

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARINGS
September 11, 2017**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Bob Toland
CITIZENS IN ATTENDANCE: 33

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 August 14, 2017 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes of August 14, 2017 are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

Chairperson Simmonds moved to add “Fairgrounds Zoning Ordinance Amendment” as the third topic under Old Business and to approve the Agenda as amended. Motion seconded by Mr. Batchelor. All in favor and the Agenda as amended is approved.

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.

PUBLIC HEARINGS

Chairperson Simmonds explained the procedures for the public hearings to those present.

Impact Church – Special Land Use

The public hearing was opened at 7:08 pm. Mr. Clements read the Notice of Hearing.

Ryan Kreske [TC] presented on behalf of Impact Church. Impact Church would like to build a new facility on property located at 11930 Fulton Street SE, formerly the Noon property. He summarized information included in the Site Plan last updated August 28, 2017.

Pete Buurstra of Land & Resource Engineering, Inc. summarized the Engineer’s Report of August 15, 2017, listing several items which still need to be resolved, including the size and controls for the drain basin, the need for a statement on why the parking area needs to exceed the size prescribed by the Zoning Ordinance, increasing the width of parking spaces, and the need to re-grade some land on the East side of the property. The quantity of handicap parking should be

increased to 14. MDOT will need to sign off on drives connecting to Fulton Street (M-21). An MDEQ permit may be required for the water retention pond.

Mr. Toland summarized his report of September 11, 2017. The land to be subject to the Special Land Use is currently made up of two parcels; these should be combined into a single parcel. He noted that a portion of the land is subject to a lease to Noon Equipment for about a year. He suggested that a utility pole on the West side of the property be removed and all utilities be underground.

Mr. Clements asked for clarification on references to two parcels and sometimes three parcels making up the land to be subject to the Special Land Use. He was advised that two of the parcels have already been joined, leaving just two remaining to be joined.

Mr. Edwards raised several points about the requested Special Land Use. These include the proposed trash container being too close to the flood plain, and inconsistencies in showing both drives on the drawings, such that the distance between the two drives cannot be determined. With respect to security lighting for both the child and parking areas, he was advised that lighting requirements are met. Fire system drawings are included. Of the eight parking spots at the rear of the building, one will be for handicap parking. Parking calculations are calculated on either a maximum facility capacity of 811 people or 895 people; this was explained as due to the use of some temporary seating. Either way, the number of parking spaces is over the maximum allowed by right under the Zoning Ordinance, and will need to be resolved. Signage on the building will need to be reviewed against signage requirements. There was a discussion of the need for landscaping detail. A traffic study for weekends (when attendance is highest) with respect to M-21 is to be done. There was a discussion of needed approvals for the building and the waiver of objections to sale of liquor within 500 feet of the church, and further research will be conducted to be sure the appropriately authorized representative of the parent organization Wesleyan executes those documents. The MDEQ will need to provide information about drainage requirements as soon as possible.

There being no further questions or comments from members of the Planning Commission, the hearing was opened for public comment at 7:38 pm.

John Schut – pass

Jon Bieneman – pass

There being no further public comment offered, the public comment portion of the public hearing was closed at 7:39 pm.

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

The Barn for Equine Learning – Special Land Use

The public hearing was opened at 7:41 pm. Mr. Clements read the Notice of Hearing.

Kat Welton presented on behalf of The Barn for Equine Learning. A sketch of the site has been provided, along with information requested by Mr. Toland as part of his Planning and Zoning Review report dated September 11, 2017. She explained that the horses are used in a therapeutic setting. Other services, including horse boarding and riding lessons would be offered, along with counseling and other activities involving the care for and interaction with the horses. The request is being made following the intentional arson of the prior barn on the property and the death of the horses in the barn.

Mr. Clements asked the number of horses to be boarded at one time, and was told that it would be 14, based on the number of stalls in the proposed barn. There is a manure management program in place. The proposed barn will only contain horses and will not include office space.

Mr. Edwards appreciated the waiving of several of the informational requirements by the Township Supervisor in these particular circumstances. He did suggest that any required handicap parking spaces be provided and so marked.

Mr. Toland noted that he had received the site plan, which will be important for any future changes to the property.

There being no further questions or comments from members of the Planning Commission, the public hearing was opened to public comment at 7:49 pm.

John Timpson – thought the barn and programs would be good for the community.

Jon Bieneman – pass

John Schut – pass

There being no further public comment offered, the public comment portion of the public hearing was closed at 7:50 pm.

There being no further questions or comments from members of the Planning Commission, the public hearing was closed at 7:50 pm.

Fairgrounds Zoning Ordinance Amendment

The public hearing was opened at 7:51 pm. Mr. Clements read the Notice of Hearing.

Chairperson Simmonds summarized the requested change to the Zoning Ordinance, to allow a fairground in the Prime Agricultural (Ag-1) Zoning District to be owned and operated by any person or organization, including a non-profit, rather than limiting ownership and operation to a

municipality. Mr. Batchelor noted that non-municipal fairgrounds are common in the state. Mr. Toland commented on ownership transfers to other entities. Mr. Clements stated that sale of the property to others would still be restricted to use as a fairground, and that the underlying ownership form shouldn't matter.

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

John Timpson – would like to know what is planned for the Deer Run land if used for fairgrounds in the future. Generally likes the location.

Jon Bienemen – president of fair board. Current fairground property is small and limits activities. Recognizes challenges in fairground. He favors keeping the Fair in the Lowell area.

John Schut – educator in Kent County. Favors Planning Commission looking at details of fairground to make it right.

Cathy Newman – lives across from current Deer Creek golf course. Planned events when she was at Michigan State University. Has been involved in 4-H in the past. Concerned about traffic, loss of value in her property. She did not learn about plans until she heard it in a news report. Would like traffic analysis and environmental impact studies.

Gary Reitsema – asked about restrictions on use of property. Mr. Clements advised him that another hearing would be held for the required Special Land Use Permit for the specific land used as a fairground. Chairperson Simmonds discussed the details of the process for reviewing a Special Land Use Permit.

Ryan Kreskge [TC]– has seen positive effect of 4-H fair on youth.

Marsha Hentschel - would not like fairground in others' back yards, as it would change the neighborhood. Concerned it could become an eyesore in the future if not properly maintained.

Gar Allison – lives East of Deer Run, thinks neighbors are being overlooked in fairgrounds process. Thinks road (Alden Nash) would need to be widened at fairground entrance.

G. M. Ross - thinks fair is of value to the area, but thinks it has grown too big.

There being no further questions or comments from the public, the public input section of the public hearing was closed at 8:38 pm.

Mr. Blough asked if individuals can also own a fairground. Mr. Clements felt that they could, since the focus of the zoning is on the land's use, not its ownership.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 8:41 pm

OLD BUSINESS

The Regular Meeting of the Planning Commission was opened at 8:41 pm.

Impact Church – Special Land Use

Members of the Planning Commission are generally agreeable to issuing the requested Special Land Use Permit, but need further documentation before doing so.

Mr. Edwards identified his two main issues as clarifying who from Wesleyan needs to approve the building proposed and the terms of the Special Land Use, in particular Item 5 which would require a waiver of the right to object to businesses selling alcoholic beverages within 500 feet of the proposed church. Mr. Batchelor agreed that the waiver was an issue. He asked about other issues which might be conditions on issuance of the Special Land Use Permit, and was advised that there could be several. Mr. Blough felt that the liquor license issue required a delay in proceeding, and Mr. Clements agreed.

Chairperson Simmonds asked if Ryan Kreskge [TC] would have more of the open questions resolved by September 25, 2017, or if the next consideration of the request should be postponed to the next regular meeting of the Planning Commission on October 9, 2017. He would prefer to have further consideration at the September 25, 2017 meeting.

There being no further questions or comments, Mr. Edwards moved to table the request of Impact Church for a Special Land Use Permit for further consideration until the Special Meeting on September 25, 2017. Motion seconded by Mr. Clements. All in favor and the request is tabled.

Mr. Clements asked Bob Toland if he could bring to the meeting a list of remaining open items on the request, which may be incorporated into an approval of the request, as conditions to be met.

The Barn for Equine Learning – Special Land Use

There being no questions or comments from members of the Planning Commission, Mr. Edwards moved to approve the Special Land Use Permit requested by The Barn for Equine Learning on Permanent Parcel Number 41-20-17-400-040 for horse boarding stables, including therapeutic and other horse related activities, subject to the following conditions:

1. A handicap parking sign will be installed for at least one space in the parking area
2. A maximum of 20 horses may be maintained on the property at one time
3. There will be an annual review of this Special Land Use annually beginning September 2018.

Motion seconded by Mr. Clements. All in favor and the Special Land Use Permit, with stated conditions, is approved.

Fairgrounds Zoning Ordinance Amendment

Chairperson Simmonds began by noting that fairgrounds have been allowed in the Ag-1 Zoning District since about 2012. He also expressed concern that the published notice did not correctly specify the section of the Ordinance being amended or the section being added. Mr. Clements agreed, but felt that the effect of the proposed changes had been reflected in the notice. It was decided to continue with consideration of the zoning change.

There being no further comments or questions from members of the Planning Commission, Mr. Clements moved that the Lowell Township Planning Commission recommend to the Lowell Township Board a change to Section 503(f) of the Zoning Ordinance by dropping the current language after the word “fairgrounds” so that the entire section would now read “Public and private parks including fairgrounds”. Motion seconded by Mr. Edwards. All in favor and the recommendation to modify Section 503(f) of the Zoning Ordinance is approved.

Mr. Clements then moved that the Lowell Township Planning Commission recommend to the Lowell Township Board the addition of Section 503(y) to the Zoning Ordinance to read in full “youth fair or county fairgrounds”. Motion seconded by Mr. Blough. All in favor and the recommendation to add Section 503(y) to the Zoning Ordinance is approved.

Mr. Clements noted for the benefit of those attending that land transactions involving the Deer Run golf course, with the apparent intent of using that land for fairground purposes, involved private parties. The Township was only now becoming involved, as it appears that a request for a Special Land Use Permit for a fairground is likely to be presented to the Township in the near future. He also invited Cathy Newman to submit her written list of concerns regarding a fairground on the Deer Run property to the Township Office, so members of the Planning Commission could better consider them during the review process of any Special Land Use Permit request on the Deer Run property.

Blu Sky Farms, 12000 Cascade Road – Rezoning

Mr. Blough excused himself from participation in this matter.

Chairperson Simmonds noted that a hearing date for this request has already been scheduled for September 25, 2017. With respect to rezoning a larger area around this one parcel of land to Commercial, consistent with the Master Plan, it was decided to proceed with rezoning only the single parcel for which a request had been received. Mr. Clements noted that even after rezoning, a Special Land Use Permit may be required for this parcel, and that Applicant should address that question in his presentation at the hearing.

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

NEW BUSINESS

Noise Ordinance Amendment – Target Practice

Chairperson Simmonds presented a brief history of the request for this addition to the Noise Ordinance. He read proposed language which has been used in another Township, and invited discussion.

Mr. Edwards would drop consideration of the proposed language as it has been found by the Courts to be too vague and therefore unenforceable by the police, as well as being unconstitutional.

Mr. Clements asked if there could be a ban on exploding targets under the Noise Ordinance. Other members of the Planning Commission would support such a ban. Proposed Ordinance language for such a ban will be pursued by Bob Toland.

Items for Potential Discussion

None of these items were discussed.

Commissioner Comments

Chairperson Simmonds indicated that there would be a Special Meeting and Public Hearing on September 25, 2017 at 7:00 pm for the Blu Sky Farms rezoning request.

ADJOURNMENT:

Mr. Edwards moved to adjourn. Seconded by Mr. Batchelor. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:40 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____