

LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
June 12, 2017

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Bob Toland
CITIZENS IN ATTENDANCE: 15

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 May 8, 2017 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Seconded by Mr. Batchelor. All in favor and the Minutes of May 8, 2017 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 7:02 pm. Three people spoke. Public comment was closed at 7:20 pm.

PUBLIC HEARINGS

There were no public hearings.

OLD BUSINESS

Discussion – Home Based Businesses

Mr. Edwards asked about the impact of the new ordinance on currently existing home based businesses. Since such businesses are not currently legal, they cannot be considered as ‘grandfathered’. Mr. Clements noted that the new Ordinance would allow pre-existing businesses to obtain a Special Land Use Permit which would allow operation of their business to continue, if they complied with the requirements of the new Ordinance. New Home Based Businesses would need to obtain their Special Land Use Permit before beginning their business. It is likely that existing businesses will be given time to come into compliance and obtain their Special Land Use Permit.

Mr. Simmonds asked for clarification of Section 4.46 a) 3), concerning vehicles related solely to the business being parked outside. After discussion, this language was left unchanged.

Mr. Clements identified some minor corrections to the draft document, which were accepted.

Mr. Toland suggested a clarification in references to fencing requirements, which was accepted.

Mr. Simmonds suggested that the next draft of the Ordinance be provided to members of the Township Board for their input, before scheduling a Public Hearing for the draft Ordinance. Other Planning Commission members agreed.

Bob Toland will produce a Draft # 9 reflecting the final corrections to the Ordinance.

Discussion - Private Firearms Shooting Ordinance

Mr. Edwards raised the question of the goal of this proposed Ordinance. Mr. Clements asked if the Planning Commission would be addressing noise, safety or both. Mr. Simmonds' understanding is that this Ordinance would be concerned with noise. Mr. Edwards suggested that we should then address amending the current Noise Ordinance rather than creating a new Ordinance. Other members of the Planning Commission agreed.

Mr. Edwards moved to table the current draft Firearms Ordinance, and to take up shooting noise concerns as part of the existing Noise Ordinance. Motion seconded by Mr. Batchelor. All in favor and the current draft Firearms Ordinance is tabled, with amendment of the current Noise Ordinance to be used in its place.

Kissing Rock Condominium – Private Street – Resolution of intent to set a date for a Public Hearing

David Rapp presented the changes made since the public hearing on the Kissing Rock Condominium project. The three outlots along Kissing Rock Road have been rotated 90 degrees from their original orientation. The private road crossing these lots, which will provide access to Kissing Rock Condominium, has been shifted to the North. The shorter of the two cul-de-sac roads has been changed to provide the needed road frontage for the lots abutting it.

The Planning Commission discussed whether a new public hearing on the Kissing Rock Condominium project would be required, due to the rotation of the three outlots and other small changes. Mr. Blough noted that the development still had 11 units as before, and that the three outlots are not part of the Condominium. It was decided that a new public hearing on the Kissing Rock Condominium project would not be required.

There will need to be a Public Hearing scheduled for the private street within the Kissing Rock Condominium project.

The Planning and Zoning Review report of June 12, 2017 by Mr. Toland was then reviewed. Several requirements of the Ordinance still need to be resolved. Mr. Blough indicated that the Planning Commission does not have sufficient information at this time to resolve these questions. Mr. Rapp and Mr. Toland will work on getting these requirements met.

Item 3 concerning how the acreage of condominium units is defined with respect to the private road easement, and Item 9, concerning the Master Deed allowing the Township to maintain the Private Street, may require input from the Township attorney. Mr. Clements noted that the suggested move of the private road across the three outlots seems to create three new, non-conforming lots south of the private road, unless the easement extends to the neighboring parcel to the South. This too should be reviewed.

Mr. Simmonds moved that the Planning Commission, having received a request from Kissing Rock LLC, David S Rapp, Owner Representative, for a Condominium Project and Private Street on parcel number 41-20-17-100-044, said parcel of land currently being zoned AG-2 Rural Residential, and a public hearing to receive public input and comment on the proposed Private Street within the Kissing Rock Condominium being required, set the public hearing date to Monday, July 10, 2017 at 7:00 pm at the Township Hall, 2910 Alden Nash Avenue SE. Motion seconded by Mr. Edwards. All in favor and the public hearing on the Kissing Rock Condominium Private Street is set for July 10, 2017.

Fairgrounds Zoning Amendment

The Planning Commission was presented with an early sketch of the proposed Kent County Youth Fairground, which would be located on land ~~formerly~~ currently [TC] used as the Deer Run Golf Course. The land purchase is expected to be completed in September 2017. The current golf course clubhouse will be operated by the former owners until April 2019, with the new fairground expected to open in 2020. A list of proposed uses for the fairground has been presented by the Kent County Youth Fair organization for consideration. This land is now zoned Ag-2. Township Planner Toland presented First Draft of Fairground District Zoning ordinance. Mr. Edwards to submit his comments to Mr. Toland. [TC]

The Planning Commission indicated that they would begin work on the Special Land Use Permit provisions for a fairground, but cautioned that the work will take time.

NEW BUSINESS

Riverside Motorsports – Rezoning – Resolution of intent to set the date for a Public Hearing

Jason Ghareeb spoke on behalf of Riverside Motorsports. He would like to move his existing small engine repair business to property currently having a conditional zoning for a youth wrestling facility at 14043 Fulton Street East. He future plans include sales and service of lawn and garden equipment and powersports equipment. The existing building would be converted for the new use. Only the first 500 feet of the property from Fulton Street would be subject to the new conditional zoning.

Mr. Simmonds moved to set a public hearing for the property at 14043 Fulton Street for July 10, 2017, on the request for Conditional Rezoning of the property for small engine repair, sales and service of lawn and garden equipment and powersports equipment, as detailed in the Resolution

of Intent to Hold a Public Hearing before the Planning Commission reviewed on June 12, 2017. Motion seconded by Mr. Edwards. All in favor and the public hearing will be set for July 10, 2017.

Items for Potential Discussion

None of these items were discussed.

Commissioner Comments

Mr. Blough noted a current issue with golf carts at the Deer Run Golf Course running over adjoining land, and the need to address trespass on neighboring land in the future, should a fairground be built on this property.

Mr. Batchelor asked for an update on the expected request from Impact Church for a Special Land Use Permit on their property on Fulton Street. He also inquired as to the current use of the truck refueling facilities on M-21.

Mr. Simmonds indicated that there would be no workshop meeting on June 26th.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Blough. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:29 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____