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**PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, OCTOBER 14, 2019 AT 7:00 P.M.
AT THE
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET**

1. **CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS**
 - a. **September 9, 2019 – Regular Meeting**
4. **PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.**

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

5. **OLD BUSINESS**
6. **NEW BUSINESS**
 - a. **Nonconforming Single-Family Residential Options**
 - b. **Training Presentation**
7. **STAFF REPORT**
8. **COMMISSIONERS REMARKS**
9. **ADJOURNMENT**

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, SEPTEMBER 09, 2019 AT 7:00 P.M.**

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL.

The Meeting was called to order at 7:00 p.m. by Chair Bruce Barker.

Present: Commissioners Tony Ellis, Colin Plank, Michael Gadula, Marty Chambers, Dave Cadwallader, Amanda Schrauben and Chair Bruce Barker.

Absent: None.

Also Present: Andy Moore with William & Works and Lowell City Clerk Sue Ullery.

2. APPROVAL OF AGENDA.

IT WAS MOVED BY CADWALLADER and seconded by PLANK to approve the agenda as amended adding 6b. Advisory of Vaping Facilities.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS.

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the minutes of the August 12, 2019 Planning Commission regular meeting as written.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY ELLIS and seconded by CADWALLADER to approve the Committee of the Whole Meeting of August 19, 2019 as written.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.

There were no comments.

5. OLD BUSINESS.

There was none.

6. NEW BUSINESS.

a. McDonald's Expansion – Site Plan Review.

Ryan Noakes with Progressive AE explained the expansion design and what their intent was, for more storage, a little more seating including a full interior remodel.

Andy Moore with Williams & Works went through the McDonalds Expansion review stating the proposed changes will not significantly alter the character of the use, so a new special land use is not needed. It is still going to be used in the same manner as it was before, it is just a change to the site plan. This is a site plan amendment which will require Planning Commission's approval because they are increasing the area by 18%.

Review Standards. To approve a special land use, the Planning Commission must find that the use satisfies the standards of Section 18.06 for site plan reviews. Following are the standards.

1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance
2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
3. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.
4. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission requires that approved landscaping, buffers, and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.
6. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

REMARKS: All commissioners agreed that all these standards have been met.

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the McDonald's Expansion as presented with the following conditions:

1. Demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required federal, state and local permits and approvals.

4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the expanded structure.
5. All lighting will comply with Ordinance standards and not more than 0.5 foot-candles of light will be cast onto adjoining properties.
6. Any modifications to signage on the property shall comply with Chapter 20 of the Zoning Ordinance.

YES: Commissioner Cadwallader, Commissioner Chambers, Commissioner Ellis, Commissioner Gadula, Commissioner Plank, Commissioner Schrauben and Chair Barker.

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Advisory on Vaping - Temporary Ban of new vaping facilities.

Chair Barker discussed with the Commissioners about the harmful effects of vaping and the warning from the Governor and the news.

IT WAS MOVED BY BARKER and seconded by ELLIS that we send an advisory motion to Lowell City Council on a temporary ban of new vaping in the entire City of Lowell based on the current state and federal laws that are being implemented.

YES: Commissioner Cadwallader, Commissioner Chambers, Commissioner Ellis, Commissioner Gadula, Commissioner Plank, Commissioner Schrauben, and Chair Barker.

NO: None.

ABSENT: None.

MOTION CARRIED.

7. **STAFF REPORT.**

There were no reports.

8. **COMMISSIONERS REMARKS.**

Commissioner Cadwallader stated that he would like the city to consider buying boeys for the Flat River near the damn.

Commissioner Gadula thinks the ban on vaping is a great idea.

Commissioner Schrauben requested mini training sessions for the Planning Commissioners with Andy Moore of Williams & Works.

Chair Barker will talk to City Manager Michael Burns and work on a training schedule.

Commissioner Ellis would like to know what the status is on the Showboat. Commissioner Chambers gave him the details of the status of the Showboat, and stated that it is coming in the Spring.

Chair Barker stated Vergennes Township is having their combined City and Townships annual meeting on October 7, 2019 at 7:00 p.m. at Vergennes Township hall.

9. AJOURNMENT.

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to adjourn at 7:37 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: October 11, 2019
From: Andy Moore, AICP
Nathan Mehmed, AICP
RE: **Nonconforming Single-Family Residential Options**

The purpose of this memorandum is to discuss options for the six nonconforming single-family residential properties located on Main Street between Smith and Amity. Some owners of the subject properties have indicated their desire to address the issue of nonconforming single-family structures in the C3, General Business district. Currently, if a single-family dwelling located on one of the subject properties is completely destroyed, it cannot be rebuilt. This has caused an issue for property owners looking to sell as mortgage lenders will not guarantee a loan on a building which may not be rebuilt if it is destroyed. Based upon discussions with the City and our understanding of the issues, this memorandum discusses potential solutions for discussion by the Planning Commission.



1. Rezoning the properties to C1, Neighborhood Business. The City of Lowell Zoning Ordinance includes a C1 zoning district which is currently not utilized on the zoning map. According to the Zoning Ordinance, this district is "intended to permit local retail business and service uses which are desirable to serve the residential areas of the city."

These areas are intended to serve the residents within the city's neighborhoods." Generally, this is a less intense commercial district which permits a variety of service and retail uses at a smaller scale than what is permitted along west Main Street. Currently, this district does not permit residential uses; however, the Planning Commission could add single-family residential or other residential uses by right or special land use. This flexibility in commercial and residential zoning is fairly common in neighborhood business districts found in other zoning ordinances. The Planning Commission could then subsequently rezone these parcels to C1, making them conforming uses. This option could reasonably align with the future land use map of the Master Plan, which envisions some of these properties as downtown with a "mixture of residential, office, and commercial uses in traditional "main street" style buildings." The Planning Commission should consider the intent of the future land use description and the Master Plan's vision in regard to this area. Further, modifying the C1 district to add residential uses would also have no impact on other areas of the city, as it is currently unmapped.

2. Permit residential uses in C3, General Business. This option would involve adding residential uses to the C3 district by right or special land use. Since the subject properties are already zoned C3, the Planning Commission would not be required to rezone them. According to the Zoning Ordinance, the C3 district "is compatible with the Mixed Use Future Land Use Category of the Master plan, is intended to permit a mixture of residential, office and commercial land uses but not necessarily in downtown style buildings." While a mix of residential, office, and commercial land uses is intended in the district, the Planning Commission should consider the impact of permitting residential uses in the entirety of the C3 district, which largely fronts along Main Street between the westernmost city limits and downtown and contains primarily "highway" commercial uses and sites. Further, the Planning Commission should consider the future vision for this block as outlined in the Master Plan.
3. Rezone the properties to R2, Single or Two Family Residential. This option would involve the Planning Commission rezoning the subject properties from C3 to R2. The R2 district is "intended for residential uses, and related non-residential uses." While rezoning to R2 would solve the nonconforming issue of the existing single-family dwellings, the Planning Commission should discuss the long-term viability or desire for the subject properties to be residential. If this option is pursued, the Planning Commission should also discuss alignment with the City's Master Plan and whether or not the Master Plan should be amended. As indicated earlier, the future land use map of the Master Plan illustrates that the subject properties are within the "Downtown" or "Industrial" future land use categories. The Downtown future land use category envisions a "wide range of retail, commercial, office, and residential land uses." However, it goes on to indicate that "residential land uses should only be located on the second story or above in the downtown area, with retail or office uses located on the first floor." Further, the Industrial future land use designation does not envision residential uses. Therefore,

it may be difficult to implement this option while remaining consistent with the Master Plan.

4. Amend nonconforming residential use provisions. This option would amend Section 4.13, Nonconformities, of the Zoning Ordinance to provide flexibility so that nonconforming single-family dwelling or residential uses may be rebuilt if they are damaged or destroyed, regardless of restoration or repair cost. This would allow the existing single-family dwellings on the subject properties to be rebuilt in conformance with the Zoning Ordinance, and make no change to the underlying zoning district; the properties would remain zoned C3. While the buildings would remain nonconforming in this option, the amendment would permit the property owners to rebuild if their dwellings were destroyed, and will also presumably allow for the sale of those dwellings and allow property owners to secure mortgages.

Summary. The Planning Commission should take a comprehensive look at the subject properties and future vision for this area of the City. The Planning Commission should also take into account the impact that adding uses to a district will have on the entire district and any possible unintended consequences of that decision. Further, if the Planning Commission determines that this block should remain residential, a possible amendment to the Master Plan to address the future uses of the block should be considered. This will enable a rezoning to a residential district such as R2.

If the Planning Commission is not interested in amending the Master Plan and believes that downtown commercial uses are the best future use of the subject properties, amending the nonconforming section of the Zoning Ordinance to allow for flexibility in nonconforming residential uses may be the best approach. The Planning Commission could also use multiple approaches depending upon what is desired for this area of the City.

I look forward to discussing these options with you at the next planning commission meeting. As always, please feel free to contact me if there are any questions.

2019

Open Date	Close Date	Address	Name/Business	Subject
01/30/2019	02/05/2019	911 Grindle	Robert & Janet Arbogast	Finish Basement
03/05/2019		901 Bowes	Compass Rose Developments, LLC	New Home
02/06/2019		1400 W. Main	Burger King-Roger Franz with Net Lease Development	Restaurant
03/15/2019	03/15/2019	180 S. Center	Sara Beach	Property improvement- Updating siding on garage, replacing boards on deck and fence
03/18/2019	03/18/2019	268 Elizabeth Dean	Lou Ann Cole- Nephew doing work John Arnst	New garage
04/04/2019	04/04/2019	1401 Sibley St	Andrea Catapano	Updating fence, adding gate, cement & 7x7 rubbermaid shed
04/08/2019		830 N. Washington	Brandon Gessler	Shed
04/04/2019	04/15/2019	2111 W. Main	Fit Body Boot Camp	Sign
04/12/2019	04/12/2019	292 Donna Drive	Donna Tyler	Shed
04/16/2019	04/16/2019	329 N Jefferson	Michael & Jessica Chessen	Fence
04/12/2019	05/01/2019	206 N. Jackson	Tony Ellis	Pole Barn
04/29/2019		219 & 238 High Street	Unity School Investors, LLC	Redevelopment of buildings and property
05/03/2019	05/07/2019	199 Smith Street	Optec Inc.	Fence
05/15.2019		1219 Laurie Gail	Sarah Kelly-Hometown Builders	Fence
05/14/2019	05/20/2019	1371 Highland Hill	Rochel Gridley	Deck
05/14/2019	05/20/2019	1410 W. Main	Midwest Sign-C. Cleaner	Sign

05/20/2019	05/21/2019	2111 W. main	Inside Renovation	Retail
05/22/2019	05/22/2019	177 S. West	Allen Reynolds	Inside Renovation
5/24/2019	05/28/2019	723 Lincoln Lake SE	Cory Brown	Fence
6/10/2019	06/03/2019	942 Sibley	Jarrod Cardis /Crystal Null	Fence
6/13/2019	06/12/2019	604 Lafayette	Sarah Kelly-Hometown Builders	Fence
6/14/2019		517 Lincoln Lake	Kris Luttermoser	Garage
6/14/2019		1400 W Main	Burger King	Sign
6/24/2019	06/24/2019	230 S Hudson	Ashley Stone	Fence
06/14/2019	06/25/2019	400 N. Washington	Brian Elias	Siding
07/08/2019	07/08/2019	268 Elizabeth Dean	John Austin	Deck
07/16/2019	07/16/2019	219 High	Unity School	Fence
07/22/2019	08/01/2019	429 N. Jefferson	Heidi Lynne	Fence
07/24/2019	07/25/2019	2531 W. Main		Demo
07/29/2019	07/31/2019	823 High	Home Repair Services/Lorna Franks	Access Ramp
07/24/2019	08/01/2019	2111 W. Main	Icon Sign/Mel Trotter Thrift	Sign
08/06/2019	08/06/2019	2420 Gee Drive	Lori Gerard	Freestanding Carport
08/12/2019	09/24/2019	1300 W. Main	McDonalds	Addition
08/16/2019	09/10/2019	261 Jane Ellen	Michael Grimminck	Fence
08/22/2019	08/26/2019	403 N. Jackson	Scott Laslo	Fence
09/03/2019		805 N Hudson	Don Kelly	Fence
09/23/2019	10/01/2019	320 Amity	Signworks/LAS	Sign
10/08/2019	10/10/2019	518 Spring	Anriana Baez	Roof
10/08/2019	10/10/2019	74 Grindle	Tammy Palmer	Shed