

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
October 23, 2017**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Bob Toland
TOWNSHIP ATTORNEY: Clifford Bloom
CITIZENS IN ATTENDANCE: 8

The special meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:00 pm.

APPROVAL OF MINUTES:

Not all members of the Planning Commission had had the opportunity to review the Minutes of the Regular Meeting and Public Hearing of October 9, 2017. Approval of the Minutes was deferred until the Regular Meeting of November 13, 2017.

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 7:02 pm. No one spoke. Public comment was closed at 7:02 pm.

PUBLIC HEARING

There was no public hearing.

OLD BUSINESS

County Fairs, Youth Fairs etc. Zoning Amendment

Attorney Bloom presented a summary of the newest draft Zoning Amendment dated October 23, 2017. The Planning Commission was advised that they could approve just the “core fair” provisions, or could include accessory uses. He noted that Article 1 a) should be Article 1 f). He also confirmed that this is not a State fair, so the township has the regulatory authority over a local fair located in Lowell Township.

Township Planner Toland added it might be good to explicitly mention that the Special Land Use would be only for the Ag-1 zoning district, although it was noted that it was being placed in Section 5 of the Ordinance, which applies only to the Ag-1 zoning district. Chairperson Simmonds asked that this information be included, and it was inserted into the proposed Ordinance amendment title on the first page of the draft.

Mr. Toland also indicated that administrative details can be added to this Special Land Use at a later date. Only Articles 1 and 2 of the proposed Amendment will be addressed at this time.

Mr. Edwards asked if listed uses i) through xii) are general in nature. Attorney Bloom responded that they were. Mr. Edwards also asked if events such as a beef show would be allowed outside of a “core fair”. Mr. Blough thought that agricultural events such as expos should be allowed outside of the core fairs’ 18 day limitation. It was decided to add use xiii) which will allow core fair uses and activities to occur outside the 18 days in a calendar year limitation. Mr. Edwards asked if accessory use v) Sports facilities would include events held in sports facilities. Attorney Bloom indicated that it would. He also asked about core use 7) Grandstand and was informed the same would apply, and in addition, concerts were allowed in accessory use iii).

Mr. Batchelor asked how the 18 days of fair activities would be determined. Attorney Bloom indicated that days the fair is “conducted” would be the days the fair was open to the public. Mr. Batchelor also asked why the number of days was 18; Attorney Bloom indicated the number of days was up to the Planning Commission to determine. After discussion, it was agreed to increase the number of days when the fair could be conducted to 21.

Mr. Clements asked that accessory use xii) use similar “conducted” language for consistency with Article 2 opening language. This will be done.

Attorney Bloom advised that the Article 2 uses could be fewer than those listed, and that a review of additional uses could be made in a couple of years, based on initial experience with fairground activities. Mr. Batchelor asked for clarification of how uses could be requested in a Special Land Use, and Attorney Bloom answered that the Special Land Use application could include both core fair uses and accessory uses in the same request. The Planning Commission could choose to not allow some or all of the requested uses. Mr. Edwards noted that most requests would fit under uses i) through xiii); Mr. Blough pointed out that additional uses could be added at a later date by requesting an amendment to the original Special Land Use.

Mr. Clements was allowed to suggest changes to some of the core and accessory uses. After discussion, changes were made to “core fair” use 1) to drop the reference to 4-H and to add ‘activities’ to competitions and exhibitions. Use 4) was changed to add animal riding and driving uses that include animals. Use 5) was expanded to include displays, competitions and demonstrations.

Chairperson Simmons asked about the horse track that might be included on the fairgrounds, and was told that it would be a linear track for activities such as tractor pulls. Use 8) was edited to allow horse or other animal tracks, arenas or playing fields, or similar facilities. Use 10) was changed to allow buildings for fair administration, operations and maintenance.

Mr. Bloom asked for an insertion into the paragraph between core uses and accessory uses, of the phrase “and for the same or different time periods as the core fair” in the second line after “...approved fairgrounds”. This change was accepted by members of the Planning Commission.

Accessory use v) was extended to include ‘and sporting events’.

Accessory use ix) was broadened to specifically allow flea markets or craft shows.

Accessory use xii) was reworded to say ‘Core fair or fairs conducted for more than 21 days per calendar year’.

Mr. Edwards said that a demolition derby was commonly allowed at fairs. Attorney Bloom explained that the accessory uses listed were just examples, and that a request for a demolition derby could be denied by the Planning Commission if there was a good reason to do so, as part of the Special Land Use proceedings, which would include public comment.

Chairperson Simmonds allowed a question by Gary Reitsema. The question was how traditional uses at a fair were determined. Mr. Edwards directed him to the Michigan Association of Fairs and Exhibitions for more detailed information. Attorney Bloom added that any use requested would still be subject to a public hearing on the Special Land Use request and that approval of the use would not be automatic.

Mr. Blough said that he thought the latest version of the amendment with the changes being made was good. Other members of the Planning Commission agreed. A final recommendation was discussed, but it was decided that a full copy of the proposed amendment with the changes made should be reviewed prior to making the decision as to whether or not to recommend it to the Township Board.

Attorney Bloom will prepare a version of the proposed Ordinance reflecting all the changes made during this review by the Planning Commission, which will be shared prior to the November 13, 2017 meeting of the Planning Commission.

Mr. Edwards asked about timelines for consideration of the proposed Amendment. It was felt that the recommendation, if made, could happen at the November 13, 2017 general meeting of the Planning Commission, and possibly reviewed by the Township Board at their meeting of November 20, 2017. Mr. Bloom noted that the Township Board could approve the amended ordinance at that meeting, as two readings were not required.

Chairperson Simmonds allowed further questions from Mr. Reitsema. He asked about how accessory uses could be incorporated into core fair uses, and other activities which could be included under Exhibitions. He was advised that an applicant for core fair uses could include in their request accessory uses.

Mr. Clements asked for the informal opinion of those Township Board members present as to whether the proposed amendment might be approved at the November 20, 2017 Township Board meeting if it was recommended by the Planning Commission. None of those members was willing to speculate on that topic or to discuss generally on how the Township Board may or may not respond to the proposed amendment.

Chairperson Simmonds then allowed members of the public present five minutes each to present their questions and comments on the proposed amendment to the Township Zoning Ordinance.

Mr. Reitsema's input included questions on why the number of fair days was increased to 21 days, and was advised that it would leave a cushion. Mr. Blough explained that the Planning Commission at a Special Land Use proceeding could choose to limit the number of days to 7 or any other number. The questioner was advised that core and accessory uses could be requested as part of a Site Plan review, but the Planning Commission could put specific restrictions on approved uses, such as how the grandstand may be used. The reference to vehicles with 'food booths' was to include food trucks. Accessory uses can be limited by specific restrictions.

When asked, Attorney Bloom noted that use xii) would allow two non-contiguous fairs, giving flexibility for two fairs.

Marsha Hentschel expressed strong feelings about the actions of the Planning Commission if a fair were to be placed across from their homes. One night of loud music would change the quiet nature of an adjacent neighborhood.

Courtney Younger questioned why the fair was being moved out of the City of Lowell if it was intended as a youth fair and that youth in the city would find it harder to attend at a different location. Chairperson Simmonds explained that the relocation was driven by the need for more space, noting that additional barns could not be built at the current location, forcing horses to be housed under tents, as an example.

In response to a question about why the fair couldn't be located in another part of Kent County, Jessica Marks with 4-H advised that other locations in Kent County had been reviewed, but the land they found available was in Lowell Township. Mr. Blough suggested that those present could talk with City of Lowell commissioners about why the fair was being pushed out of its current location by many reductions in the amount of land made available for fair use. Ms. Marks also explained, that from the original 80 acres, the city has reduced the available land for the fair down to the present 19 acres. Building additional structures is further restricted by part of the current fairgrounds being located in the flood plain. 4-H wished to remain in the 49331 area code if possible.

Mr. Reitsema's further comments included possible loss of fair traffic by moving fair out of city. Ms. Hentschel and Mr. Reitsema expressed concern that nearby commercial zoning in ~~Bowne Township~~ Ionia County [RTC] might spread to this area of Lowell Township if the fair is allowed. Chairperson Simmonds advised that the zoning was not being changed, and that a fairground on land formerly used as a golf course was allowed in the Master Plan for Lowell Township.

Discussion on the fairground amendment being concluded, attorney Bloom left the meeting

NEW BUSINESS

Noise Ordinance Amendment – Target Practice

Two possible amendments were considered by members of the Planning Commission.

After discussion, it was decided that the version dated September 25, 2017, with a definition of Exploding Target followed by a prohibition on using them in the Township, was simpler to understand and would be proposed.

There being no further questions or comments, Mr. Edwards moved to recommend to the Township Board the addition of the definition and new provision prohibiting the use of exploding targets in Lowell Township dated September 25, 2017 to Ordinance No. 2002-1 adopted August 19, 2002 and effective September 27, 2002. Motion seconded by Mr. Blough. All in favor and the addition is recommended to the Township Board.

Items for Potential Discussion

None of these matters were discussed.

Commissioner Comments

Mr. Blough commented on noise levels already existing at homes near the freeway and how fairground noise could be controlled by berms. He also noted the easy access to a fairground in this area from the freeway.

Mr. Edwards noted the high number of homes located near other fairs in Michigan, and specifically that fairs in Eaton, Ottawa and Harrison counties were all in city locations. He also expressed his opinion that, while he supported latitude in taking comments from the public, comments which could be considered hearsay should not be allowed.

Mr. Clements offered to email draft Township minutes to members of the Planning Commission at the same time as he emails them to the Township office, to maximize the time available for members to review those minutes. Members were receptive to receiving minutes by email. Those receiving this email will also include Township Planner Bob Toland, Supervisor Jerry Hale and Clerk Monica Burt. This will be on a trial basis for now.

ADJOURNMENT:

Mr. Edwards moved to adjourn. Seconded by Mr. Batchelor. All in favor and the Special Meeting of the Lowell Charter Township Planning Commission was adjourned at 8:55 p.m.

Submitted _____ Secretary
Timothy Clements

Lowell Township Planning Commission
October 23, 2017
Page 6

Approved _____