

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
November 13, 2017**

PRESENT: Batchelor, Simmonds, Clements, Edwards

ABSENT: Blough

TOWNSHIP PLANNER: Bob Toland

CITIZENS IN ATTENDANCE: 10

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 October 9, 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 October 9, 2017 are approved.

The Minutes of the Special Meeting of October 23, 2017 were presented for approval. Mr. Edwards noted that the reference to Bowne Township in the last full paragraph on Page 4 should be Ionia County. Mr. Edwards then moved to approve the Minutes as amended. Seconded by Mr. Batchelor. All in favor and the Minutes of October 23, 2017 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 7:03 pm. No one spoke. Public comment was closed at 7:03 pm.

OLD BUSINESS

Fairgrounds – Zoning Ordinance Zoning Amendment

Chairperson Simmonds opened the meeting to comments from those present.

The first speaker noted that the kind of fairs allowed in Article 2(y) is broad. Questions were asked regarding subsection (4) rodeos, (7) grandstand, and (9) pavilion. With respect to other activities allowed if a Special Use permit is granted, (v) was questioned as the speaker did not want sporting events, and whether (viii) water park would leave the Township open to liability. Concern was expressed by the speaker regarding comments by Township residents before the Planning Commission became involved, that a fairground in Lowell Township was a 'done deal'.

The second speaker asked, if a Special Use permit was granted, whether there would be a list of specific activities allowed in the grandstand. Chairperson Simmonds indicated that he couldn't say what would happen. The speaker asked, should an application for a fairgrounds Special Use permit be received two weeks after the Ordinance takes effect, how the Planning Commission would respond. The speaker was advised that the Planning Commission would wait until additional rules were put into place, and that the rules and a Public Hearing would be involved when looking at a Special Use application. The speaker was told that rules would also apply to sporting events. The final speaker comment was regarding the 21 continuous days a fair would be allowed, but figured a fair would not actually last that long.

The third speaker asked that the standards be developed promptly and was advised that they would be. The speaker was also told that an event outside of the Ordinance list could be requested. Applicant for a Special Use permit can request a new use by seeking an amendment to the original Special Use permit at a later date. The final question was as to the result of a grandstand being requested before the rules were developed.

The second speaker spoke again, asking how to find when the Planning Commission began discussing the planned rules. The speaker was advised that the Agenda is posted on the Township web site every Thursday before a Planning Commission meeting, which would be one way to learn of upcoming meetings. Also asked was how the Annual Review of a Special Use permit were scheduled and was advised that they are done each year on the anniversary date of the granting of the Special Use permit.

The first speaker spoke again, asking if information provided from the public would be considered in the making of the rules, and was told it would be accepted.

Chairperson Simmonds noted that the latest version of the proposed Ordinance amendment, a Draft dated October 24, 2017 and designated version 3, seemed to reflect the changes requested at the last meeting. Mr. Edwards confirmed that this was his conclusion also.

First discussed was subsection (xii) which referred to core fairs lasting longer than 21 consecutive days. After some discussion, including the desire to limit fairs to consecutive days, it was decided that this section should be dropped.

Chairperson Simmonds wanted to ensure protection for accessory uses outside of the core fair. This led to a decision to change 'core' to 'accessory' in the current subsection (xiii). Mr. Clements raised the question of allowing multiple fairs, which together would not exceed 21 days per calendar year. Mr. Batchelor felt that one fair per calendar year was sufficient, and that the number of consecutive days could be reduced to 15. There was extensive discussion thereafter regarding whether the word 'consecutive' should be removed from references to the maximum number of fair days allowed.

At the conclusion of the discussions, Mr. Clements agreed to present a motion for approval which would include all changes to the current draft agreed to by members of the Planning Commission.

There being no further questions or comments, Mr. Clements moved to recommend to the Township Board the approval of the proposed Ordinance amendment draft of October 24, 2017 version 3, entitled 'An amendment to Article 5 (the AG-1 Agricultural Preservation Zoning District) of the Lowell Charter Township Zoning Ordinance to amend existing subsection 5.03(f) and to also add a new and additional subsection 5.03(y) regarding county and youth fairs and similar uses', with the following changes:

1) with respect to the opening paragraph of section (y), insert after 'similar fair' the phrase 'as defined by Michigan law', change 'no longer than' to 'not longer than', and change the number of consecutive days from 21 to 15.

2) Insert in subsection (y)(3) the word 'core' before the ending phrase 'fair is done'.

3) On Page 2, first full sentence beginning 'If a special land use is approved for a core fair', add the word 'accessory' to the second sentence before the phrase 'structures and uses', and beginning in line 3 of that sentence, drop the phrase 'if they are accessory to the approved core fair'.

4) Drop subsection (xii).

5) Drop the numbering of (xiii), and change it to read in full 'Core fair uses and accessory uses outside the 15 consecutive days per year limitation are allowed.'

Motion seconded by Mr. Edwards. All in favor and the draft Ordinance, as amended, is recommended for approval by the Township Board.

Mr. Clements will prepare and distribute the amended draft Ordinance in full.

Red Creek – SLU review

Chairperson Simmonds summarized the prior month's review discussions, and advised those present that this was a continuation of those discussions.

The Enforcement Officer and the Township Supervisor indicated that they had visited the Red Creek property and had discussions with the neighbor to the North. Eric Schelhaas of Red Creek Waste Services confirmed that the planting of additional trees between the Red Creek property and the neighbor to the North had been discussed, but he was not yet ready to commit to planting those trees pending further discussion at this review.

Mr. Edwards referred back to the original granting of this Special Land Use, with conditions, in 2015, and did not see any evidence of Red Creek Waste Services being out of compliance with the original grant, citing Michigan Compiled Laws Section 125.3504. He expressed his concern about the number of trees which might be required.

The report of the Enforcement Officer, Ref Complt #17-0056, made after the initial hearing in October, did not show any violations of the original Special Use permit or any need to plant additional trees to the East of the existing berm on the North side of the property, although Mr. Schelhaas may do so voluntarily.

Mr. Edwards then moved to approve the annual review of the Site Plan for Phase 1, dated October 9, 2015, submitted by Red Creek Waste Services, for property located at 5826 Alden Nash, with the next annual review to be in October 2018. Motion seconded by Mr. Clements. During discussion of the motion, Mr. Batchelor confirmed that the berm initially required as part of the Special Use permit had been installed. The distance to the woods to the East of the berm was discussed. Mr. Edwards pointed out that if the holder of the Special Use permit is not out of compliance, but he is required to add trees, it could lead to further problems in the future. Chairperson Simmonds did note that additional trees would block the view of the trucks by the neighbor to the North. Mr. Clements pointed out that Red Creek Waste Services would need to request an amendment to the Special Use permit when they were ready to build a second building on the land, and would have the option at that time to request permission to install more trees for screening. Mr. Batchelor noted that the original Site Plan only set the minimum number of trees to be planted, and that Red Creek Waste Services could choose to plant more trees if it so desired, without the need to amend the Site Plan.

The motion to approve the Special Land permit of Red Creek Waste Services being moved and seconded, a vote was taken, and compliance was determined unanimously, with no trees being mandated, and with an annual hearing set for October 2018. Mr. Schelhaas was assured that the Ordinance did not allow imposing new requirements unilaterally on a Special Use permit where compliance was found.

Impact Church – Additional Driveways/Easements

Mr. Clements offered three potential additions to the granting of a Special Use permit to Impact Church, which together would make explicit that the drives for ingress and egress, which are in addition to direct connections to M-21, are not a requirement of the granting of the Special Use permit, that Impact Church is responsible for confirming their easements and other rights required to connect those drives to Bowes Road and the driveway shared with the Subway/Bigbys operations, and that as such, there would be no requirement to show these drives where they run across abutting lands. His concern was that any problem with making these connections could delay the start of construction if such drives and connections were a requirement of the granting of a Special Use permit.

During discussion, it became clear that the intent of a majority of the Planning Commission was to require the completion of these driveways and connections as a requirement of the Special Use permit. It was therefore decided not to include the proposed additions to the requested Special Use permit. Instead, there will be a requirement added, requiring Impact Church to provide a letter from their attorney confirming that they have all the property and other rights required to complete these two drives for access to the church, in addition to the M-21 connections.

Blu Sky Farms, 12000 Cascade Road – Rezoning Request

Applicants are withdrawing their request for rezoning for now, but may take it up again in 2018. The matter had been tabled after the initial hearing.

Mr. Edwards moved that the matter of the rezoning request of Blu Sky Farms be taken off the table. Motion seconded by Mr. Batchelor. All in favor and the matter is taken off the table.

Mr. Edwards moved to suspend the request until April 2018, unless the Applicant requests consideration sooner. Motion seconded by Mr. Batchelor. All in favor and the motion to suspend the request is approved.

NEW BUSINESS

There is no new business.

Items for Potential Discussion

None of these matters were discussed.

Commissioner Comments

Chairperson Simmonds advised that there will be a Joint Meeting with Vergennes Township and the City of Lowell on November 27, 2017, at the Lowell Township offices.

There will be an Election of Officers at the December meeting.

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 10:13 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____