

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING
September 25, 2017**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Bob Toland
CITIZENS IN ATTENDANCE: 3

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 Hearings of September 11, 2017 were presented for approval. Mr. Clements noted that he had corrected the spelling of two names after the draft Minutes had been distributed. Mr. Edwards moved to approve the Minutes as amended. Seconded by Mr. Blough. All in favor and the Minutes of September 11, 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.

PUBLIC HEARING

Blu Sky Farms 12000 Cascade Road - Rezoning

The Public Hearing was commenced at 7:04 pm. Mr. Blough excused himself from participation in the Public Hearing. Chairperson Simmonds explained the procedures for the public hearing to those present. Mr. Clements read the Notice of Hearing into the record.

Gary Blough summarized the request for rezoning on behalf of Blu Sky Farms. He noted that the Lowell Township Master Plan proposed changing the zoning of this parcel and some surrounding land to Commercial. He felt the rezoning would increase the opportunities to use the land. He noted the parcel's location near the freeway at a major intersection, and other retail operations in the area. He feels the public thinks this is a good location for Commercial activities.

Township Planner Bob Toland presented his Planning and Zoning Review dated September 25, 2017 concerning the rezoning request. Chairperson Simmonds acknowledged the requested rezoning was consistent with the Master Plan. Mr. Clements noted that application of the

Ordinance definition of “Lot Area” meant the parcel should be considered as 1 acre in size, the area not being reduced by roadway easements across it. He also noted that this being a corner parcel, it would contain two front yards and two back yards, for purposes of calculating principal building setbacks. Mr. Toland referred to Section 4.18(b) of the Ordinance, which provides for two front yards, but allows Applicant to indicate in their request which of the two remaining yards will be considered the back yard and which will be considered a side yard, for purposes of determining minimum required yard depths.

Finally, Mr. Clements asked Applicants if they had considered requesting a Special Land Use permit under the current Light Industry zoning of the parcel, and was told that they had not.

Mr. Edwards advised that the roadway easement on Alden Nash extended 50 feet onto Applicant’s land, and the roadway easement on Cascade Road extended 33 feet onto Applicant’s land. Required yard setback distances are measured from the edge of the roadway easement to the principal building. Based on the dimensions of the parcel (129.8 feet by 335.6 feet), there would be no building envelope for a new principal building on the property if it is rezoned as Commercial. He also asked if this land would ‘perk’ for a septic drain field and was told that it would not. He noted that this parcel was used under a limited-term permit for the display of yard storage barns earlier this year, as an open business.

Mr. Toland stated that a 15 foot clear vision area would be required for the intersection corner of the parcel. He noted that a request to reduce the required setback distances for structures in the Commercial zone could be requested.

Mr. Clements asked about the status of the building currently on the property, and was told by Applicant that it would probably be torn down. He asked Applicant if a building was required for their intended use, and was told that it would be used for open air sales and similar activities.

Mr. Edwards acknowledged that with the proper designation of the size and rear yards, there may be very limited space for a principal building to be constructed.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:35 pm.

John Timpson – owns neighboring property. His existing building is seven feet from his property line, which would need to be considered with any planned use of the Applicant’s parcel. He was concerned about the septic drain field issue.

There being no other public comment offered, the public input portion of the hearing was closed at 7:38 pm.

Mr. Edwards asked John Timpson what difference there would be on his property if the neighboring parcel was either left Light Industrial or rezoned to Commercial. He did not feel strongly one way or the other on rezoning the property.

There being no further questions or comments from members of the Planning Commission, the public hearing was closed at 7:41 pm.

OLD BUSINESS

The Regular Meeting of the Planning Commission was opened at 7:41 pm.

Blu Sky Farms 12000 Cascade Road - Rezoning

Mr. Clements indicated that he would be more comfortable with the request if the parcel had a usable building envelope after rezoning. Mr. Edwards noted that the allowed building envelope could be quite small, effectively leaving the parcel non-usable for building.

Mr. Batchelor pointed out that if the existing building was used, it would be a legal, non-conforming use, and that Applicant may want to consider doing that. He noted the U-Park U-Sell property in a current Commercial zone had only a small unoccupied structure on the parcel but was still allowed.

When asked about parking space, Bob Toland pointed out that parking was allowed in a required yard, 15 feet from the front yard line and 5 feet from the back yard line.

Mr. Batchelor suggested that Applicant review what they want to do with the land, given the points which had been raised. Chairperson Simmonds reviewed the uses by right and the uses by special land use permit of light industrial compared to commercial zoning, so Applicant was clear that there were significant differences between the two. Applicant will review its options.

There being no further questions or comments, Chairperson Simmonds moved that the request of Blu Sky Farms to rezone the parcel of land at 12000 Cascade Road from Light Industrial to Commercial be tabled until the November 13, 2017 Regular Meeting of the Planning Commission. Motion seconded by Mr. Batchelor. All in favor and the motion to table is approved.

Mr. Edwards expressed his desire to get a more detailed drawing of the parcel of land discussed by Blu Sky Farms on planned uses when Applicant returns. [RTC]

Mr. Blough rejoined the other members of the Planning Commission at 7:57 pm.

Impact Church – Special Land Use – Site Plan Review

Discussion focused on a list of eighteen open issues, as well as prior comments by Mr. Edwards, listed in a document prepared by Bob Toland and dated September 25, 2017.

Item 1: Traffic Impact Study. It is assumed that the Impact Church facilities would be used seven days a week, and that there would be parking for over 400 vehicles. As such, Mr. Edwards

felt strongly that a traffic study needed to be conducted in accordance with the Township Ordinance.

Mr. Batchelor questioned the purpose of the study, and what threshold of traffic would require additional action by Impact Church.

Mr. Clements believes that the traffic study would be provided to the Michigan Department of Transportation (MDOT) and used as part of the determination of drives and traffic flow onto and off of M-21.

Bob Toland agreed to check on the details of submission of a traffic study to MDOT and how they would use the study, as well as clarifying the relationship between MDOT and the Kent County Road Commission (KCRC) in developing roadway change requirements necessitated by the additional traffic created by the Impact Church facilities.

Mr. Blough expressed his feeling that if the KCRC would just ignore the traffic study, then there was no reason to do one.

Mr. Batchelor reminded members of the Planning Commission that there was an easement reserved through the Walgreens drugstore parking area for connection to other parking areas along M-21, and that this should be reviewed as a possible additional drive for use by Impact Church traffic to reach Bowes Road.

2. Liquor License Waiver: Applicant will provide the waiver signed by the appropriate representative as determined by the Township.
3. Separate Parcels: The Site Plan proposes combining two parcels (11840 Fulton Street and 11930 Fulton Street). Doing so should be a requirement of approval.
4. Public Use of Parking: The Site Plan would allow parking in the Impact Church lot for citizens of the City of Lowell using the adjacent park. This offer should probably be expanded to cover the public at large.
5. Legal Description on Sheet CS of Site Plan: This indicates three parcels are being joined into a single parcel. A note should be added to indicate that two of the parcels have already been joined.
6. Demolition Permits on Existing Buildings: These should be a requirement of approval.
7. Overhead Electric Utility to West Traffic Island: Recommend that this be placed underground.
8. Noon Operations on Property: Applicant plans to allow continuation of the Noon business on the parcel with the existing Noon building under a lease until July 2018. This will complicate the approval process. In particular, a Special Land Use Permit only allows one activity on the property. This may also impact on driveways included on Site Plan and MDOT approvals.

9. Number of Parking Spaces: Applicant must demonstrate the necessity for additional parking exceeding that allowed under the Ordinance.

10. Detention Pond Restricted Outlet: Installation to meet requirements of Township should be a requirement of approval.

11. Existing Detention Pond: Outlet control structure should provide greater flow rate than shown by the calculations provided, and construction details with elevations should be provided.

12. Emergency Spillway Design: Applicant should consider using top of outlet control structure as the emergency spillway. Should demonstrate that grate and outlet pipe capacity meets requirements for peak runoff from 10-year storm recurrence interval.

13. Detention Pond Slope Requirement: Bottom cross slopes and bottom longitudinal slopes of existing detention pond must be modified to meet 4% (2% with underdrain) requirements.

Mr. Blough ~~was uncertain as to how much of the church property is in the flood plain~~ advised that the Township ~~owns most of the land behind Impact Church which lies in the flood plain,~~ and said that the retention pond is owned by Impact Church. [RTC]

14. Site Grading Plan Update: Site Plan must reflect reconfigured parking area on East portion of land. Storm sewer layout on Utility Plan does not match that on the Site Grading Plan.

15. Barrier Free Parking spaces: Update Site Plan to show a total of 14 barrier free parking spaces.

16. Drive Entrance Approvals: Needed from Kent County Road Commission and Michigan Department of Transportation.

17. Part 31 Permit: Documentation needed from Michigan Department of Environmental Quality of a determination regarding the necessity of a Part 31 Permit.

18. Financial Surety: May be required by Planning Commission to guarantee construction of required improvements, per Ordinance Section 21.09. Amount to be determined as necessary to assure restoration of the land if construction not completed.

Additional Comments from Mr. Edwards:

a) Proposed Trash Container is too close to the flood plain.

b) Because both drives are not on the same drawing, distance between them cannot be easily determined.

c) Signage on building must be reviewed against Ordinance requirements.

d) Additional landscaping detail may be required.
Section 11.07 front facade requirements must be met.

Bob Toland will also review Section 22.01 and make any necessary additions before sending this list to Impact Church.

Mr. Edwards reiterated the need for a proper traffic study and expressed concern about some earlier notations on engineering reports suggesting that the Township may simply waive the study without discussion.

NEW BUSINESS

Noise Ordinance Amendment – Target Practice

Bob Toland presented revised Ordinance language as an addition to the Anti-Noise Ordinance for consideration. Mr. Clements offered a handout with his proposed ordinance language. Both will be discussed at the next Regular Meeting

Items for Potential Discussion

None of these matters were discussed.

Commissioner Comments

Mr. Blough discussed a handout regarding an upcoming gathering to discuss saving farmland.

Mr. Clements noted that the notice of hearing for private ownership of fairgrounds may allow some of the other listed activities on non-fairground properties in the Ag-1 zone. This will be discussed further at the Public Hearing on October 9, 2017.

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 9:12 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____