

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
September 14, 2020**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 11

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

APPROVAL OF MINUTES OF AUGUST 10, 2020 MEETING:

Mr. Edwards moved that the Minutes of August 10, 2020 be approved as submitted. Motion seconded by Mr. Blough. All in favor and the Minutes of August 10, 2020 are approved.

APPROVAL OF MINUTES OF AUGUST 24, 2020 MEETING:

Mr. Batchelor moved that the Minutes of August 24, 2020 be approved as submitted. Motion seconded by Mr. Edwards. All in favor and the Minutes of August 24, 2020 are approved.

APPROVAL OF MINUTES OF SEPTEMBER 1, 2020 MEETING:

Mr. Blough moved that the Minutes of September 1, 2020 be approved as submitted. Motion seconded by Mr. Edwards. All in favor and the Minutes of September 1, 2020 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 7:06 pm. No one spoke. Public comment was closed at 7:06 pm.

PUBLIC HEARINGS:

Arrow Veterinary Clinic Special Land Use

The public hearing was opened at 7:07 pm. Chairperson Simmonds explained the process to those present. Mr. Clements read the published notice.

Bill Beck with Ryan Coleson presented on behalf of Arrow Veterinary Clinic. The land for the clinic is comprised of three parcels with common ownership, all zoned for commercial use. The use will be for a new veterinary clinic, with existing buildings being removed. The Michigan Department of Environmental, Great Lakes and Energy has confirmed that the land is in a flood

plain. The Michigan Department of Transportation has approved use of the existing drive entrance from Fulton Street/M-21. There will be 25 parking spaces. The dumpster will be screened with concrete block painted to coordinate with the clinic building. Public sewer will be used and an existing well is being reviewed for use; otherwise a connection to public water would be required. The plan includes a storm water management pond. Due to the location in the flood plain, the main level floor will need to be built at least one foot above the flood level. Vegetation to the West and South will be left in place. Some growth will be removed from the North side of the property. The existing sign on the property will be reused.

Tim Johnson reviewed his report of September 14, 2020. No illustration of the dumpster screening has been provided, but can be reviewed and approved by the Zoning Administrator prior to issuance of a building permit. The Applicant agreed that a connection to city water would be required if the existing well is not approved for use. Current public water lines do not reach this property but exist to the East of the property.

Tim Johnson suggested eight conditions that might be included with any approval of the Special Land Use. Chairperson Simmonds suggested a ninth item to require annual reviews.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:26 pm. No one spoke. Public comment was closed at 7:26 pm.

Chairperson Simmonds moved to close the public hearing. Motion seconded by Mr. Edwards. All in favor and the public hearing ended at 7:28 pm.

Mr. Batchelor expressed his opinion that approval of the Special Land Use was ready to move forward. Mr. Edwards agreed. Tim Johnson asked if the Planning Commission needed to see the drawings for the dumpster screening before moving forward. It was felt that this could be addressed in a condition to the granting of the Special Land Use.

There being no further questions or comments from members of the Planning Commission, Mr. Clements moved that the Planning Commission find that the Special Use Permit and Site Plan dated August 24, 2020 for the Arrow Veterinary Clinic at 11250 Fulton Street is approved as it meets the Site Plan approval standards of Section 21.06 and the approval standards of the Flood Hazard Overlay Zone in Section 13.06 of the Lowell Charter Township Zoning Ordinance. Approval is subject to the following conditions:

1. The applicant must provide a permit to the Township Zoning Administrator from the Michigan Department of Environment, Great Lakes and Energy (EGLE) before a building permit is issued.
2. A permit from the Michigan Department of Transportation (MDOT) for the proposed driveway must be submitted to the Township before a building permit is issued.
3. The property owner shall provide a written commitment to install a sidewalk along their Fulton Street frontage at such time that the Township Board creates a special assessment district to develop

sidewalks on Fulton Street. This shall be provided to the Zoning Administrator before a building permit is issued.

4. The applicant shall provide evidence to the Township Zoning Administrator prior to issuance of a building permit that the Kent County Health Department has approved the use of the on-site well for water quality and capacity to serve the proposed vet clinic.
5. Compliance with the recommendations of the Township Engineer per his letter to the Zoning Administrator dated August 26, 2020.
6. The applicant shall verify as part of the building permit process that the new or replaced water supply shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water.
7. Revise the site plan to
 - a. Provide an illustration of the dumpster enclosure to demonstrate compliance with Section 21.06(9) of the Zoning Ordinance. This illustration shall be submitted to the Zoning Administrator for approval.
 - b. The plan should note the parking lot will be asphalt. Also, under Site Plan Note 5 change required parking to 4 spaces per 1000 square feet (GFA).
 - c. Revise the finished floor elevation of the clinic on Sheet C2.0 to read 634.25 feet.
8. The applicant shall submit two copies of the revised site plan with the date of revision for the signature of the Planning Commission Chairman in accordance with Section 21.05(e) of the Zoning Ordinance. The applicant shall also provide a digital copy of the final site plan to the Zoning Administrator.
9. Applicant will have an annual review with the Lowell Charter Township Planning Commission in September of each year.

Motion seconded by Mr. Edwards. All in favor and the Site Plan and the Special Land Use permit, with the listed conditions, is approved.

Zoning Ordinance Amendments regarding accessory buildings, special land uses and main use of a lot

The public hearing was opened at 7:30 pm. Chairperson Simmonds explained the process to those present. Mr. Clements read the published notice. Tim Johnson reviewed the proposed Ordinance, which would be sent to the Township Board for final approval. Chairperson Simmonds agreed with the enclosed connection requirements for accessory buildings and garages, for them to be considered attached to the principal building.

There being no other questions or comments from members of the Planning Commission, the hearing was opened for public comment at 7:38 pm. No one spoke. Public comment was closed at 7:38 pm.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to close the public hearing. Motion seconded by Mr. Batchelor. All in favor and the public hearing was closed at 7:44 pm.

Mr. Batchelor asked about language in Article 1, Section 4.15 (a)(5) concerning an exemption for farm buildings. Tim Johnson explained that these accessory buildings would still need to meet setback requirements.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved that the Planning Commission recommend to the Township Board that they approve the proposed changes to Article 1 Section 4.15, Article 2 Section 4.06 and Article 3 Section 4.09 to the Zoning Ordinance. Motion seconded by Mr. Blough. All in favor and the changes are recommended to the Township Board for approval.

UNFINISHED BUSINESS:

Review Site Plan for Kent County Youth Agricultural Association Fairgrounds Project

Tim Johnson summarized his report of September 14, 2020.

Cory Davis presented on behalf of the Kent County Youth Agricultural Association (the Association). Lighting poles for both the Arena area and the Track area would now be fifty feet in height. Mr. Batchelor asked who decided on the minimum light required at these areas. This information will be provided by the Association. Lighting will be low glare, with only vertical distribution of light, and only on when used for events after dark.

The Association would hold sound levels to 55 dbA at the nearby resident's property line for both core fair and non-core fair events. They would like to keep the location of the track as shown rather than trying to move it further back on their property. There is more concern about the noise than the light levels from the track. Some events would be eliminated due to sound level requirements.

Gary Ritsema raised a question about permitted light levels along the road. The Applicant will review the issue raised. Musco, maker of the lighting units to be used, will be present at the Public Hearing on the Site Plan.

Trevor Essique asked several questions including when lights would be on (20-30 times, generally during Spring and Summer months), other locations for the track (the Association desire is to keep the track near the parking area) and track usage (mostly for non-core fair events).

Kathy Neuman felt the fair grounds would be a benefit to the community but was concerned about sound during events such as a demolition derby, and asked who would enforce compliance with sound levels generally. She is also concerned about traffic flow on Cascade Road and other streets.

Mary Beth Reed desires sound and light limits and hours. She was advised by the Association that the carnival shuts down at 10:00 pm. Mr. Batchelor thinks 55 dbA is fair and that some light would be blocked by buildings on the fairgrounds.

Kathy Neuman felt there was a broad spectrum of who can bring in events to the fair grounds, and would like more structure in this regard. The Association should be in contact with event sponsors to determine sound levels they produce. Gary Ritsema expressed concern about traffic. Mr. Batchelor indicated that the design for the fair ground entrance was developed by c2ae but required county approval. Mr. Blough noted that sound levels at the house to the East of the fair grounds might be of greater concern. It was also pointed out that West winds will also carry sound to the East.

Tim Johnson again reviewed his report of September 14, 2020. He pointed out a need to focus on uses allowed. The dbA at the property line can control uses. Sound levels can be measured by the Township or by the Association. It is also necessary to decide if this is the correct location for the fair grounds. Mr. Clements asked if the barn lights provide adequate lighting. Mr. Batchelor needs a report on minimum lighting for safety issues.

Mr. Edwards felt that this matter is ready for a public hearing, and other Planning Commissioners agreed. There being no further questions or comments, Chairperson Simmonds moved that the Planning Commission set a date for a public hearing for the Kent County Youth Agricultural Association fair grounds project on November 9, 2020. Motion seconded by Mr. Batchelor. All in favor and the hearing date will be set for November 9, 2020.

Trailer parking ordinance inquiry from Rajmonda Gieske

She resides in Whispering Hills and owns a camping trailer too long to be parked alongside her house and behind the front of the house as required by the Ordinance. Chairperson Simmonds reviewed for her the reason the Ordinance was drafted and enacted. The trailer can be parked elsewhere, but she is not able to move it to her home for preparation of its use in a timely manner. Mr. Clements suggested she might find another person to move the trailer for her.

COMMISSIONER COMMENTS:

Mr. Batchelor asked about a letter regarding the fair grounds which had been submitted. It was decided this was a duplicate of a letter previously received.

Adjournment:

Motion to adjourn made by Mr. Batchelor. Motion seconded by Mr. Blough. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:12 pm.

Submitted _____ Secretary
Timothy Clements
Approved _____