

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
JANUARY 11, 2016**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 14

PUBLIC HEARINGS

Advanced Homes of West Michigan regarding the following requests:

- a. To rezone Parcel 41-20-11-351-005 containing 19.19 acres from R-1, Rural Low Density Residential to the Open Space Planned Unit Development (OS-PUD) Zoning District.**
- b. To rezone Parcel 41-20-14-100-074 containing 11.42 acres from Ag-2, Rural Agricultural to the Open Space Planned Unit Development (OS-PUD) Zoning District.**
- c. Approval of a site condominium development containing 15 single family lots served by a private road with on-site well and septic systems.**

The first Public Hearing of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:00 pm. Mr. Simmonds explained the hearing process to those present. Mr. Clements read the first Notice of Public Hearing into the record.

Gerald Romig presented for Advanced Homes of West Michigan. He summarized the requests and presented and described the Site Plan for the proposed OS-PUD.

Tim Johnson gave a further overview of the requests, describing the OS-PUD and private road requested. His PUD Rezoning and Preliminary Site Plan, Site Condominium and Private Street Memorandum of January 6, 2016 was reviewed. Among the items for discussion raised was the need to determine if two extra lots above the thirteen lots allowed by right would be permitted due to additional improvements by the developer, the need to increase the total open space by 871 square feet, and addressing lots nine through fifteen, having driveways with a slope in excess of ten degrees, which might prevent access by firefighting equipment.

Mr. Edwards asked for confirmation that there were no cul-de-sac turn-around issues with firefighting equipment, which he received. He also asked if an additional offer of improvements would be required as a condition of approving the two extra lots; Tim Johnson indicated that this requirement is met by the additional amenities already offered, including a walking trail and a playground.

Mr. Batchelor asked if the needed 871 square feet of open space could be supplied, and was told that minor changes to the Site Plan would provide this additional area.

Mr. Edwards suggested that the ten-degree driveway slope issue be addressed in the Buy-Sell Agreement for these lots. The Applicant agreed to put that notice in the Master Deed or Site

Condominium Agreement, which would have it appear in the public records for future buyers as well as the initial buyers of these lots.

Maximum roadway slopes were briefly discussed, and it was believed that the maximum allowed by the state is eight degrees.

Mr. Blough asked about the two phases of development now shown on the Site Plan. He was advised that all the property would be graded at the same time, and that paving of the roadway in Phase 2 might be delayed until Applicant began selling lots located in Phase 2.

There being no further comments or questions by members of the Planning Commission, the Hearing was opened to public comment at 7:19 pm.

Dawn Broeme – pass

Dave Pasquala – pass

Steve Bukala – pass

Roger LaWarre – pass

Michael Flickinger -asked if 1 acre lots would support the septic systems, including a failure of the drain field. He was advised that the Kent County Health Department approves wells and septic systems. Applicant pointed out that areas for both the initial drain field and the secondary drain field were shown on the Site Plan. Mr. Flickinger also expressed concern about the number of children added to the school system as families moved into this development.

Gerald Persha – noted the existence of an observatory in the area and asked for confirmation that installed lights would be of the full cut-off style, which is the case. In response to a question from Mr. Clements, he indicated that artificial light filters previously used by the observatory will not work with the newest form of street lighting, which would likely be installed.

Davina Bryan – expressed concern that the public walkway around the development would increase foot traffic and reduce privacy of her adjoining home. When asking about use of off-road vehicles, she was told that the trail was intended only for foot and bicycle traffic, and that there was no parking for others to come into the development with such vehicles. Applicant offered to move the walking trail back from her property line and look into the screening of the trail from her home. Concerning slopes, the new roads would be brought up while existing slopes would be brought down. Mr. Edwards noted that there would be only fifty feet between her property line and the back lines of the new lots, limiting how far the walking trail could be moved back from its currently shown route.

Mark and Judy Prefke indicated that a recent subdivision expressly prohibited off-road vehicles. Applicant noted that such a prohibition would be in the site condominium agreement for this development as well.

There being no other questions or comments, public comment was closed at 7:38 pm.

Mr. Batchelor suggested a discussion of the Engineering Review of January 7, 2016, which contains requirements to be met by the Applicant. Tim Johnson indicated that these requirements would be handled in the design phase of the project, and that building permits could not be issued until these requirements had been met.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 7:39 pm.

Proposed amendment to the Zoning Ordinance to allow temporary housing facilities in the General Commercial Zoning District as a Special Land Use.

Mr. Clements read the second Notice of Public Hearing into the record.

Dawn Broene from the Flat River Outreach Ministries (FROM) presented a high-level overview of why they were requesting a change to the Commercial Zoning district section of the Ordinance, to allow temporary housing of families in need while permanent housing was sought. She presented recent examples of families in need of temporary housing.

Tim Johnson reviewed his memorandum of January 7, 2016 regarding the proposed temporary housing facility amendment to the Ordinance. The new Special Use would include a definition of family, would limit the number of rooms for temporary housing to ten, and would require compliance with all applicable codes. He noted that the Kent County Health Department would only inspect any public kitchen area in the facilities. The Red Cross could inspect the facility to determine if it would qualify as a Red Cross Designated Site, but this designation is not a requirement for operation of the facility.

Mr. Clements received confirmation that the final decision to allow this Special Use in the Commercial Zone would be made by the Township Board.

Mr. Edwards asked about the number of homeless children in the Lowell School District, and noted that this was a declining number.

There being no further comments or questions by members of the Planning Commission, the Hearing was opened to public comment at 7:48 pm.

Dawn Broeme – pass

Dave Pasquala – indicated that he was a member of the FROM board. He felt that this change would allow them to pursue the provision of a necessary service to the community.

Steve Bukala – indicated that he is the police chief for the City of Lowell. He too confirmed that there was a need for these services in the Lowell community, and further noted that 38-40% of

Lowell school children participate in the free meal program in the schools due to their family's low income level.

Roger LaWarre – talked about the neighbor-to-neighbor program. He also spoke of those living in mobile homes in very poor condition, and that it can take several days to remove the old mobile home and install one in better condition, and that the residents of the mobile home would need a place to stay for those few days. Other families face repairable problems, which can take more than a day to repair, and which make the home uninhabitable until the repairs are completed. He also noted that money management programs would be available at a temporary housing facility.

Michael Flickinger - pass

Gerald Persha – pass

Davina Bryan – pass

There being no other questions or comments, public comment was closed at 7:54 pm.

Mr. Edwards asked about the operations of Fountain View, which is moving out of the FROM facility to a neighboring building, and also asked about its relationship to FROM. He was advised that the two entities had no connection to one another.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was closed at 7:56 pm.

REGULAR MEETING

The Regular Meeting of the Lowell Charter Township Planning Commission was opened by Chairperson Simmonds at 7:57 pm.

APPROVAL OF MINUTES:

The Minutes of the Public Hearing and Regular Meeting of the Lowell Township Planning Commission dated December 14, 2015 were presented for approval. Mr. Batchelor moved to approve the Minutes as presented. Seconded by Mr. Blough. All in favor and the Minutes of December 14, 2015 are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes to the agenda.

DISCUSSION AND DECISION ON THE FIRST PUBLIC HEARING ITEM:

Tim Johnson noted that the three requests presented by Advanced Homes of West Michigan needed to be approved as a group in a single motion.

Mr. Clements asked if the zoning changes and site plan could be forwarded to the Township Board for final approval with outstanding conditions, and he was advised that they could.

It appears that the additional open space required will come from adjustments to Lots 4, 5 or 12, but will not significantly change the site plan presented.

It was determined that the two rezoning requests do not raise any issues requiring discussion.

Next discussed was the site plan. Mr. Edwards asked that the concerns of the adjoining landowner with the walking trail be addressed, and that a split-rail fence be considered to keep walkers off the neighboring lots. With respect to outdoor lighting, it was confirmed that both public and private outdoor lighting would need to comply with the Ordinance.

Mr. Batchelor addressed the two additional lots requested by the Applicant. He noted that sand mining operations could otherwise be continued on these lots until at least 2020. Also, another advantage of the OS-PUD would be preservation of many of the trees on the land; removal of all of the trees might occur if a traditional development was pursued instead. Overall, he liked the proposed development and favored the fifteen lots requested. Mr. Edwards agreed.

Mr. Blough had concerns about the lack of sidewalks, and felt that provision should be made for future landowners should they decide to add sidewalks, in the form of an easement. He felt this development would also help keep houses out of agricultural lands. He too favored allowing the fifteen lots. Mr. Clements agreed with allowing fifteen lots.

Mr. Batchelor asked about conditions included in the site condominium agreement and approval of the bylaws.

The Draft Ordinance for the Alden Ridge PUD was then reviewed. Mr. Clements suggested that Section 2 (g) include explicit reference to cable service being allowed in the easement. As agreed by other Planning Commission members, Section 2(l) should provide for construction of the playground after three houses are built and occupied. Section 2(m) should specify that trees be planted in front of each constructed home before an occupancy permit is issued for the home.

There being no other questions or comments, Mr. Clements moved that the Planning Commission recommend to the Township Board the approval of the rezoning of parcels 41-20-11-351-005 and 41-20-14-100-074 from R-1 and Ag-2 respectively to an Open Space Planned Unit Development Zoning District, and that the Site Plan dated January 5, 2016 for a site condominium development containing 15 single family lots served by a private road does meet the intent, purpose and objectives of an Open Space Planned Unit Development under the Ordinance, and therefore should be approved subject to the following conditions:

1. The Master Deed shall disclose the slope information for driveways servicing lots nine through fifteen inclusive and the possible impact on fire equipment access to buildings on those lots.
2. The walking path shall be moved to run along the South (back) lot lines of Lots one, two and three of the OS-PUD.
3. The requirements set out in the Preliminary Site Plan Engineering Review of January 7, 2016 shall be met before any building permit is issued.
4. The walking trail shall be completed within one year of the issuance of the third occupancy permit.
5. Approval of the Site Plan is dependent on the addition of an additional 871 square feet of open space.
6. Meet the standards of Section 14.08(k) of the Ordinance, set out in the Report of Tim Johnson dated January 6, 2016.

Motion seconded by Mr. Edwards. All in favor and the motion to recommend approval with conditions to the Township Board is approved.

DISCUSSION AND DECISION ON THE SECOND PUBLIC HEARING ITEM:

With respect to adding a new Special Use in the Commercial zoning district, Mr. Batchelor indicated that he was satisfied with the proposed amendment and was ready to move for its recommendation to the Township Board.

Mr. Edwards reiterated his prior concerns, including the matter not being addressed and allowed in the 2014 Master Plan for the Township, possible spot zoning issues, questions about the compatibility of the potential use with surrounding parcels in the Commercial and other adjacent zones, and the commercial purposes currently allowed in the Commercial zone.

Mr. Clements expressed his concerns with how the proposed Temporary Housing Facility Special Use amendment evolved, in particular the lack of anyone currently operating such a facility being made available to answer questions of the Planning Commission. He also had reservations about this specific use not being addressed in the Master Plan, a general lack of overall regulation of such a facility, and some of the specific regulations proposed for operation of such a facility as set out in the Proposed Amendments to the Lowell Township Zoning Ordinance dated January 11, 2016, and how those regulations would be enforced.

There being no further questions or comments, Mr. Batchelor moved to recommend to the Township Board for approval the proposed Amendments to the Lowell Township Zoning Ordinance dated January 11, 2016. Motion seconded by Mr. Blough. Three in favor, two opposed. The motion to recommend approval by the Township Board is approved.

Mr. Blough suggested to FROM that they ask someone familiar with the operation of a temporary housing facility to come to the Township Board meeting to talk about such facilities.

PUBLIC COMMENTS AND COMMUNICATIONS FOR ITEMS NOT ON THE AGENDA:

The Regular Meeting was opened to Public Comment at 9:29 pm. No one spoke. Public Comment was closed at 9:29 pm.

OLD BUSINESS

Continue review of proposed amendments regarding the definitions of Front Lot Line and Road Frontage

Draft 2 of the proposed Amendments to Change the Definitions of Front Lot Line and Road Frontage and to Add Regulations to Measure the Front Lot Line, dated December 14, 2015, was discussed. Tim Johnson summarized Draft 2 of the proposed Amendments.

Mr. Clements felt the proposed changes were excessive, and that the existing definitions (Section 1) of the proposed changes could be as follows:

Lot Line, Front – The right of way line of a street abutting the lot. A corner lot and a through lot have more than one front lot line.

Road Frontage – The length of a single front lot line.

He further proposed that Section 2 of the proposed changes be dropped in its entirety, and Section 3 retained with the noted minor changes to reflect the removal of Section 2.

Mr. Clements expressed his view that the road frontage along a single front lot line could be non-contiguous, which would, for example, allow a split of a lot with an existing house to be made so long as the parent lot retains sufficient total frontage along that single road. He also feels that the landowner should be free to choose whichever complying Front Lot Line they wish to use for measuring Road Frontage, rather than being required to use the longest Front Lot Line.

Tim Johnson will seek input from others to see if the changes proposed will in fact clarify the issue being addressed by the Planning Commission, and will present a Draft 3 at the next Regular Meeting of the Planning Commission.

NEW BUSINESS

Draft 2016 Planning Commission Work Program:

The current Draft was reviewed. Item 4 should be split into two separate items to be addressed in 2016. Added to the list is a review to determine any necessary Ordinance changes required to permit Conditional Rezoning, or a decision made to exclude Conditional Rezoning in Lowell Township.

COMMISSIONER COMMENTS:

Mr. Simmonds advised that there would be no workshop meeting on January 25th.

ADJOURNMENT:

Mr. Edwards moved to adjourn. Motion seconded by Mr. Batchelor. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:56 p.m.

Submitted _____
Timothy Clements, Secretary

Approved _____