1 zone prior to last year, and that the Ordinance change made in the prior year removed the limitation that only municipalities could create and develop a fairground. He also proposed two minor changes to the draft ordinance, being to change the language at the end of Article 1(c)(3) from “...driveways and clear vision areas.” to “...driveways, clear vision areas and sound abatement”. He also proposed

adding a comma to Article 1(c)(11)(c) after the phrase "...white background...". Other members of the Planning Commission agreed with these changes.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was opened to public comment at 7:10 pm.

Gary Ritsema – thought the language had been somewhat watered down, that sound did not have specific volume levels and restrictions had been removed. He was generally happy with the existing noise ordinance.

John Timpson – pass

Mark Anderson – pass

No one else wished to speak.

The public comment portion of the Public Hearing was closed at 7:20 pm.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 7:20 pm.

Mr. Batchelor moved that the Lowell Township Planning Commission recommend to the Lowell Township Board approval of the Draft Amendment to Establish Requirements for County Core Fairs and Accessory Uses dated July 9, 2018, with the changes noted. Motion seconded by Mr. Edwards. All in favor and the motion to recommend was passed.

Blu Sky Special Land Use for Dutch Barns Open Air Business at Alden Nash and Cascade Roads

Chairperson Simmonds noted that the Applicant was at a school board meeting and would join the Planning Commission meeting later, so the public hearing was suspended until his arrival.

Planning Commissioner Blough arrived at 7:24 pm.

OLD BUSINESS

Fulton Place PUD Rezoning and Site Plan Review and Set public hearing for August 13

Planner Johnson summarized his report of July 2, 2018 for the Forest Hills Homes OS-PUD and Zoning Ordinance Amendments. Applicant has requested the rezoning of 7.41 acres on Boulder Drive from Commercial to a Planned Unit Development to allow for an 80-unit apartment complex. Applicant has also requested two changes to the current Ordinance, one to increase the housing unit density to 11 units per acre, and one to narrow parking space requirements from 10 feet to 9 feet. The Township Board has recommended the two changes to the current Ordinance. While some changes remain, the overall Application is good.

Todd Stivey spoke on behalf of Applicant Forest Hills Homes. He noted that the apartment complex would have sidewalks, a path to the Meijer grocery store nearby, a dog play area and a community building.

Mark Rhode also spoke for Applicant. He discussed the details of the community building, including an advanced package center, a fitness center and a leasing office. There will be no community room as these are seldom used anymore. Mr. Edwards quizzed him for further details about the community center, as the entire building is 1500 square feet in size. He also asked about sidewalks.

There will be a 50-foot setback from the road and landscaping along the road. There are no wetlands on the property but there are trees at the back of the property which will be undisturbed. There is public water and sewer available at the site.

The number of units allowed per acre will only be met if the separate R-3 OS-PUD density amendment to the Ordinance is approved.

Mr. Blough confirmed that the dog area would be fenced, in which case dogs could be off-leash. Mr. Edwards received clarification that the parcel only extends to the edge of Boulder Road, and the road itself is covered by a separate deed. The necessary density of housing units is dependent on an amendment to the associated Ordinance provision.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved that the request of Forest Hills Homes for a rezoning for a Planned Unit Development and Site Plan approval be set for public hearing on August 13, 2018. Motion seconded by Mr. Clements. All in favor and the public hearing will be set for August 13, 2018.

Chairperson Simmonds moved that a public hearing on the request for an increase in housing unit densities from 8 to 11 per acre for Planned Unit Developments in the R-3 zoning district, and for a reduction of the required parking space width from 10 feet to 9 feet, both related to the Planned Unit Development of Forest Hills Homes, be set for public hearing on August 13, 2018. Motion seconded by Mr. Edwards. All in favor and the public hearings will be set for August 13, 2018.

SECOND PUBLIC HEARING:

Blu Sky Special Land Use for Dutch Barns Open Air Business at Alden Nash and Cascade Roads

Mr. Carlton Blough recused himself from participation in the public hearing.

Chairperson Simmonds opened the Public Hearing at 7:49 pm. Mr. Clements read the notice of public hearing into the record.

Gary Blough presented. He is seeking an open air business Special Use Permit in the Commercial Zone to allow the display of Dutch Barns on property at the Southwest corner of Alden Nash and Cascade Roads. Ten to fourteen barns would be displayed, with no salesman on-site. He acknowledged receiving the report of Planner Johnson dated July 3, 2018.

Planner Johnson reviewed his report of July 3, 2018 on the Special Land Use and Site Plan submitted by the Applicant. He recommended that the drive on Cascade Road nearest the intersection be limited to outbound traffic only. The drive on Alden Nash should be closed. The parking location can be adjusted. Not all of the drive and parking is asphalt. Parking space widths currently must be 10 feet. A low fence on the East side of the property would prevent display barns from being set too close to Alden Nash. Several issues set out in the report will need to be addressed.

Chairperson Simmonds noted that there had been a question of whether the subject property is smaller than 1 acre in size. Mr. Edwards asked for documentation on the acreage, and was shown the deed by Gary Blough. Based on dimensions shown, the parcel is a fraction larger than 1 acre.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 8:00 pm.

Gary Ritsema – no longer present.

John Timpson – asked about landscaping and expressed concern about clear vision for the intersection. Mr. Batchelor noted that nothing on the east side by the roadway was planned. An existing building on the property would be discussed later.

Mark Anderson – wanted to be sure this request is treated as all others would be, despite the ownership of the property. He would like the building now on the property cleaned up.

No one else wished to speak.

The public input portion of the public hearing was closed at 8:04 pm.

The Planning Commission then went through the matters raised in Planner Johnson's report of July 3, 2018

1. The area on the East side is not a formal driveway to Alden Nash, but is often used for access. This area should receive dirt and grass to make clear it is not an entrance. An exit only sign on the Cascade drive closest to the intersection is fine.
2. Parking along Cascade Road is not planned.
3. Applicant states most of driveway and parking is tarmac, but is not sure if there are some sections of gravel in the drives.

Mr. Edwards felt a more professional drawing of the property was necessary to clarify some issues being raised. Chairperson Simmonds and Mr. Clements recalled that informal drawings have in some cases been accepted in the past. Mr. Edwards also noted there was no indication of which property line was being designated as the front line. He asked if health code requirements had been investigated. Curb cut requirements have not been investigated with the Kent County Road Commission. Applicant noted that driveway “blacktop” might be millings. Applicant stated he is showing what is already there on his drawing. All agreed that curb cuts must meet current requirements.

4. Parking spaces should be shown as 10 feet wide at this time.

5. Mr. Clements did not think more trees for landscaping were needed. Mr. Batchelor reiterated the need for grass on the East side of the property

Mr. Edwards still felt that better drawing were required. Mr. Batchelor thought non-sealed drawings would be acceptable. Further requirements would include a report from the county on the driveways where they meet Cascade Road, that a determination of the drive and parking surfaces currently existing be made, and a decision by the Planning Commission as to whether use of gravel drive and parking surfaces would be acceptable. Applicant indicated the current surface would allow painting of parking space lines. He also indicated there were plans to paint the building currently on the property. Fencing was not seen as a problem. Business signs would need to be reduced to one only.

Planner Johnson will work with the Applicant on the remaining issues to be addressed.

There being no other questions or comments from members of the Planning Commission, Chairperson Simmonds moved to table the requested Special Land Use for an open air business and Site Plan approval until August 13, 2018. Motion seconded by Mr. Batchelor. All in favor and the matter is tabled until August 13, 2018.

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

NEW BUSINESS

Ground Hawg Home Based Business Special Land Use: Review and set public hearing

Planner Johnson indicated that previously missing information had been supplied by the Applicant. There is some question of screening of vehicles during the winter months, but generally the equipment is not visible to neighbors or from Cascade Road.

Chairperson Simmonds asked if both sons listed as employees lived at home, and learned that one did not. Therefore, there are four off-site employees, not three. Planning Commission can allow more off-site employees at its discretion.

There being no further questions or comments from members of the Planning Commission, Mr. Edwards moved to set for public hearing on September 10, 2018 the request of Ground Hawg

Excavating & Landscaping for a Special Land Use for a Home Based Business. Motion seconded by Mr. Batchelor. All in favor and the public hearing will be set for September 10, 2018.

Mr. Batchelor asked about a larger drawing for display at the public hearing, and learned that a larger drawing currently exists and will be used at the public hearing.

RRR Lawn and Landscaping Home Based Business Special Land Use: Review and set public hearing

Mr. Clements asked for information on distances and location of neighboring houses.

Applicants indicated that they would not be available for a public hearing on September 10, 2018.

There being no further questions or comments from members of the Planning Commission, Mr. Edwards moved to set for public hearing on October 8, 2018 the request for a Special Land Use by RRR Lawn and Landscaping for a Home Based Business. Motion seconded by Mr. Batchelor. All in favor and the public hearing will be set for October 8, 2018.

Barringer Conditional Rezoning and Special Land Use for assisted living facility at Alden Nash and Foreman Roads: Review and set public hearing

Mr. Clements immediately expressed concern about his lack of knowledge as to whether the Township was interested in offers of Conditional Zoning, and if so, which set of procedures they would want to follow, as there is more than one option. He asked that the Township Board be consulted on these questions before any hearing date is set.

Sarah Ross presented for the Applicant BMG Holdings, LLC. Due to floodplain issues with land on M-21, which prevented development on that land, they would like to build an assisted living facility at the intersection of Alden Nash and Foreman. This land is currently zoned R-1 Low Density Residential, and they would like to offer Conditional Rezoning to R-3 High Density - Multiple Family, and apply for a Special Land Use as permitted under that zoning. They have determined that there is a significant shortage of space at such facilities in Lowell Township. They provided a letter dated July 9, 2018, supporting their request based on service needs, number of persons to be housed, septic system feasibility and neighborhood consistency if rezoned R-3.

Chairperson Simmonds pointed out that the property is currently zoned R-1, that the Master Plan would only allow a rezoning to R-2 Medium Density Residential, and that rezoning to R-3 could be considered improper spot zoning. Ms. Ross replied that the Master Plan also discusses Township demographics and future development.

Mr. Edwards pointed out that R-3 requires all lots to use water and sewer services only. Ms. Ross indicated that only water service was available, that Lowell Township had no more sewer

service available, and that Kent County had found that the land in question would perk. She again noted the shortage of beds available for elderly people requiring support, and added that the project would create 30 to 40 full- and part-time jobs.

Tim Johnson pointed out that the land could be rezoned to R-2, consistent with the Master Plan, and a Special Land Use could be added to allow a retirement home in that zone.

Chairperson Simmonds asked for detail on who would be the clients of the proposed facility. He was advised there would be eight independent units for couples without need for assistance, that the majority of the units would be for individuals requiring assistance with physical and medical needs, and that the remaining rooms would be for those needing memory and dementia care.

Applicant indicated the a water supply was needed primarily for fire suppression. They like the idea of the facility being in a more rural setting.

Mr. Batchelor asked if the entire facility would be built at once. Applicant indicated that the 53-unit facility would be a single project, but an additional 12 units might be added in the future.

Mr. Blough pointed out that traffic from the local high school would be heavy twice a day. Applicant responded that there would be little traffic added by their use of the land.

The specific Special Land Use requested would be for an Adult Foster Care Congregate Facility under Section 9.03(g) of the Ordinance, as currently allowed only in the R-3 zone.

Chairperson Simmonds felt the requested project did not describe the facility usage of up to two persons per unit for independent residents, and one person per unit for the other uses. Mr. Edwards again noted that other uses in R-3 require both water and sewer connections.

Applicant then indicated that rather than pursue Conditional Zoning, it would instead request R-2 zoning of the land, and the addition of a new Special Land Use for R-2 zoned lands, permitting their requested retirement home. Mr. Clements confirmed with Applicant that they were withdrawing their Conditional Zoning request and would present a new application for the R-2 rezoning and for a new Special Land Use for R-2, based on the Special Land Use which allows their project only in R-3.

Chairperson Simmonds still wanted Township Board input on the requested addition of a new Special Land Use to the R-2 Zone. Mr. Batchelor did not see a downside to this alternative approach, and Planner Johnson saw no conflict with other uses in R-2. Mr. Blough observed that this was the only land in the Northern part of the Township where this use could occur under the Master Plan, and that such a facility could not be located in the Southern part of the Township.

Mr. Edwards pointed out that a new application would need to be filed as a starting point for discussing the alternative approach being requested. Applicant agreed with this.

Chairperson Simmonds then indicated that the question about a new Special Land Use for R-2 would be put on the Township Board agenda for the following Monday if possible. As a result, the soonest a public hearing could be held would be September 2018. Applicant asked if a Special Meeting could be held to speed the process, but was advised this would not help due to the publication date requirements.

COMMISSIONER COMMENTS

Mr. Clements would still like information from the Township Board on the question of Conditional Rezoning.

There will be no special meeting on July 23, 2018.

ADJOURNMENT

Mr. Batchelor moved to adjourn. Motion seconded by Mr. Edwards. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 10:23 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____