

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING AND PUBLIC HEARING  
March 12, 2018**

**PRESENT:** Blough, Batchelor, Simmonds, Clements, Edwards  
**TOWNSHIP PLANNER:** Tim Johnson  
**CITIZENS IN ATTENDANCE:** 14

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 February 12, 2018 were presented for approval. One correction on the second page was made. Mr. Blough moved to approve the Minutes as amended. Seconded by Mr. Edwards. All in favor and the Minutes of February 12, 2018 as amended are approved.

The Minutes of the Special Meeting of February 26, 2018 were presented for approval. One correction on the second page was made. Mr. Edwards moved to approve the Minutes as amended. Seconded by Chairperson Simmonds. All in favor and the Minutes of February 26, 2018 as amended are approved.

**CHANGES OR ADDITIONS TO THE AGENDA:**

There were no changes to the Agenda.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

The meeting was opened to public comment at 7:10 pm. No one spoke. Public comment was closed at 7:10 pm.

**PUBLIC HEARINGS:**

**Stony Bluff PUD/Plat – Phase 2**

The hearing was opened by Chairperson Simmonds at 7:11 pm. Chairperson Simmonds summarized the history of the Stony Bluff project, and explained the hearing process to those present. Mr. Clements read the Notice of Hearing into the record.

Jeff Van Laar presented on behalf of the Applicant. Half of Phase 1 is sold and occupied. Water and sewer services have been extended, and approvals have been received from the Kent County Road Commission and the Drain Commission. Stub roads were required to have turnarounds for Road Commission approval and those are now shown on the Site Plan. Open Space paths and signage are now shown. Street light locations are shown, subject to final approval by Consumers Power Company.

Tim Johnson confirmed that the two requirements in his report of March 8, 2018 have been met, and that all requirements of the subdivision ordinance have been met.

Mr. Blough asked for more information regarding future water detention areas, and was advised that the South part of the plat would drain to a detention area to the South, and that the North part of the plat will drain to a detention area to the North.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:21 pm.

Howard Barriger – pass

There being no one else wishing to speak, the public comment portion of the hearing was closed at 7:21 pm.

There being no further questions or comments by members of the Planning Commission, Mr. Edwards moved to close the public hearing. Motion seconded by Mr. Blough. All in favor and the public hearing was closed at 7:22 pm.

Chairperson Simmonds moved that the Lowell Township Planning Commission recommend approval of the preliminary plat of Stony Bluff Phase 2 to the Lowell Township Board. Motion seconded by Mr. Edwards. All in favor and the recommendation for approval of Stony Bluff Phase 2 is made to the Township Board.

## **OLD BUSINESS**

### **Impact Church – Special Land Use**

Tim Johnson reviewed a proposed Motion, Conditions and Findings of Fact for the Impact Church Site Plan and Special Land Use. Mr. Edwards proposed discussing the proposed Conditions before reviewing the Standards of Section 20.03 of the Ordinance, and other Planning Commission members were in agreement.

Mr. Edwards asked that the content of a letter dated March 9, 2018 from the Lowell Area Fire Department Chief be briefly reviewed before proceeding to the Conditions. It was determined that the Fire Chief's approval was based primarily on the single access point on M-21, with a possible emergency route through the adjoining Township Park.

A review of the proposed Conditions was then begun. Due to the duplication of a paragraph number, all conditions after the first Condition 7 were incremented by one, to clarify discussion.

Condition 1 – not yet met. Impact Church will pursue satisfaction of this Condition. Mr. Edwards does not want a connection opened from Impact Church property to the Walgreen property until the necessary approval is obtained. Mr. Batchelor would rather not have this condition hold up issuance of a building permit. Mr. Edwards pointed out that this issue would

impact on Standards A and B of Section 20.03 of the Ordinance, to be reviewed later in the evening. Mr. Blough felt strongly that there be two entrances to the Impact Church property for emergency services.

A representative of Impact Church noted that other churches and businesses have only one entrance, and also that MDOT had approved a single entrance. The issue of subdivisions requiring two entrances after a set number of houses had been build was raised, but applicability of that requirement to this matter was questioned. Chairperson Simmonds and Mr. Batchelor suggested that Condition 1 was sufficient to address the Walgreens access questions. The original access grant from the 2008 Special Land Use approval for Walgreens was reviewed, and the question raised as to whether the anticipated use at that time included use by a church. Impact Church pointed out that their land was still zoned Commercial, and that a church is a special land use in the Commercial zone. Mr. Edwards highlighted the fact that Sheet 1 of the Impact Church Site Plan did not list easements across the Walgreens property or the Township Park when it recited existing easements. Ultimately, another sentence was added at the end of Condition 1, indicating that if the Special Land Use was approved, Impact Church must block their access drive to the Walgreens property until approval is granted by Walgreens.

Condition 2 – In discussing the possible need of sheriff deputies to direct traffic during Saturday and Sunday services, Mr. Edwards questioned why this requirement only applies beginning one year after the opening of the church. He also thought that the church parking lot access drive should extend to the back of the parking area, and that there be two exit lanes the length of that drive, to avoid backups onto M-21. Traffic volume per hour and the advisability of a second drive were discussed, with Mr. Batchelor noting that MDOT had already determined that only one drive would be allowed onto M-21. After further discussion, it was agreed to change the time period for use of sheriff deputies from one year to three months.

Condition 3 – Not yet met. No changes to condition made.

Condition 4 – After discussion, the need to further document the existence of the easement to the Subway/Biggby property was dropped. This Condition is removed.

Condition 5 – Not yet met. No changes to condition made.

Condition 6 – Not yet met. No changes to condition made.

Condition 7 – Not yet met. No changes to the condition made.

Condition 8 – Not yet met. No changes to the condition made.

Condition 9 – Not yet met. No changes to the condition made.

Condition 10 – Not yet met. No changes to the condition made.

Condition 11 – Not yet met. No changes to the condition made.

Condition 12 – Not yet met. No changes to the condition made.

Condition 13 – Not yet met. No changes to the condition made. Mr. Clements asked for confirmation that this provision did not apply to traffic direction signs, and that was confirmed.

Condition 14 – Not yet met. No changes to the condition made.

Condition 15 – Statement that an Annual Review will be held. A reference to “project” was changed to “Special Land Use”.

Condition 16 – Not yet met. A stop sign is to be placed for outbound traffic where the drive meets M-21, subject to MDOT approval.

Condition 17 – Not yet met. A “Do Not Enter” sign is to be placed at the parking lot exit nearest M-21, facing incoming traffic, to prevent backups onto M-21.

Having completed the review and discussion of Conditions, the Planning Commission proceeded to review the Standards of Section 20.03 of the Ordinance with respect to the requested Special Land Use.

Standard A – The Special Land Use shall be established, designed, and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof, and will be compatible with the character of the area in which the Special Land Use is proposed.

Finding: The Planning Commission recognizes that the volume of traffic generated by Impact Church for its services on Saturday evening and Sunday mornings may likely result in traffic congestion on the site due to only one main access drive onto M-21, being the existing driveway serving the Biggby/Subway businesses. Alternate access routes may exist on the east through the Walgreen property and Church drivers will certainly utilize this route which may adversely affect this adjacent land use.

Church traffic through the Walgreen property may not rise to the level of having a “substantial adverse impact” on adjacent properties and roadways upon the initial operation of the Church but this type of impact may occur as Church attendance (and traffic) increases as anticipated by the applicant.

Mr. Batchelor noted that traffic was the main concern with respect to this standard. Again, there was concern expressed about the effect of a failure of Impact Church to obtain a second access drive onto their property. Overall it was agreed that traffic would increase, but not to the level of presenting a substantial adverse effect on adjoining or nearby lands.

This standard has been met.

Standard B – The Special Land Use must not have a substantial adverse effect on water and sewer services, storm water drainage, road capacity, volume of traffic, traffic safety and

circulation, and pedestrian safety and shall not result in lighting which is contrary to the purposes of the lighting regulations of this Zoning Ordinance.

Finding: The volume of traffic and turning movements on M-21 in front of the Church site will increase which may pose the potential for more accidents. The Michigan Department of Transportation has issued a letter stating that the Department “has not observed anything that would prevent a permit from being issued” for the use of the property by Impact Church. The Planning Commission recognizes that additional driveways will not likely be permitted by MDOT.

The Planning Commission believes that the traffic generated by the Church may not pose a “substantial adverse impact” on traffic upon the initial operation of the Church but this type of impact will likely occur as Church attendance and traffic volumes increase as anticipated by the applicant.

To mitigate the potential for vehicle accidents the applicant can seek the approval of the Michigan Department of Transportation (MDOT) to allow the applicant to secure the services of Kent County Sheriff personnel or another agency approved by the Planning Commission to direct traffic at the main church driveway on M-21 for all church services as the need dictates. Whether or not this approval is granted by MDOT, the Commission finds that a traffic impact analysis can be conducted by the applicant once the church is operational in order to seek the installation of a traffic signal at the main church driveway on M-21 which will avoid or mitigate the “substantial adverse impact” of future church traffic on M-21.

In order to insure the existing driveway shared with the Biggby/Subway property is properly built to accommodate the traffic generated by the Church, a condition of approval will be that the driveway be verified by MDOT that it meets current design standards. If it is determined that it does not then the driveway will need to be re-built to meet current MDOT standards.

The Township Engineer has approved the stormwater drainage measures. The site plan and other material provided by the applicant demonstrates compliance with the lighting regulations of the Zoning Ordinance.

This Standard has been met.

Standard C – The Special Land Use must not have a substantial adverse effect on police and fire services and other public safety and emergency services.

Finding: The Township Fire Chief has approved the location of fire hydrants and access for emergency vehicles.

This standard has been met.

Standard D – The Special Land Use must not have a substantial adverse effect on the need and demand for other public services.

Finding: The site is adequately served by public water and sanitary sewer. Stormwater measures have been approved by the Township Engineer.

This standard has been met.

Standard E – The Special Land Use must not have a substantial adverse effect on the natural environment of the site and nearby properties.

Finding: Grading on the site will not extend into the nearby floodplain and the applicant will be required to flag the limits of the floodplain to ensure this. The Township Engineer has determined that the bottom of the existing pond on the site is a wetland. Any disturbance to the wetlands on the site are subject to a Part 303 permit from the Michigan Department of Environmental Quality. A permit from MDEQ will be a condition of project approval.

This requirement has been met.

Standard F – The Special Land Use must be consistent with the intent and purposes of this ordinance and the Lowell Charter Township Master Plan.

Finding: The 2014 Township Master Plan recommends commercial zoning of this and adjacent properties. The Impact Church property is zoned General Commercial and Section 11.03 (h) of the Township Zoning Ordinance permits churches in the General Commercial Zoning District.

This requirement has been met.

Standard G – The Special Land Use meets the specific standards of Section 22.03 and / or other specific special land use standards of the Ordinance.

Finding: There are no specific standards in Section 22.03 or other specific special land use standards for churches so this standard is not applicable.

Based on the above, the Planning Commission finds that all of the standards for a special use have been met for the proposed church.

Additionally, Site Plan Sheets CS & CO dated 01-11-18; Sheets C2a and C2b dated 2-20-18; Sheet C3b dated 03-06-18; Sheet SL-1 dated 02-01-18; Sheet L1 dated 8-24-18; Sheets 008,100, 101,130,310, E-100, and 101 all dated 02-01-18 and a letter from Matrix Consulting Engineers verifying the total lumens per acre are also approved.

Mr. Edwards confirmed that there would be no changes made to the Site Plan sheet identifications, and was told each would remain the same, with the drawings just being modified as required. The Site Plan changed pages will need to reflect the date(s) on which the necessary updates occur.

There being no further questions or comments from members of the Planning Commission, Mr. Clements moved to approve the request by Impact Church to establish a church in the General Commercial Zoning District as a Special Land Use under Section 11.03(h) of the Ordinance, on property located at 11930 East Fulton Street (M-21), and to approve the related Site Plan, subject to the following conditions:

1. The applicant shall provide to the Township Zoning Administrator evidence that an authorized representative of the adjacent Walgreens property will allow Impact Church traffic to use the driving lane connecting the two properties in order to drive across Walgreens property for access to and from the Walgreens driveways on M-21 and Bowes Road. If this condition is not met, the Special Land Use may still be approved, but the access drive must be blocked until such approval is granted by Walgreens.
2. The applicant shall seek the approval of the Michigan Department of Transportation to secure the services of Kent County Sheriff personnel or another agency approved by MDOT to direct traffic at the main M-21 driveway for all church services. This approval shall be sought before or no later than three months of the opening of the church for services and a response from MDOT provided to the Commission. If approval is given, the applicant shall provide this service within 60 days of the date of MDOT approval and continue to provide it unless this condition is removed by the Planning Commission.
3. The applicant shall provide verification from the Michigan Department of Transportation to the Township Zoning Administrator that the driveway onto M-21 shared with the Biggby/Subway property was constructed to meet MDOT design specifications for three-way traffic movement being an entrance lane, a left lane turn out and a right turn out lane. If MDOT requires improvements to the driveway these improvements shall be constructed by the applicant before an occupancy permit is issued.
4. All existing buildings on the property shall be removed before an occupancy permit is issued.
5. Approval is subject to the approval of the Township Fire Chief and Township Engineer.
6. The driving lane along west lot line shared with the Biggby/Subway property shall be widened to be a minimum of 36 feet to a point approximately 230 feet south of the front lot line and striped for two lanes of northbound traffic.
7. Any approvals required by the Michigan Department of Environmental Quality for work which affects wetlands on the site shall be provided to the Township.
8. The limits of the 100 year flood plain must be visibly flagged before any grading is commenced on site.
9. Flags marking the edge of the wetlands on site shall be field checked and replaced to ensure they are still visible to on-site workers. This shall be done before any grading on site is commenced.

10. The landscape plan must be revised to formally delete the Serbian Spruce trees as noted in the Planners February 24, 2018 report and a revised plan submitted with a new revision date.

11. The site plan set shall be revised as required by this approval and three copies of this plan returned to the Township for signature by the Planning Commission Chair. The applicant shall also provide a digital copy of the revised site plan.

12. Approval of the site plan and Special Use Permit does not extend to the proposed signs which shall require a separate approval in accordance with the sign requirements of the Zoning Ordinance.

13. The Commission approves the proposed number of parking spaces as the applicant has demonstrated the need to exceed the minimum parking space requirements by greater than 20 percent as allowed by Section 23.04(e).

14. An annual review of the Special Land Use shall be conducted by the Planning Commission on or about the anniversary of the date of approval by the Planning Commission. The applicant or a representative of the applicant shall attend this meeting.

15. An outgoing stop sign where the drive meets M-21 shall be installed with MDOT approval.

16. A Do Not Enter sign will be installed at Northern-most parking lot exit for incoming traffic from M-21.

Motion seconded by Mr. Batchelor. All in favor and the Special Land Use and Site Plan with conditions [TC] are approved.

### **Fairgrounds – Special Land Use Standards**

Tim Johnson noted that operational conditions are already determined, and that light and noise provisions are progressing. Still to be discussed is fencing (when/where/how much), building height restrictions and multiple other activities. He would like a copy of the latest list of uses outside the fair. Chairperson Simmonds noted that some general restrictions might be required as well.

Mr. Clements raised the question of having the fair seek approval first of the Core Fair activities, then adding other permitted uses later as amendments to the initial Special Land Use and Site Plan approvals. Mr. Batchelor felt that some features, such as drives and fences, should be approved for the entire property at one time.

Chairperson Simmonds allowed a member of the public to speak to the Planning Commission. The speaker requested that more be done to keep neighbors informed before making changes to a Special Land Use permit, preferably in writing. He would also like 10 days notice before new activities are discussed. Chairperson Simmonds did note that there are hearing requirements which include written notice to owners of property within 300 feet of the subject property. He

also advised that discussion topics are listed in the meeting Agenda, which is available from the Township's web site. In response to concern expressed about how the property may be used, Mr. Batchelor felt it unlikely that the property would be rented out, and that any uses would only be those allowed by the Ordinance.

**NEW BUSINESS**

**Set Public Hearing for April 9, 2018 for a Special Use Permit for Maple Ridge Manor Assisted Living at 11730 and 11750 E. Fulton St.**

Mr. Barriger presented for Maple Ridge Manor of Lowell LLC. They are proposing a 70 unit facility, serving some regular residents, some assisted living residents, and some memory care residents.

Mr. Clements confirmed that water and sewer services would be available to the facility. Mr. Batchelor asked about land acreage, and was advised seven acres would be involved. It was determined that the Site Plan available for review would need some changes. There would be a shared drive with Creation Kingdom.

After discussion of possible hearing dates, Chairperson Simmonds moved that a hearing on the requested Special Land Use and Site Plan for Maple Ridge Manor facility be set for May 14, 2018. Motion seconded by Mr. Batchelor. All in favor and the hearing will be set for May 14, 2018.

**Commissioner Comments:**

Tim Johnson advised that the application of Blu Sky Farms for a Special Land Use in the Light Industrial Zone could not be based on the lumber and wood products Special Land Use, as the product was not made on-site. He feels this is more like an Open Air business as allowed in the Commercial Zone but not the Light Industrial Zone. The hearing will still be held March 15, 2018 but only to advise why the request could not go forward, and to discuss possible options.

**Adjournment:**

Mr. Edwards moved to adjourn. Motion seconded by Mr. Batchelor. All in favor and the Regular Meeting of the Planning Commission ended at 10:05 pm.

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

Approved \_\_\_\_\_