

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
April 12, 2010**

PRESENT: Blough, Batchelor, Simmonds and Clements

ABSENT: Sanford

TOWNSHIP PLANNER: Tim Johnson

CITIZENS IN ATTENDANCE: 8

**PUBLIC HEARING ON ARLIN MAAS SPECIAL USE PERMIT REQUEST FOR A 20
UNIT SENIOR ASSISTED LIVING FACILITY AND A 7 UNIT SPECIALIZED SENIOR
CARE FACILITY**

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:00 p.m. Mr. Simmonds outlined the public hearing process for those present. Secretary Clements read the Notice of Hearing into the record.

The request for the facilities known as Green Acres Retirement Living at 11440 East Fulton Street was presented by Mr. Denis Johnson on behalf of Arlin Maas, who was also present. The request is for a two phase project for a senior assisted living facility to be followed by a specialized senior care facility. A Site Plan showing both phases was reviewed. Mr. Maas is currently waiting for a flood plain permit, which should be granted shortly. Landscaping was reviewed, including retaining walls. The building itself will be vinyl siding with a partial brick facade.

Mr. Blough asked about the elevation of the proposed building, and was advised it would be at the 635 foot elevation.

Tim Johnson reviewed his Memorandum of April 7, 2010 which generally noted compliance with requests made by the Planning Commission at their initial review in March 2010, including participation in a sidewalk district in the future, a possible connector drive to the property to the East in the future, landscaping and lighting requirements.

Mr. Batchelor asked if the entire parking lot would be put in during Phase 1, and he was told that it would. Only the second building would be delayed to Phase 2. In regards to the drive connection to the East, he was told it would go where the dumpster is planned to be located initially.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:20 pm.

No one spoke.

Public comment and the public hearing were closed at 7:21 pm.

REGULAR MEETING

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:22 pm.

APPROVAL OF MINUTES:

The Minutes of the Public Hearing and Regular Meeting of March 8, 2010 were presented for approval. Mr. Blough moved to approve the Minutes as presented. Seconded by Mr. Batchelor. All in favor and the Minutes were approved.

APPROVAL OF AGENDA:

No changes were made to the Agenda.

DISCUSSION OF ARLIN MAAS SPECIAL USE PERMIT REQUEST FOR A 20 UNIT SENIOR ASSISTED LIVING FACILITY AND A 7 UNIT SPECIALIZED SENIOR CARE FACILITY:

Mr. Simmonds reviewed the history of the application to date, noting that requests made by the Planning Commission appeared to have been met and that the application was in order. He then led the Planning Commission through the Section 20.03 General Standards for a Special Use Permit:

With respect to Standard a), requiring that the Special Land Use shall be established, designed and operated so as not to have a substantial adverse effect upon adjoining or nearby lands, it was determined that the land in question is zoned Ag-2, that two buildings would be constructed, that most activities would take place inside those buildings, and that more than adequate parking would be provided. The property is located between M-21 and a flood plain. It was concluded that this standard has been met.

With respect to Standard b), requiring that the Special Land Use must not have a substantial adverse effect on water and sewer and other services, nor non-compliant lighting, it was determined that there would be no adverse impact, noting in particular that the lighting plan met the requirements of the Ordinance and that no left-turn lane off of M-21 was required by the State, due to the low volume of traffic into the facility. It was concluded that this standard has been met.

With respect to Standard c), requiring that the Special Land Use must not have a substantial adverse effect on police, fire or other emergency services, it was determined that there would be no such impact. It was concluded that this standard has been met.

With respect to Standard d), requiring that the Special Land Use must not have a substantial adverse effect on the need and demand for other public services, it was determined that there would be no other public services involved. It was concluded that this standard has been met.

With respect to Standard e), requiring that the Special Land Use must not have a substantial adverse effect on the natural environment of the site or nearby properties, it was determined that proper landscaping was planned and that the Department of Natural Resources and Environment would need to approve activities with respect to the flood plain. It was concluded that this standard had been met.

With respect to Standard f), requiring that the Special Land Use must be consistent with the intent and purposes of the Ordinance and the Master Plan, it was determined that this was the proper and anticipated location of this type of activity. It was concluded that this standard had been met.

In conclusion, Mr. Simmonds noted that all standards of Section 22.03 and other sections of the Lowell Charter Township Ordinance had been met.

There being no further questions or comments, Mr. Simmonds moved that the Lowell Charter Township Planning Commission approve the March 24, 2010 Site Plan as presented, and the Special Use Permit requested by Arlin Maas for a senior facility at 11440 East Fulton Street, Lowell, Michigan, with the following conditions:

1. Approval of the land division by the Township Assessor
2. The Applicant shall provide a copy of the floodplain fill permit from the Department of Natural Resources and Environment (DNRE) once it is officially obtained by the Applicant.
3. The Applicant shall provide a landscape plan for the west property line to the Planning Commission if the DNRE allows for landscaping improvements in this area.
4. The letters submitted by the Applicant agreeing to be part of a sidewalk special assessment district at such time that the Township Board determines the necessity for the sidewalk on M-21 and agreeing to install a vehicle drive connection to the property to the east (Lowell Lanes) if the use of the adjoining property should change and the drive connection becomes useful for cross access are hereby made part of the approved site plan.
5. Approval of the site plan includes Phase 2. The Applicant need not return to the Commission for further review provided Phase 2 is built in compliance with the approved site plan.
6. Final approval of Applicant's letter of April 12, 2010 by the Township engineer regarding the detention pond.

7. The rock wall is the required material for the retaining wall, unless it is not approved by the DNRE, otherwise the sheet piling wall will be acceptable.

8. An annual review is required in May of each year.

Motion seconded by Mr. Batchelor. All in favor and the approval of the Site Plan and granting of the Special Use Permit is unanimous.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public comment opened at 8:05 pm. No one spoke. Public comment closed at 8:05 pm.

OLD BUSINESS

REVIEW OF DENHOUTER SAND MINE SPECIAL USE PERMIT:

Kathryn DenHouter presented a written summary dated April 5, 2010 covering sand mining operations in 2009, the Business Plan for 2010 and reclamation and clean-up plans including clearing and leveling areas where mining has been completed. Photos were presented showing proper fencing and posting of the property.

There being no further questions or comments, Mr. Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the DenHouter Sand Mine Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in April 2000, and that the next annual review will be held in April 2011. Motion seconded by Mr. Blough. All in favor and compliance with the Special Use Permit was confirmed unanimously.

REVIEW OF HEIDI'S FARM MARKET AND CORN MAZE SPECIAL USE PERMITS:

Mr. Blough excused himself from the Lowell Charter Township Planning Commission during this review.

The review began with Heidi's Farm Market, presented by Mr. Kaeb. After submitting a written report and reviewing the prior year's operations, Mr. Kaeb indicated a plan to add a freestanding greenhouse West of the current Farm Market building. Members of the public were expected to have access to this structure. Tim Johnson noted that as such, it would be subject to inspection by the building inspector for the Township to assure the safety of those visitors.

Mr. Kaeb also asked that the hours of operation be extended from 6:30 pm to 8:00 pm on Friday and Saturday evenings during the operating season. After discussion by members of the Planning Commission, it was determined that extending the hours of operation of Heidi's Farm

Market on Friday and Saturday evenings until 8:00 pm would be a non-substantial change to the terms of the Special Use Permit. This change would be in effect from April through December, the currently permitted months of operation for the business.

No problems at Heidi's Farm Market have been reported to the Township during last year's operations.

Mr. Simmonds first moved to expand the existing Special Use Permit to allow Heidi's Farm Market to stay open on Friday and Saturday nights until 8:00 pm for the whole season. Motion seconded by Mr. Batchelor. All in favor and the terms of the Special Land Use were changed to allow additional hours of operation on Friday and Saturday nights.

Mr. Simmonds then moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Heidi's Farm Market Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in September 2007, and that the next annual review will be held in April 2011. Motion seconded by Mr. Batchelor. All in favor and compliance with the Special Use Permit was confirmed unanimously.

Mr. Kaeb then presented his report on the Corn Maze operations during the prior season, including a written report and photographs. He indicated that as the U-Pick portion of the operation grew it might require provision of additional parking. He is also looking for the ability to have live entertainment subordinate to the primary operations during the season, and to extend the hours of operation until later after sunset.

After discussion of the extent of the changes proposed, particularly as to after dark operations, it was decided that those changes may be substantial enough to require a public hearing.

Mr. Simmonds first moved to expand the existing Special Use Permit to allow Heidi's operations to have live entertainment during the season which would be subordinate to the primary activities of the Special Use Permit. Motion seconded by Mr. Batchelor. All in favor and the terms of the Special Land Use were changed to allow live entertainment subordinate to primary activities.

Mr. Simmonds then moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Heidi's Corn Maze Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in April 2007, and that the next annual review will be held in April 2011. Motion seconded by Mr. Batchelor. All in favor and compliance with the Special Use Permit was confirmed unanimously.

It was suggested that if Mr. Kaeb expected to expand operations in 2011, he notify the Township before the April 2011 review, so a public hearing on the expanded uses could be held as part of the annual review.

Mr. Blough rejoined the other members of the Lowell Charter Township Planning Commission.

NEW BUSINESS

DRAFT 2 OF ORDINANCE TO ALLOW THE CREATION OF LOTS IN THE AG-1 ZONE WITHOUT STREET FRONTAGE:

Tim Johnson reviewed the current draft of the Ordinance, after noting it was already scheduled for a public hearing on May 10, 2010.

REVIEW OF DRAFT SIDEWALK ORDINANCE:

The draft Ordinance, reviewed by legal counsel on April 1, 2010, was reviewed. The following comments and changes were made:

- Section 3.C was changed to allow 24 hours for removal of snow in excess of 3 inches on the sidewalk.
- Section 4.A.1 changed the phrase "...paved with a single course of concrete..." to "...poured with a single course of concrete...". Also, the end of that section is changed from "...within 28 days of paving." to "...within 28 days of installation."
- Section 4.A.3 changed the beginning language from "Paving shall be constructed..." to "Concrete sidewalks shall be constructed..." Also, the beginning of the second sentence is changed from "Paving joints..." to "Expansion joints...".
- Section 7.A definition of Sidewalk will be "Any walk or way consisting of concrete for pedestrians, usually beside a public street or road".
- New language is necessary to indicate sidewalks shall be constructed in the roadway right-of-way, otherwise, an easement for the sidewalk will be granted by the landowner.

A Draft 2 of the Sidewalk Ordinance with changes will be presented for further review at the May Regular Meeting of the Lowell Charter Township Planning Commission.

NEW BUSINESS:

There was no new business before the Lowell Charter Township Planning Commission.

COMMISSIONER COMMENTS:

It was determined that a workshop meeting would not be required this month.

Mr. Batchelor noted some light usage of the former BP service station for batting practice, and that this did not seem to be causing any parking or other issues.

Mr. Batchelor also thanked Tim Johnson for the work he performed for the Planning Commission and his input at meetings, which he felt was 'well worth the money'. Mr. Blough agreed.

Mr. Clements noted that the first of two required Zoning Board of Appeals meetings would be held in April.

Mr. Simmonds reminded members of the Planning Commission that Lowell Township would be hosting the Joint Planning Commission meeting with City of Lowell and Vergennes Township on May 18th, 2010 at the Lowell Township Hall.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Seconded by Mr. Blough. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 9:35 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____