

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARINGS
May 14, 2018**

PRESENT: Blough, Batchelor, Simmonds, Clements

ABSENT: Edwards

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 20

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:01 pm.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of April 9, 2018 were presented for approval. Chairperson Simmonds moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes of April 9, 2018 are approved.

The Minutes of the Special Meeting of April 30, 2018 were presented for approval. Mr. Batchelor moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes of April 30, 2018 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 7:04 pm. One person spoke. Public comment was closed at 7:05 pm.

Chairperson Simmonds moved to remove the matter of Blue [TC] Sky Farms from the table. Motion seconded by Mr. Batchelor. All in favor and the matter of Blue [TC] Sky Farms is removed from the table. The Township Planner will work with the representatives of Blue [TC] Sky Farms on a new request concerning the display of small storage barns for sale at the corner of Alden Nash and Cascade Roads. The matter will be included in the Agenda for the June 11, 2018 Regular Meeting of the Planning Commission.

PUBLIC HEARINGS:

Request from Westview Capital LLC to rezone a 42.30 acre parcel from R-2, Medium Density Residential to the Open Space Planned Unit Development Zoning District and a request for Tentative Preliminary Plat approval for a 70 lot Subdivision.

The Public Hearing on the Twin Oaks Open Space Planned Unit Development was called to order by Chairperson Simmonds at 7:07 pm. Chairperson Simmonds outlined the public hearing process to those present. Mr. Clements read the Notice of Hearing into the record.

Dan Larabel presented on behalf of Westview Capital LLC with assistance from Tom Larabel. They are currently seeking Kent County Road Commission approval of the proposed roads in the OS-PUD. Storm water drains will require approval by the Kent County Drain Commission, and sanitary sewers by the Township Engineer as well as a State review.

They are looking for approval by the Planning Commission of the location of proposed roads and lot locations as shown on the Tentative Preliminary Site Plan dated April 19, 2018. Changes made to the Site Plan based on an earlier discussion with the Planning Commission were summarized in a letter dated April 19, 2018 addressed to Township Supervisor Jerry Hale from Dan Larabel of Westview Capital LLC.

Tim Johnson then reviewed his report of May 9, 2018 on the Twin Oaks OS-PUD Rezoning and Tentative Preliminary Plat. He noted that the Planning Commission was holding the Public Hearing but that final approval would come from the Township Board. Restrictions on land zoned for Medium Density Residential (R-2) included larger required lot sizes, but the OS-PUD would allow smaller lot sizes in exchange for a minimum of 20 percent of the land being preserved as Dedicated Open Space.

Some detail items on the Tentative Preliminary Site Plan will need to be further addressed, such as acreage calculations, grading on some lots containing Primary Conservation Areas and marking preserved lot areas as Do Not Disturb areas during construction. Construction traffic will be restricted to access only from Foreman Drive. Approval is needed for a connecting sanitary sewer line which will cross Cumberland Ridge.

Mr. Batchelor asked about missing sidewalk locations and was advised that these would be added. Dan Larabel also addressed the grading of Lots 69 and 70, to allow better spacing for houses on those two lots. The request is to allow up to 90 percent of Lot 69 to be graded. Mr. Batchelor also asked about Lot 25 shown on the April 18, 2017 (sic – should be 2018) Natural Features Map, and was advised that they would like to re-contour that lot as well.

Next reviewed was the Engineer's Report from Land Resource and Engineering dated May 10, 2018 addressing Phase 1 of the Tentative Preliminary Site Plan for the Twin Oaks OS-PUD. A letter on behalf of Westview Capital LLC by their engineer Paul Henderson was offered to the Chairperson at the public hearing, and a copy will be presented to LRE for their review and response. Applicant will prepare a response to the May 10, 2018 report from LRE.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public input at 7:40 pm.

Aurora Thoms – would like to see the land left undeveloped. Asked about number of houses allowed under current R-2 zoning and the proposed OS-PUD, and was advised by Chairperson

Simmonds that fewer houses would be allowed under the OS-PUD. She asked why the proposed Woodbushe Drive had to connect to the existing Woodbushe Drive in Eastgate, which is currently a dead end. Dan Larabel indicated the connection was required by the Kent County Road Commission. Tim Johnson advised her that traffic capacity on Foreman Avenue, the other connection point for the OS-PUD, was 8,000 cars per day, and that traffic generated by the OS-PUD would be far below that number. She expressed concern about the possible increase in deer/turkey and car collisions as a result of developing the land. Mr. Batchelor clarified that under current zoning 113 houses could be built on this land, and only 70 houses would be allowed under the OS-PUD zoning.

Ed and Elaine Martin – pass.

Kay Estes – was concerned about extending Woodbushe Drive, but understood that this was an issue with the requirements of the Kent County Road Commission.

John Kavanagh – asked if this would require Eastgate to install sidewalks and sewers. He was told that such improvements, if ever required, would not be because of this OS-PUD.

Kay Estes – asked for clarification on how an OS-PUD is built and was shown where trees would be preserved.

Aurora Thoms – asked if the preserved spaces and trails would be open to the public. She was advised that these would be private.

Roger Thomzak – expressed concern about traffic, the capacity of Foreman Drive, and construction.

Matt Sackett – concerned about the lack of a buffer zone between his property, which abuts the OS-PUD east of Woodbushe Drive by Foreman Avenue. Dan Larabel indicated that the exit point of Woodbushe Drive onto Foreman was determined by the Kent County Road Commission. Buffering would be by the grading at that point, along with current undergrowth. He would like trees and bushes installed as a buffer. The ability to do so will be investigated. Mr. Batchelor also asked Mr. Sackett about an acceleration lane on Foreman Avenue, by Mr. Sackett's property.

There being no further questions or comments from members of the public, the public input portion of the hearing was closed at 7:55 pm.

Mr. Batchelor asked why the Tentative Preliminary Site Plan did not show lots across Foreman from the OS-PUD, and was advised that they would be added to the Site Plan. Tim Johnson confirmed that notice of the Public Hearing would have been sent to those owners even though their land is located in Vergennes Township.

Mr. Clements asked several questions based on the January 30, 2018 Natural Features Map. He confirmed that the areas shown in purple were Primary Conservation Areas with excavated

slopes of greater than 20 degrees, and that these were areas bulldozed by the prior owner. He also asked about Primary Conservation Areas with natural slopes greater than 20 degrees, shown in yellow, which lay in proposed lots and in sections of Woodbushe Drive. He pointed out that all slopes of greater than 20 degrees were considered Primary Conservation Areas in Section 14.08(c)(2)(i) of the Ordinance and therefore “shall be preserved” as Dedicated Open Space under Section 14.06(a)(3). While Section 14.05(c)(2) allows some grading in Dedicated Open Space, he felt that the reference to grading for utility lines was insufficient for allowing the much wider grading for a public road. He interprets Section 14.05(c)(3) as requiring any grading outside of protected areas to not create erosion, pollution, flooding or other adverse effects on the land. He feels that it does not allow grading of Primary Conservation areas.

Also noted was that Section 14.08 outlines a four step process for application and review of a Preliminary Site Plan, beginning with identifying areas to be preserved, and only at the fourth step drawing lot lines. It appeared to him that the opposite order of these steps have been used in this case.

Since some of the steep slopes were created artificially by the prior owner, Mr. Clements was willing to accept re-grading of this area for roads and lots. However, he proposed a small change in the route of Woodbushe Drive to follow those re-graded areas, to avoid disturbing the two Primary Conservation Areas with slopes greater than 20 degrees shown as being graded for the purposes of building Woodbushe Drive. Dan Larabel responded by stating that moving the road would create further issues on land immediately East of the artificially graded areas. He also stated that the OS-PUD is providing more than the 20 percent preservation of land than is required by the Ordinance.

Finally, Mr. Clements asked about the broken blue line appearing on the Natural Features Map last amended April 18, 2017 [2018] labeled as the Proposed Limits of Grading. That line indicates that no grading will occur on Primary Conservation Areas with slopes greater than 20 degrees on Lots 18, 19 and 20. Those same Primary Conservation Areas are also marked for grading, creating a conflicting indication of how that land is to be treated.

Chairperson Simmonds raised the question of whether the re-zoning and the Tentative Preliminary Site Plan approvals could be handled separately, or if they should both be addressed together. After discussion, it was decided that they should be addressed together. Mr. Clements asked that a final decision on whether to recommend the re-zoning and Tentative Preliminary Site Plan to the Township Board be postponed, as there were many outstanding issues to be addressed and materials to be provided, and further citing the concluding paragraph of the LRE report of May 10, 2018, which recommended that the Applicant address the comments of LRE before the Planning Commission makes a recommendation to the Township Board.

It was decided to continue discussion of the rezoning to OS-PUD and the Tentative Preliminary Site Plan at the next General Meeting of the Planning Commission on June 11, 2018. Items the Planning Commission would like to see addressed by then include a letter from LRE approving moving forward with a final decision to recommend to the Township Board, amendment of the Site Plan to include discussed items, in particular showing sidewalks in Phases 2 and 3, revision

of the re-grading line location for Lots 18, 19 and 20, providing documentation of the 'do not disturb' land in the OS-PUD bylaws, with a confirmation that this information will be recorded with the Register of Deeds, and a discussion by Applicant with the Kent County Road Commission regarding room for screening options on the East side of Woodbushe Avenue near Foreman Avenue along the neighboring parcel.

Mr. Blough asked about the current water and sanitary sewer capacity available, and was told that there would be enough to handle Eastgate should there be events which lead the Kent County Health Department to require installation of those services.

There being no further questions or comments, Mr. Clements moved to table the request of Westview Capital LLC for re-zoning of land from R-2 to OS-PUD and for approval of their Tentative Site Plan until the June 11, 2018 meeting of the Planning Commission. Motion seconded by Mr. Batchelor. All in favor and the request is tabled until the Regular Meeting of June 11, 2018.

Amendment of the Zoning Ordinance to delete Section 4.46(b) pertaining to Home Based Businesses

Chairperson Simmonds opened the public hearing. Mr. Clements read the notice of the hearing into the record.

Tim Johnson summarized the reason for the change. This section was unintentionally included in the Ordinance, and effectively prohibits home based businesses.

There being no further questions or comments from members of the Planning Commission, the public input portion of the hearing was opened at 8:44 pm.

Aurora Thoms – not present.

Ed and Elaine Martin – not present.

Kay Estes – pass.

John Kavanagh – agrees with the change.

Roger Thomzak – not present.

Matt Sackett – not present.

There being no further questions or comments from members of the public, the public input portion of the hearing was closed at 8:45 pm.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to recommend to the Township Board that Section 4.46(b), which

states that “A Home-Based Business does not include activities allowed by right or by Special Land Use Permit in other sections of this Ordinance”, be deleted. Motion seconded by Mr. Batchelor. All in favor and Section 4.46(b) is recommended for deletion from the Township Ordinance.

OLD BUSINESS

Fairgrounds Special Land Use Standards Amendments to Draft #2

Tim Johnson led a review of Draft #2 dated May 14, 2018, containing revisions from Draft #1. Chairperson Simmonds noted that the items in the Use Standards represented information to be presented to the Planning Commission at the time of a request for a Fairgrounds Special Use Permit.

Mr. Clements suggested that Section 22.09(b)(2) be amended to read in part “A description of all the activities and uses...” to clarify the section applied to accessory uses during the core fair operating dates as well as accessory uses outside the core fair operating dates. He also suggested change of Section 22.09(c)(6)(ii) to delay reducing all lights to security level lighting until one hour after the close of activities, for the safety of those departing the Fairgrounds. Chairperson Simmonds indicated that the Planning Commission can add requirements during the hearing process.

Chairperson Simmonds allowed input from members of the public present, including a request to specify sound levels specifically for the Fairgrounds, with several suggested sound levels being offered. Also requested was a requirement for front yard landscaping even if the landscaping is not between two different zones. It was asked that a requirement for a front berm be included in the Use Standards, although such a berm is planned to be included in a Site Plan for the fair. It was asked that alcohol and fireworks not be allowed, and that minors be subject to a curfew if not accompanied by an adult.

Mr. Batchelor was uncertain if a maximum volume of 70 dba was appropriate, and that the sound level limit needed to be addressed in more detail. Chairperson Simmonds suggested some practical testing of sound levels. Mr. Blough observed that if the levels allowed during the core fair were too low, it would be too late to correct the problem after approval had been given. The fairground people would like to set sound levels based on the activities allowed during the core fair.

Other issues raised by the next speaker were the rules of other fairgrounds in the country, including sound levels, a bar to unauthorized animals (dogs allowed) when camping, a curfew, quiet hours, golf cart use, bicycles not allowed on fairgrounds, overnight tents allowed only in the campground, and no roving solicitors on the fairgrounds. Also requested was no generators in the campground, no horse camping or trails, prevention of runoff into Pratt Lake, and no firearms on the fairgrounds. It was stated that nearby neighbors have bedroom windows facing the likely fairgrounds, 20 feet from their own property line, and that they are concerned about what they are giving up in discussions about fairground activities.

The next speaker felt that Section 22.09(b)(4)(xi) concerning construction details was good information to have. He asked what land was required to be fenced (just the core fair grounds), and noted that the Section 22.09(c)(12)(ii) campground permits would come from the Michigan Department of Natural Resources. For fireworks and alcohol, the Planning Commission should look if there are any current issues. It was asked if activities such as monster trucks would be allowed if held in a building. Guns would be covered by existing laws. It was noted that the former golf course used more fertilizer than the fairgrounds would.

Mr. Batchelor felt that Tim Johnson should investigate sound levels further to determine if 70 dba was too low. The fairground people indicated that some core fair rides run at 80 dba when measured next to the equipment. Supervisor Hale stated that dba levels measured would be over a sustained period of time.

Mr. Clements asked if Mr. Johnson needed any further direction from members of the Planning Commission on what will need to be addressed in Draft #3 of the Use Standards. Members of the Planning Commission suggested sound levels, landscaping between properties within a single zone, requiring a berm, and truck and other racing if held indoors. Tim Johnson noted that any use which is allowed cannot be blocked during a Special Land Use review.

Chairperson Simmonds repeated the need for additional information on sound levels, and provided Tim Johnson with a document from Gary Rietsema, which was offered during his comments to the Planning Commission. Mr. Batchelor would like to have a presenter on sound levels at the next meeting on June 11, 2018 if possible, at which time Draft #3 will be reviewed.

Mr. Blough asked about which trails would be for use by motorized carts. Tim Johnson suggested that the provision prohibiting motorized vehicles be removed from the prohibitions.

NEW BUSINESS

There was no new business.

COMMISSIONER COMMENTS:

There will be no workshop meeting on May 28, 2018.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Motion seconded by Mr. Clements. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:48 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____