



**For Immediate Release**

**Contact:** Michael Burns, City Manager  
City of Lowell, 616.897.8457

## **City of Lowell will hold in person and virtual Planning Commission Meeting on Monday June 14, 2021**

As a result of COVID -19 and the current social distancing practices being mandated statewide, the Planning Commission Meeting will be holding their monthly meeting both in person and via teleconferencing on Monday June 14, 2021 at 7:00 P.M.

The Planning Commission will meet via the Zoom Computer Teleconferencing System. The meeting will be held in compliance with Kent County State of Emergency for COVID 19 and Public Act 254 of 2020 pertaining to the ability to conduct public meetings remotely.

The Zoom application allows for interactive public participation. The meeting will be available to those via online and/or telephone. To participate in the meeting via Zoom here is the contact information below:

### **Join Zoom Meeting**

<https://us02web.zoom.us/j/9806911106>

**Meeting ID: 980 691 1106**

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**Meeting ID: 980 691 1106**

You may also provide input or ask questions of the Board relating to any items of business that will come before them at the meeting by emailing the City Clerk at [sullery@ci.lowell.mi.us](mailto:sullery@ci.lowell.mi.us) who will forward them to the Lowell Planning Commission, or by mailing them via regular U.S. Postal service to c/o City Clerk, City of Lowell, 301 E. Main St, Lowell, MI 49331, or by calling 616-897-8457.

Persons with disabilities may attend and participate using any of the above described methods. If you require special accommodations, please email [mburns@ci.lowell.mi.us](mailto:mburns@ci.lowell.mi.us) and we will be happy to accommodate you. If you have any questions or need further assistance, please email [sullery@ci.lowell.mi.us](mailto:sullery@ci.lowell.mi.us). More meeting information, including the meeting agenda, will be available at our website [www.lowellmi.gov](http://www.lowellmi.gov).

**According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540). According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications. Public meetings are being monitored and violations of statutes will be prosecuted.**

**# # #**



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE **"IN PERSON AND VIRTUAL"** REGULAR MEETING OF  
MONDAY, JUNE 14, 2021 AT 7:00 P.M.

Join Zoom Meeting

<https://us02web.zoom.us/j/9806911106>

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Meeting ID: 980 691 1106

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. April 12, 2021 – Regular and Closed Meetings
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
6. NEW BUSINESS
  - a. Public Hearing – 746 & 728 W. Main – Betten Baker – Rezoning Request
  - b. Public Hearing – 746 & 728 W. Main – Betten Baker – Site Plan and Special Land Use
  - c. Public Hearing – Amendment to Section 17.04 FF(5)(b) of the City's Zoning Ordinance
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, APRIL 12, 2021 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, Marty Chambers, Amanda Schrauben, Collin Plank and Chair Bruce Barker.

Absent: Commissioners Gadula and Cadwallader.

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

**2. EXCUSE THE ABSENCE OF COMMISSIONERS.**

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to excuse the absence of Commissioners Cadwallader and Gadula.

YES: 5.                      NO: None.                      ABSENT: 2.                      MOTION CARRIED.

**3. APPROVAL OF AGENDA.**

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to approve the agenda as written.

YES: 5.                      NO: None.                      ABSENT: 2                      MOTION CARRIED.

**4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.**

IT WAS MOVED BY CHAMBERS and seconded by PLANK to approve the minutes of the March 8, 2021 Planning Commission regular meeting as written.

YES: 5.                      NO: None.                      ABSENT: 2.                      MOTION CARRIED.

**5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.**

John Sterling who resides at 711 Avery Street spoke and wanted to inform the City he has a group that has been meeting about a community center for the last three years. Meetings are twice a month on Wednesdays and has raised \$10,000 for a need study and have already done a 38-page feasibility study. Feels that the city needs a pool. And are determined to find a piece of property and need help trying to figure out where.

Commissioner Chambers asked where and when the meetings are held and would like to attend. Also Chambers invited him to come back to speak at a City Council meeting.

**6. CLOSED SESSION.**

IT WAS MOVED BY BARKER and seconded by CHAMBERS to go into closed session at 7:12 p.m.

YES: Commissioners Chambers, Ellis Plank, Schrauben and Chair Barker.

NO: None.                      ABSENT: Commissioners Gadula and Cadwallader.                      MOTION CARRIED.

7. **OPEN SESSION.**

The Council returned to open session at 7:55 p.m.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that the Planning Commission acknowledges the receipt of the letter from Calvary Christian Reformed Church, however, disagrees with their conclusion that the use described constitutes a “school” for purposes of the administration of Section 1.04.FF.5.b and instead relies on its reading of the plan language, the understood intent of the City Council and the reasonable opinion of the City’s professional planner and finds the application to be compliant.

YES: Commissioners Chambers, Ellis Plank, Schrauben and Chair Barker.

NO: None.

ABSENT: Commissioners Gadula and Cadwallader.

MOTION CARRIED.

8. **OLD BUSINESS.**

a. **Public Hearing Chris Nelson - 211 S. Washington – Special Land Use-Vehicle Repair Facility & Towing Service.**

Chair Barker opened the Public Hearing.

Greg Canfield spoke recommending a chain link fence around the property site would be the best idea from a maintenance, visual and security standpoint and a better long term solution.

Andy Moore with Williams & Works provided a little bit of background for the special land use application stating last meeting the planning commission approved the towing service with conditions however, they would like to do vehicle repair on the property and the ordinance requires that if associated with a towing service that a vehicle repair is not allowed unless that permission is specifically granted by the Planning Commission so we re-noticed the application. We are really just talking about these specific names, this is not a site plan review as we already did that last meeting and there is nothing changed on the property we are just adding a different type of activity to the site. Moore made a couple of distinctions to clarify what is allowed for the vehicle repair facility and explained the parking, no issues. Spoke on the fence & noted chain link fence may not help with neighbors as a noise barrier. Outdoor storage is not allowed and is listed as a condition.

Moore then review the Special Land Use Standards A through F.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the Special Land Use Review Standards A through F have been met.

YES: Commissioners’ Plank, Ellis, Chambers, Schrauben and Chair Barker.

NO: None.

ABSENT: Commissioners Gadualala and Cadwallader.

MOTION CARRIED.

Moore then reviewed the conditions.

Based on the foregoing review and finding of fact, the proposed special land use and site plan is subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City Engineer, Lowell Area Fire Department, or other approving agencies.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and

- copies of all applicable permits shall be submitted to the City.
4. The applicant shall maintain continual compliance with other applicable ordinances, codes, and requirements of the City of Lowell.
  5. The applicant shall comply with the parking standards of Section 19.04 J of the Zoning Ordinance for mixed uses, unless specifically modified by the Planning Commission. The location of these spaces shall be depicted on the site plan and submitted to the Zoning Administrator for approval.
  6. Outdoor storage shall be prohibited in all yards, in accordance with Section 12A.04 B of the Zoning Ordinance.
  7. Landscaping, buffers, and/or greenbelts shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
  8. The vehicle repair facility shall not include a body shop or conduct activities generally associated with a body shop, including but not limited to, collision servicing; body, frame, and fender straightening or repair; vehicle painting; or storage of vehicles. The facility shall be limited to minor vehicle repairs compatible with adjacent residential uses.
  9. All vehicle repairs shall occur within a completely enclosed building.
  10. Motor vehicles awaiting repair at the vehicle repair facility shall not be located outdoors for more than 30 days.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the Special Land Use for 211 S. Washington Vehicle Towing and Repair Service with the conditions listed above.

YES: Commissioners' Plank, Ellis, Chambers, Schrauben and Chair Barker.

No: None.

Absent: Commissioners' Gadula and Cadwallader.

MOTION CARRIED.

b.) Public Hearing – Joyology- 1250 W Main Street – Special Land Use.

Chair Barker opened the public hearing

Zaid Arabo representing Joyology spoke stating this is an existing building they are proposing to put dispensary facility alteration adding some landscaping and lights.

Moore then reviewed his memo.

Moore then reviewed the site plan review standards A-F.

Discussed at length the ballfield and possibilities for separating the two properties by a fence.

Michelle Emas who resides at 725 Lafayette spoke with concerns asking how adult use is defined; whether it is allowed to be used in the store. Also concerned about taking the ballfield away.

Chair Barker stated he would like to table the Site plan review standards to find another solution for the ballfield.

Moore then reviewed the Special Land Use Review Standards A-F and the Adult Use Marihuana Establishment Standards A-M.

Commissioner's determined that Standard J needed to be worked out.

Chair Barker made a motion to table until May meeting. There was no second. Motion died. Commissioner's decided to continue.

IT WAS MOVED BY CHAMBERS and seconded by Ellis to accept that the site plan review standards A-F have been met.

YES: Commissioner Ellis, Commissioner Chambers, Commissioners Gaduala, Commissioner Cadwallader, Commissioner Schrauben.

NO: Chair Barker

ABSENT: Commissioners Gadula and Cadwallader.

MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to accept that the Special Land Use Standards A-F have been met.

YES: Commissioner Ellis, Commissioner Chambers, Commissioners Gaduala, Commissioner Cadwallader, Commissioner Schrauben, and Chair Barker.

NO: None.

ABSENT: Commissioners Gadula and Cadwallader.

MOTION CARRIED.

IT WAS MOVED BY ELLIS and seconded by CHAMBERS that the Adult Use Marihuana Establishment Standards B-M have been met. Chair Barker then read addition into motion

YES: Commissioner Ellis, Commissioner Chambers, Commissioners Gaduala, Commissioner Cadwallader, Commissioner Schrauben, and Chair Barker.

NO: None.

ABSENT: Commissioners Gadula and Cadwallader.

MOTION CARRIED.

Based on the foregoing review and finding of fact, the proposed special land use and site plan is subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, City Fire Department, City Police Department, or other City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall include all missing items as required in Section 18.04 B, 17.04 FF(3) and 17.04 FF(4) and noted above in "Completeness of Submission" on the site plan, unless deemed unnecessary by the Zoning Enforcement Officer.
6. The applicant shall submit a copy of a provisional license issued by the City of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
7. The applicant shall submit a copy of the state license to operate the marihuana facility to the City.
8. The applicant shall submit a photometric plan and exterior lighting shall comply with Section 4.24 of the Zoning Ordinance.
9. All signage shall comply with Chapter 20 of the Zoning Ordinance and a sign permit shall be obtained prior to the erection of any signage on the site.
10. The security plan shall address the items outlined in our confidential memo dated March 31, 2021.
11. All driveways shall comply with the design standards of Section 19.03 B of the Zoning Ordinance.
12. The loading space shall have minimum dimensions of 12 feet by 40 feet, with a 14-foot height clearance, in accordance with Section 19.08 of the Zoning Ordinance.
13. Plant materials and lawn areas shall be maintained in a healthy condition and be neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced.
14. Doors and windows shall remain closed except for the time needed to allow people to ingress or egress the building.
15. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendations to ensure optimal performance.
16. The trash enclosure shall be secure and locked at all times and designed to an appropriate height to deter trespassing.

17. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
18. The marihuana establishment shall comply at all times and in all circumstances with the MRTMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
19. The city shall have the right to examine, monitor, and audit records and documentation, which shall be made available to the city upon request.
20. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

IT WAS MOVED BY BARKER and seconded by ELLIS to approve the Special Land Use for Joyology at 1250 West Main St. with the conditions listed above.

YES: Commissioner Ellis, Commissioner Chambers, Commissioners Gaduala, Commissioner Cadwallader, Commissioner Schrauben, and Chair Barker.

NO: None. ABSENT: Commissioners Gadula and Cadwallader. MOTION CARRIED.

9. **NEW BUSINESS.**

a.) **Public Hearing – 2040 W. Main – B&D Asset Recovery Special Land Use.**

Chair Barker opening the Public Hearing.

Moore reviewed his memo stating the use they are proposing here is a commercial storage warehouse located on 1.2 acres in the C3 Business District. The applicant is proposing to construct a 17,604 square foot pre-engineered metal building on the site to accommodate a commercial storage warehouse. The use includes reclaiming and disassembling electronic equipment for recycling and reuse. Parts and products would be stored within the building before being shipped elsewhere. The applicant also received a variance at the February 1, 2021, Zoning Board of Appeals meeting for a reduced rear yard setback from 35 feet to 15 feet.

Scott Bell from the engineering firm that prepared the plans stated what B & D Asset Recovery is proposing.

Moore then reviewed the site plan review standards A-F with the commissioners.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that the site plan review standards A-F have been met.

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

NO: None. ABSENT: Commissioner Gadula and Cadwallader. MOTION CARRIED.

Moore then reviewed the Special Land Use Review Standards. Commissioners determined deliveries should once or twice a month and work should be from 8 am to 4 pm.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the Special Land Use Review Standards have been met.

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

NO: None. ABSENT: Commissioner Gadula and Cadwallader. MOTION CARRIED.

Moore then went through the Commercial Storage & Warehouse Standards.

IT WAS MOVED BY BARKER and seconded by ELLIS to accept that the Commercial Storage & Warehouse Standards have been met.

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



NO: None.

ABSENT: Commissioner Gadula and Cadwallader.

MOTION CARRIED.

Based on the foregoing review and finding of fact, the proposed special land use and site plan is subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the Lowell Area Fire Department, City's Department of Public Works, City Engineer, or other approving agencies.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. Any additional exterior lighting shall comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.
6. The applicant shall include parking space and maneuvering aisle dimensions on the site plan, which shall meet the dimensional requirements of Section 19.06 of the Zoning Ordinance.
7. The applicant shall submit copies of any agreements with the adjacent property owner for parking, maneuvering, or general use of the adjacent property.
8. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
9. The applicant shall receive a driveway permit from MDOT and submit a copy of this permit to the City.
10. A ten-foot-wide buffer strip consisting of a maintained ground cover shall be provided along the side and rear lot lines in accordance with Section 17.04 N(4) of the Zoning Ordinance. Landscaping, buffers and/or greenbelts shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
11. Applicant shall use a neutral color (brown or similar) for building siding that reasonably blends into the landscape and surrounding properties and shall submit a visualization sketch to the zoning enforcement officer for review and approval.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the Special Land Use for B & D Asset Recovery at 2040 W. Main with the above conditions as listed.

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

NO: None.

ABSENT: Commissioner Gadula and Cadwallader.

MOTION CARRIED.

10. **STAFF REPORT.**

There was no report.

11. **COMMISSIONERS REMARKS.**

There were no remarks.

12. **ADJOURNMENT.**

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to adjourn at 10:39 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Susan Ullery, Lowell City Clerk

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** June 11, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** **Betten Baker Special Land Use**

Bryan Betten, on behalf of Betten Baker, has applied for a rezoning, site plan review, and special land use approval to redevelop and expand the car dealership located at 746 and 728 W. Main Street (PPN 41-20-02-376-017 & 41-20-02-376-018). The purpose of this memorandum is to review the requests pursuant to the City of Lowell Zoning Ordinance.

### Background

The applicant owns two adjacent properties on which the development is proposed. Together these properties comprise 3.2 acres. A car dealership with repair facilities is currently located at 746 W. Main Street, while 728 W. Main Street is a vacant parcel. The applicant is proposing to redevelop the site while retaining the same use. A car dealership with accessory repair facilities is proposed on both properties, including a 15,700 square foot building and new parking/display lot. For the purposes of this review, both properties will be evaluated as a single entity.

Currently, there are three zoning districts split between the two parcels (see image at right). The parcel at 746 W. Main Street contains the C3 General Business district and R2 Single or Two Family Residential district. The parcel at 728 W. Main Street is located in the I General Industrial district. The applicant is requesting that both properties be rezoned so that they are all completely within the C3 General Business district because this is the only district in



which open air businesses (e.g. car dealerships) are permitted by special land use (Section 12.03 G).

### **Completeness of Submission**

The applicant has submitted site plan documents for review. Section 18.04 B provides a list of information required for final site plan review unless deemed unnecessary by the zoning enforcement officer. We find that the site plan is generally complete for review; however, the following items were not received:

- Proposed signs, if applicable
- Unloading areas
- Use of all properties abutting the subject property
- Location of existing utilities
- Location and type of natural gas, electric, telephone, cable tv, or other utilities or utility extensions.

### **REZONING REVIEW**

In making a decision on a zoning amendment, the Planning Commission and City Council must consider the standards of 22.05 A(6). Following are those standards, followed by our remarks on each:

- A. If the proposed zoning amendment is consistent with the goals, policies, and future land use map of the city's master plan; or, if conditions have changed significantly since the master plan was adopted, if the zoning amendment is consistent with recent development trends in the area;

**Remarks:** The City's Master Plan was adopted in 2007 and has been reviewed by the Planning Commission regularly since that time. Its primary function is to set forth a vision for development in the City and serve as a guide to land use decisions in the City. Both parcels are located in the Highway Business future land use category. This future land use category is located along M-21 west of the railroad crossing, which is adjacent to the subject property. The Master Plan states that uses in this category are intended to be automobile-oriented and correspond with land uses permitted in the C3 General Business zoning district. Therefore, by rezoning the subject property entirely to the C3 district, both parcels would align with the future land use category envisioned by the Master Plan.

The Master Plan also identifies these parcels within the West Main Street Commercial Corridor, which is defined as the area between the City boundary to the west and the railroad tracks to the east. This corridor is designated as an area for suburban strip development with ample parking between buildings and the road. The proposed rezoning to the C3 district would support business uses along this corridor in coordination with the existing development pattern. Therefore, the proposed rezoning is

consistent with the City's Master Plan. The Planning Commission may find this standard met.

- B. If the zoning amendment is compatible with existing or future land uses in the vicinity; and

**Remarks:** Existing land uses in the vicinity are a mixture of industrial, commercial, and residential. Generally, commercial uses are present along frontage on W. Main Street west of the railroad tracks. Some industrial uses are present to the east and residential uses are found south of the subject property. Residential uses contain an independent senior living center along with single-family homes. Because of the strong presence of the C3 district along W. Main, rezoning to this district would align with the existing land use pattern of properties fronting this road.

As for future uses, the C3 district is also supported by the future land use plan in the Master Plan. The Highway Business future land use category applies to the subject property and is located to the north and west of the subject property, largely corresponding to properties in the C3 zoning district. Other future land uses include single family, mixed uses, and multiple family residential to the south and east. The proposed rezoning appears compatible with the future land use plan, which provides for automobile-oriented business uses west of the railroad tracks. The Planning Commission may find this standard met.

- C. If the site is capable of accommodating all uses allowed by the zoning change, considering existing or planned public infrastructure, including streets, sanitary sewers, storm water, water, sidewalks, and street lighting.

**Remarks:** The site is likely capable of accommodating all uses allowed in the C3 district. Because the established land use pattern is largely auto-oriented commercial along the W. Main Street corridor, utilities and infrastructure are present to accommodate general commercial uses, including the proposed car dealership. The zoning change would continue to support an existing development pattern. The Planning Commission may find this standard met.

## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** Because the subject property is a corner lot, the Ordinance defines the site as having two front lot lines. The principal front lot line is defined as the shorter lot line, which abuts S. Pleasant Avenue. The secondary lot line is along W. Main Street and required to have one-half of the principal front yard setback in Section 2.13. The rear lot line is opposite the principal front lot line to the east and the side lot line is to the south. The site plan does not correctly identify all side, rear, and front yard setbacks; however, the setbacks assigned either meet or exceed the Ordinance requirements in Section 12.04.

The applicant is proposing 11.3% lot coverage (this excludes parking areas) and a one-story building. While the building is expected to be less than 40 feet as required in Section 12.04, this may be included as a condition of approval.

**Site Development Requirements.** Section 12.04 also lists standards for site development. Landscaping will be addressed further below. Subsection B requires that entrance driveways be located as far as practicable from two intersecting streets and at least 100 feet from an intersection or other driveway. Subsection C also requires only one driveway per principal use per street, unless sharing access with an adjacent lot or justified by a professional traffic study. The applicant is proposing two points of ingress/egress along Pleasant Street, which are less than 100 feet from each other and the intersection of Main and Pleasant Streets. However, these curb cuts already exist and the applicant is proposing to remove additional curb cuts along W. Main. Because the curb cuts are previously existing and the applicant is proposing to close those along W. Main, the proposed curb cut locations represent an improvement to site access. MDOT approval of the curb cut closures is required, but MDOT would likely welcome such closures.

**Landscaping.** Section 4.26 E provides specific landscape requirements. Because the subject property abuts residential districts to the south, a buffer is required in the form of a 6-foot privacy fence or landscaping containing at least some evergreen trees. The applicant is proposing eight 5-foot-tall white pine trees along the R3 district property to the south. There are also seven existing pine trees proposed for preservation along the R2 district property to the south. The Planning Commission may discuss whether this landscaping would sufficiently buffer the adjacent residential uses.

Front yard landscaping is required in the C3 district, which should include a minimum of 1 canopy tree and 3 deciduous shrubs for each 30 feet of lot width. Because the subject property is on a corner, there are two front lot lines. The principal lot line is 202 linear feet and the secondary lot line is 437 linear feet, totaling 639 feet of frontage. This equates to 21 required canopy trees and 64 deciduous shrubs. The applicant has proposed 16 deciduous trees and 45 shrubs.

Landscaping is also required where any parking area abuts or faces a public street, with a 10-foot strip of land containing at least one canopy tree for each 30 feet of lot width. The applicant is proposing parking frontage along Pleasant and W. Main Streets for most of the frontage, so this standard would require the same number of trees as identified above for front yard landscaping. The applicant has proposed a 10-foot buffer strip, but is short of the requirement by 5 trees, as noted.

For parking areas that contain 20 or more spaces, interior parking lot landscaping is also required at a ratio of 1 island per 20 parking spaces or part thereof. There are 247 spaces proposed in the parking lot and no landscape islands proposed. Because the applicant is proposing a car dealership, landscape islands may not be as important to break up large expanses of pavement. However, the Planning Commission should discuss this requirement with the applicant.

The Planning Commission may modify landscape requirements in accordance with Section 4.26 B when finding circumstances that warrant a change in requirements or that existing landscaping or screening would be preserved and meet the intent of Section 4.26.

**Lighting.** The applicant submitted lighting cutsheets and a photometric plan. All lighting is 100% cutoff and downward facing. Lighting is proposed to have a maximum height of 20 feet, in accordance with Section 19.03 C. Section 4.24 E(1) requires that light be confined to the subject property so that not more than 0.5 foot candle is cast on adjoining private property. Based on the photometric plan, there are a few areas where lighting would exceed 0.5 foot candle at a property boundary. The Planning Commission may discuss lighting with the applicant and may include compliance with Section 4.24 as a condition of approval.

**Parking.** Open air businesses require 1 parking space per 800 square feet of lot area used for such business. The site would contain 139,261 square feet of lot area, equating to 175 spaces. The applicant has proposed 247 parking spaces. Section 19.04 M allows the Planning Commission to authorize an increase or decrease in parking requirements when it is demonstrated that parking demand is expected to be lower or greater than the requirements of 19.07.

Three ADA accessible parking spaces are proposed on the site. Considering 247 spaces, ADA standards would require 7 ADA spaces, 2 of which are van accessible. Yet, because a large number of spaces would be dedicated to inventory parking, it is unlikely that this many spaces would be needed to accommodate customer parking. The Planning Commission should address the expected number of spaces for customers with the applicant to determine ADA compliance.

Parking space and maneuvering aisle dimensions meet the standards of Section 19.06, except for three parallel spaces near the rear lot line that do not extend the required 25 feet. The Planning Commission may include the dimensional standards of Section 19.06 as a condition of approval.

Lastly, one loading/unloading space is required based on the building size. This is not indicated on the site plan and may be discussed with the applicant. A loading space in accordance with Section 19.08 may be included as a condition of approval, though it may not be needed.

**Signage.** Signage has not been included in the site plan submittal. If new signage is proposed, the Planning Commission should require any signage to comply with Chapter 20 of the Zoning Ordinance.

**Site Plan Review Standards.** To approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are those standards and our remarks on each:

- A. 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.

**Remarks:** The site currently contains a car dealership and repair shop on the western portion of the parcel. The applicant is proposing to redevelop the site to accommodate

the same use, but at a larger scale. This would include an expansion of the parking area into the adjacent eastern parcel and the construction of a larger building to replace the smaller existing buildings. The site design is consistent align with other uses in the C3 General Business district, with a focus on automobile-oriented traffic, and represents an overall improvement to the site.

Some existing trees are proposed for removal to provide parking and merchandise display. While this may be necessary for site development, the scale of the proposed operation may have more perceptible impacts on adjacent residences compared to the existing use due to its larger size. The proposed use would considerably expand parking and building coverage (+11,150 sq. ft.) on the site. Therefore, the Planning Commission may discuss whether the proposed landscaping will adequately buffer the proposed use from adjacent residential districts.

- B. 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.

**Remarks:** The site would contain two points of ingress/egress, while closing the curb cut on W. Main Street. This arrangement is expected to help mitigate traffic impacts on W. Main Street while better defining points of ingress/egress on Pleasant Street. Impacts on the street system are further addressed in Site Plan Review Standard C, below. Within the site, traffic circulation appears to provide adequate access throughout the parking lot and around the building.

Pedestrian circulation is accommodated through an existing sidewalk along W. Main Street and a concrete sidewalk adjacent to the front of the building. Minimal pedestrian circulation is anticipated on the property due to the nature of the use. Subject to any comments from the MDOT, the Planning Commission may find this standard met.

- C. 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.

**Remarks:** The applicant is proposing two curb cuts on Pleasant Street, closing the curb cut on W. Main Street, and improving those on Pleasant Street. Section 19.03 F requires that access drives be located no closer than 25 feet to any public street intersection, as measured from the nearest edge of the driveway to the nearest edge of the public street pavement. The proposed driveway is closer than 25 feet to the intersection of Main and Pleasant Streets. However, these are existing curb cuts and the applicant is proposing an overall reduction in access points to the site.

- D. 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 surrounding public and private property.

**Remarks:** The applicant is proposing the removal of trees to accommodate a larger parking and display area. Some trees would be removed near Lee Creek. All development is proposed outside the floodplain and a silt fence is proposed to protect sediment from entering the creek. However, the Planning Commission may defer to the Kent County Drain Commission and City Engineer for additional comments regarding impacts to the Creek.

Additionally, the Planning Commission may discuss the extent of proposed impervious surface on the site. While a car dealership likely requires a larger parking area to accommodate vehicles for sale compared to other open air businesses, the applicant has proposed 73 additional parking spaces beyond the Ordinance requirement, though this would be used for inventory, not customer or employee parking.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

**Remarks:** A condition of approval can stipulate continual compliance with applicable codes and ordinances.

- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

**Remarks:** The purpose of the C3 General Business district is to permit a mixture of residential, office, and commercial uses that do not necessarily adhere to the style of downtown buildings. This district offers more automobile-related uses that would not always be compatible with residential uses. Uses in this district are primarily intended to serve the community and M-21 traffic. The proposed car dealership appears align with this purpose through a vehicle-oriented use.

The subject property is in the Highway Business future land use category of the Master Plan. This category is intended to accommodate retail, office, and service uses that are automobile-oriented. It is also intended to correspond with the C3 General Business zoning district. The proposed use would provide an automobile-oriented retail use. This use is consistent with the future land use category of the Master Plan. The Planning Commission may find this standard met.

**Special Land Use Review Standards.** To approve a special land use, the Planning Commission must find that the proposed special land use meets each of the following standards in accordance with Section 17.03. Following are these standards and our remarks on each:

- A. The proposed special land use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

**Remarks:** The applicant is proposing to redevelop the site while retaining a similar use. A car dealership with accessory repair facilities currently exists on the site and the applicant is proposing to redevelop the property for the same use. A larger building is



proposed, although it would replace two existing buildings. Building materials and building elevations were not submitted. The Planning Commission may discuss building design with the applicant and may request building elevations to ensure it would be compatible with the surrounding area.

Improved site access is proposed through limited curb cuts and new sections of sidewalk. Additional site landscaping is also proposed, which may mitigate some impacts from tree removal for parking. Because the use already exists, it is not expected to be inharmonious with adjacent properties. Provided landscaping continues to provide a sufficient buffer from residential areas, the Planning Commission may find this standard met.

- B. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;

**Remarks:** See comments under Site Plan Review, F above.

- C. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities;

**Remarks:** The site is currently served by City of Lowell Police and Fire Departments. The site reconstruction is expected to enhance access and mitigate traffic impacts on Main Street. The applicant also submitted utility and grading plans. The Planning Commission may defer to the Lowell Area Fire Department for comments regarding emergency vehicle access and the City Engineer regarding utility and stormwater accommodations for the proposed use.

- D. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services;

**Remarks:** The proposed use is not expected to create additional excessive requirements at public cost for facilities and services. A car dealership with accessory repair facilities is proposed, which is similar to the existing use on the site. Subject to any concerns from the City Engineer, the Planning Commission may find this standard met.

- E. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**Remarks:** The proposed use is not expected to cause excessive production of traffic, noise, smoke, fumes, glare, or odors. All repair operations are proposed inside the building. The site is currently operated as an open air business. While the site may accommodate more traffic due to the expanded use, the applicant has also proposed additional landscaping and better defined curb cuts for safe vehicular access. Provided

the proposed landscaping is determined to provide an adequate buffer for residential uses, the Planning Commission may find this standard met.

- F. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.

**Remarks:** This standard will be addressed as a condition of approval.

**Open Air Business Special Land Use Standards.** In addition to the general standards for special land uses of section 17.03, the Planning Commission must also find that the proposed special land use would comply with specific standards established for open air businesses as listed in Section 17.04 W. These standards are listed below, along with our remarks on each.

- A. Minimum lot area shall be one (1) acre.

**Remarks:** The lot size is approximately 3.2 acres. This standard is met.

- B. Minimum lot width shall be two hundred (200) feet.

**Remarks:** The principal front lot line is 201 feet. This standard is met.

- C. The planning commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

**Remarks:** The applicant is not proposing a fence or wall along the property boundary, though the Planning Commission has required fencing for previous applicants. A dumpster is proposed behind the building. Dumpster details were not included in the site plan, so it is unknown if the dumpster would be screened. The Planning Commission may discuss dumpster screening and fencing to mitigate impacts on the adjacent residential property and may include this as a condition of approval.

- D. All open air businesses shall comply with all applicable city and county regulations regarding sanitation and general health conditions.

**Remarks:** This may be included as a condition of approval.

- E. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.

**Remarks:** The applicant has proposed a paved surface for all parking, display, and storage areas. A grading plan was also submitted, including a storm sewer. Subject to any concerns from the City Engineer, the Planning Commission may find this standard met.

- F. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least fifty (50) feet from an intersection.

**Remarks:** As discussed previously, one curb cut is less than 50 feet from the intersection of Pleasant and Main Streets. However, this curb cut was previously existing and has been narrowed to provide a more defined point of ingress/egress.

G. All lighting shall be shielded from adjacent residential districts or uses.

**Remarks:** All lighting is 100 percent cutoff and downward facing. The applicant submitted a photometric plan to indicate light intensities at property lines. The Ordinance prohibits lighting intensity in excess of 0.5 foot candles in Section 4.24 E(1). Lighting exceeds this intensity at private boundaries in a few places. Compliance with Section 4.24 E(1) may be included as a condition of approval.

H. In the case of a plant materials nursery:

- a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
- b. All loading activities and parking areas shall be provided on the same premises (off-street).
- c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be contained to prevent any adverse effect upon adjacent properties.

**Remarks:** The applicant is not proposing a plant materials nursery, so this standard is not applicable.

I. No display area shall be located within twenty (20) feet of a street right-of-way line.

**Remarks:** Aside from vehicular parking, no display areas are proposed.

### **Recommendation**

At the June 14, 2021 public hearing, the Planning Commission should discuss the rezoning request, site plan, and special land use, and carefully consider any comments from the public and the applicant. The Planning Commission should first consider the rezoning request for recommendation to City Council. If the Planning Commission is inclined to recommend approval of the rezoning request, the Planning Commission may also consider approval of the site plan and special land use request. The site plan and special land use must be made contingent upon approval of the rezoning becoming effective, as the proposed use wouldn't otherwise be permitted.

If the Planning Commission recommends approval of the rezoning request to City Council, the Planning Commission may also approve the site plan and special land use. If approved, we suggest the following conditions be included, along with any others deemed necessary:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the Lowell Area Fire Department, City's Department of Public Works, City Engineer, Kent County Drain Commissioner, or other approving agencies.
3. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
4. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.

5. The applicant shall submit all missing site plan items of Section 18.04 B and identified under Completeness of Submission, above, unless specially waived by the zoning enforcement officer.
6. The applicant shall submit building elevations depicting building materials and confirming that the building shall be less than 40 feet in height, in accordance with Section 12.04 of the Zoning Ordinance.
7. The applicant shall receive approval from and comply with any stipulations from MDOT regarding curb cut closures on Main Street. A copy of any permits shall be submitted to the City.
8. The applicant shall comply with the landscape requirements of Section 4.26, including front yard landscaping and interior landscape islands, unless specifically modified by the Planning Commission.
9. Exterior lighting shall not exceed 0.5 foot candles on adjacent private property, in accordance with Section 4.24 of the Zoning Ordinance.
10. All parking spaces shall comply with the dimensional standards of Section 19.06 of the Zoning Ordinance and ADA standards. A loading/unloading space shall be shown on the site plan and comply with the requirements of Section 19.08 of the Zoning Ordinance.
11. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
12. The applicant shall provide screening around the dumpster in accordance with Section 17.04 W(3).
13. The open air business shall comply with all applicable city and county regulations regarding sanitation and general health conditions.
14. Landscaping, buffers and/or greenbelts shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

As always, please contact us if you have any questions.

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than four weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the fourth Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 746 W Main Street & 728 W Main Street
2. Parcel Identification Number (Tax I.D. No.): #41-20- 02-376-017 & 41-20-02-376-018
3. Applicant's Name: 749 W Main Street LLC (Bryan Betten) Phone Number (231) 755-3711  
Address: 749 W Main Street, Lowell, MI 49331  

StreetCityStateZip

Fax Number \_\_\_\_\_ Email Address bbetten@bettengm.com
4. Are You: ☐ Property Owner ☒ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: LRE - Kyle Visker Phone Number (616) 301-7888  
Address: 2121 3 Mile Rd NW, Walker, MI 49544
6. Present Zoning of Parcel C-3, R-2 & I Present Use of Parcel Car Dealership
7. Description of proposed development (attach additional materials if needed):  
Proposed Buick GMC car dealership with a 15,700 square foot building and parking / display lot.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The facts presented above are true and correct to the best of my knowledge.

Signature:  Date: May 14-2021

Type or Print Your Name Here: Bryan Betten

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

Owner \_\_\_\_\_

Date \_\_\_\_\_

The following 16 points make up the **CHECKLIST** of required information needed on the drawing for final plan approval (unless specifically waived by the Planning Commission). Please go over this **CHECKLIST** with the City Manager and Zoning Administrator before presenting to the Planning Commission.

- |                                                                                                                                                                                 | <b>INITIAL</b>     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1. Date, north arrow and scale (not more than 1" = 100', supplementary site plans at a 1" = 50' or larger scale are encouraged)                                                 | <u>    KV    </u>  |
| 2. A city locational sketch                                                                                                                                                     | <u>    KV    </u>  |
| 3. Legal description and City address of the subject property                                                                                                                   | <u>    KV    </u>  |
| 4. The size in acres or square feet of the subject property                                                                                                                     | <u>    KV    </u>  |
| 5. All lot and/or property lines with dimensions, including building setback lines                                                                                              | <u>    KV    </u>  |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary                                                                     | <u>    KV    </u>  |
| 7. The location and dimensions of all existing and proposed structures on the subject property                                                                                  | <u>    KV    </u>  |
| 8. The location and dimensions of all existing and proposed:                                                                                                                    |                    |
| ▪ Drives                                                                                                                                                                        | <u>    KV    </u>  |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval)                                                          | <u>    KV    </u>  |
| ▪ sidewalks                                                                                                                                                                     | <u>    KV    </u>  |
| ▪ exterior lighting                                                                                                                                                             | <u>    KV    </u>  |
| ▪ curbing                                                                                                                                                                       | <u>    KV    </u>  |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space)                                                                | <u>    KV    </u>  |
| ▪ unloading areas                                                                                                                                                               | <u>    KV    </u>  |
| ▪ recreation areas                                                                                                                                                              | <u>    KV    </u>  |
| ▪ common use areas                                                                                                                                                              | <u>    KV    </u>  |
| ▪ areas to be conveyed for public use and purpose                                                                                                                               | <u>    KV    </u>  |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements                                                                                   | <u>    KV    </u>  |
| 10. The existing zoning of all properties abutting the subject project                                                                                                          | <u>    KV    </u>  |
| 11. The location of all existing and proposed:                                                                                                                                  |                    |
| ▪ landscaping and vegetation                                                                                                                                                    | <u>    KV    </u>  |
| ▪ location, height and type of existing and proposed fences and walls                                                                                                           | <u>          </u>  |
| 12. Proposed cost estimates of all site improvements                                                                                                                            |                    |
| 13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems                                    | <u>    KV    </u>  |
| 14. The location and size of septic and drain fields                                                                                                                            | <u>    N/A    </u> |
| 15. Contour intervals shown at five (5) foot intervals                                                                                                                          | <u>    KV    </u>  |
| 16. <b>FOR RESIDENTIAL DEVELOPMENT</b> , the following information is required (affixed to the drawing):                                                                        |                    |
| ▪ Net developable area, in acres or in square feet, defined as all areas that could be developed subtracted by lands used or dedicated for existing easements and rights of way | <u>          </u>  |
| ▪ the number of dwelling units proposed (by type), including typical floor plans for each type of dwelling                                                                      | <u>          </u>  |
| ▪ the number and location of efficiency and one or more bedroom units                                                                                                           | <u>          </u>  |
| ▪ typical elevation views of the front, side and rear of each type of building                                                                                                  | <u>          </u>  |
| ▪ Dwelling unit density of the site (total number of dwellings / net developable area)                                                                                          | <u>          </u>  |

Section 17.03 of the City of Lowell Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards. Please describe how the proposed project would meet each standard.

A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

The proposed layout will be an improvement over the existing site with additional landscaping, an improved sidewalk, and a single structure instead of two. The proposed building will be similar to other new dealerships in the area.

2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;

The property is currently served by public water, sewer, stormwater, and has frontage on a public street.

The site is served by the City of Lowell Police and fire Departments.

3. Not create excessive additional requirements at public cost for public facilities and services; and

The property is currently operated as an open air business use; therefore, it will not create additional requirements for public facilities and services.

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

The proposed facility will not involve uses which would be detrimental to persons, property, or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, or odors. Vehicular repairs will take place inside the building.

Landscaping will be used for screening around the perimeter of the site.

Section 17.04 of the City of Lowell Zoning Ordinance lists specific standards pertaining to special land uses that must be met. Please respond to those standards below as it pertains to the proposed project, describing how the standards would be met by this proposal:

1. The lot area is 3.2 Acres. 2. The lot width is greater than 200 feet. 3. Landscape Screening is proposed along the rear property line.

4. Will follow applicable city and county regulations regarding sanitation and general health conditions. 5. A paved parking lot is proposed

with storm sewer for drainage. 6. Ingress and egress is dramatically improved from 2 entrances off M-21 and unlimited access of Pleasant to

only two entrances off Pleasant. The center of the entrance drive is 50' from the south curb line of M-21. 7. Site Lighting will be full cutoff and

a max height of 20 feet. 8. Not Applicable. 9. The display areas will be located greater than 20' from the street.



ENGINEERS & SURVEYORS

2121 3 Mile Rd. NW  
Walker, MI 49544  
Ph: 616-301-7888  
www.LREMI.com

May 14, 2021

Ms. Sue Ullery  
Lowell City Clerk  
301 East Main Street  
Lowell, MI 49331

**Re: Betten Baker – Buick GMC  
Special Land Use & Zoning Amendment Application  
746 & 728 West Main Street, Lowell, MI**

Dear Ms. Ullery:

We are writing on behalf of Betten Baker - Buick GMC (Betten Baker) to request your review and consideration of the enclosed site plan application for the proposed building and site improvements located at 728 and 746 West Main Street, Lowell, Michigan.

**Background:** The Betten Baker property (Parcel #41-20-02-376-018 and #41-20-02-376-017) is 3.20 acres in size and located on the south side of M-21 (West Main Street) between S Pleasant Avenue and Lee Creek. The property is comprised of Zone C3 (General Business), R2 (Single or Two Family Residential) and I (General Industrial). Adjacent parcels include areas zoned as C3 to the north and west, R2 to the west and south, R3 (Multiple Family Residential) to the south, and I to the east. There are two existing buildings on the site, including a 4,000 square foot collision repair shop and a 600 square foot office building. The remainder of the property is paved for parking and displaying cars with the exceptions of the southeastern portion which consists of grass with trees along the edges. Lee Creek is adjacent to the site on the eastern boundary.

**Proposed Development:** Betten Baker is proposing to remove the existing buildings and construct a 15,700 square foot building including parking lot, utility improvements and landscaping. The proposed building will include a new car showroom, sales department, parts department and service department. The number of parking spaces for customers, employees and display vehicles totals 247. Two new entrance drives along Pleasant Avenue are proposed along with new sidewalk in areas that were lacking. The proposed improvements include a 10-foot-wide landscaped greenbelt along the right-of-way of both adjacent streets and a 20-foot-wide greenbelt along the south property line adjacent to the residential properties.

The proposed storm sewer system consists of a storm sewer infiltration trench and leaching basins that outlet to the existing 18-inch diameter storm sewer in Pleasant Street. The oversized storm sewer and stone trench are sized for the 25-year storm event with an outlet restricted to 0.13 cfs/acre. The proposed design also meets the channel protection and water quality requirements of Kent County Drain Commissioner's Site Development Rules. Supporting stormwater calculations are attached.



The existing light poles will be removed and proposed light poles will be installed according to the site lighting (photometric) plan. The proposed lights will be full cutoff design to direct light towards the ground to comply with the zoning ordinance. The photometric plan will be submitted under a separate letter head.

The proposed building will require a fire protection water service line and a domestic service line. We are proposing to connect a 4-inch fire protection line and a 2-inch domestic service to the existing 4-inch watermain on the west side of Pleasant Street. The existing water services to the property are too small for the proposed use and will be removed to the curb stop box.

The proposed sanitary sewer includes 1,000-gallon oil/water separator and is located on the west side of the building. We are proposing to connect a 6-inch lateral to the existing 12-inch sanitary sewer main in the middle of Pleasant Avenue.

The landscaping ordinance requires 1 tree per 30 feet along the road right-of-ways and 1 tree per 20 required parking spaces. The total number of trees required excluding the existing trees and bushes along the M-21 right-of-way is 15. In addition, the ordinance requires 3 shrubs every 30 feet along M-21 for a total of 44. The proposed plan includes 16 trees and 45 shrubs. In an effort to improve visibility along M-21 the number of trees required in this area was reduced. To compensate the reduction along M-21 we are proposing 4 trees to be located along the side the property and preserving the existing pine trees. We are also proposing 4 landscape peninsulas / islands adjacent to the parking lot perimeter.

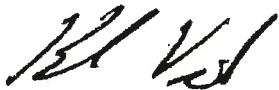
We have included the following documents for Planning Commission consideration at their June 14, 2021 meeting:

1. Application for Site Plan Review / Special Land Use.
2. Application Fee of \$250 and Escrow of \$500.
3. Application for Zoning Amendment.
4. Ten (10) 24"x36" copies of the site plans for the Planning Commission.
5. Stormwater Calculations.

Please review the enclosed information and contact our office if there are any questions or comments. We look forward to working with you through the course of this project.

Sincerely,

**Land & Resource Engineering**



Kyle J. Visker, P.E.  
Project Manager

## SECTION I. Zoning Map Amendment

1. Street Address and/or Location of Request: 746 W Main Street & 728 W Main Street
2. Parcel Identification Number (Tax I.D. No.): # 41-20-02-376-017 & 41-20-02-376-018
3. Applicant's Name 749 W Main Street LLC (Bryan Betten) Phone Number (231) 755-3711  
Address 749 W Main Street, Lowell, MI 49331  
Street City State Zip  
Fax Number \_\_\_\_\_ Email Address bbetten@bettengm.com
4. Are You: ☐ Property Owner ☒ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: LRE - Kyle Visker Phone Number (616) 301-7888  
Address 2121 3 Mile Rd NW, Walker, MI 49544
6. Present Zoning of Parcel C-3, R-2 & I Present Use of Parcel Car Dealership
7. Master Plan Future Land Use Classification Highway Business
8. Please use the lines below to state the request and the reason(s) for the request:  
(attach additional pages as necessary)
- The properties currently have 3 different zonings (Single Family Residential R-2, General Business C-3 and General Industrial I) but  
have a single use as a car dealership. Both properties are classified as highway business in the Master Plan Future Land Use Map.  
The current and proposed use of a car dealership is a special land use in the General Business C-3 district. It is not an acceptable use  
in the residential or industrial districts. As a result, we are requesting that the two properties be rezoned to General Business C-3.
9. For this application to be complete, the following information must be included:
- ☒ A map clearly illustrating the property to be considered for a zoning change, and the current zoning of all properties within ¼ mile, if applicable
- ☒ A legal description of the property to be considered for a rezoning, if applicable

The facts presented above are true and correct to the best of my knowledge.

Signature: Bryan Betten Date: May 14, 2021

Type or Print Your Name Here: Bryan Betten

## PROPERTY DESCRIPTION

Land situated in the City of Lowell, Kent County, Michigan:

Parcel 1:

Lot 1, Block 39 of Richards & Wickham's Plat of the Village (Now City) of Lowell, according to the plat thereof, as recorded in Liber 2 of Plats, Page 55R, and the part of Lot 8 in Section 2, Town 6 North, Range 9 West, described as: Beginning at the Southeast corner of Lot 1, Block 39 of Richards & Wickham's Plat of the Village (Now City) of Lowell; thence West along the South line of said Lot 1 to the Southwest corner thereof; thence South at right angles to former course and parallel to the West line of West Street, in the Village (Now City) of Lowell 107.5 feet to the North line of Ottawa Street; thence East parallel to the South line of Lot 1, 66 feet to the West line of West Street; thence North along the West line of West Street 107.5 feet to the point of beginning, Also the Northerly 1/2 of vacated Ottawa Street adjoining thereto.

And

Part of Government Lot 8 commencing on the Southeasterly corner of Lot No. 1, Block 39, Richards & Wickham's Plat of the Village (Now City) of Lowell; thence Northeasterly on South line of said plat 81.5 feet; thence South 16 degrees East to North line of Ottawa Street; thence Westerly on North line of said Street, 81.5 feet; thence North 16 degrees West to beginning, Section 2, Town 6 North, Range 9 West. Also the Northerly 1/2 of vacated Ottawa Street adjoining thereto.

41-20-02-376-018

Parcel 2:

Lots 2, 3, 4, and 5 Block 39, Richards & Wickham's Plat of the Village (Now City of Lowell, according to the plat thereof, as recorded in Liber 2 of Plats, Page 55 R, Also: Part of Government 8, Section 2, Town 6 North, Range 9 West, described as: Commencing at the Southwesterly corner of Lot 1, Block 39 of Richards and Wickham's Plat; thence Southwesterly on the South line of Lots 2 and 3 and East 1/2 of Lot 4 to a midway point of the Southerly line of Lot 4; thence South 16 degrees East to North line of Ottawa Street Northeasterly on said North line 165 feet; thence North 16 degrees West to beginning.

Also The Northerly 1/2 of vacated Ottawa Street adjoining thereto.

Also: Lots 112, 113 and 114, Sweet & Smith's Addition to the Village (Now City) of Lowell, according to the plat thereof, as recorded in Liber 7 of Plats, Page 13.

And Also: Part of Government Lot 8, Section 2, Town 6 North, Range 9 West, described as: Commencing at a midway point on the Southerly line of Lot 4, Block 39 of Richards & Wickham's Plat of the Village (Now City) of Lowell; thence Southwesterly on the Southerly line of Lots 4 and 5 of said Block to the West line of Government Lot 8; thence South to the North line of Ottawa Street; thence Northeasterly on the North line of said Street to a point South 16 degrees East of the place of beginning; thence North 16 degrees West to the place of beginning. Also: The Northerly 1/2 of vacated Ottawa Street adjoining thereto.

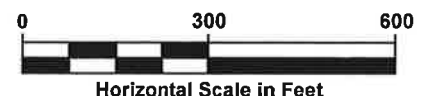
41-20-02-376-017

Contains: 3.197 Acres

## PROPERTY DESCRIPTION

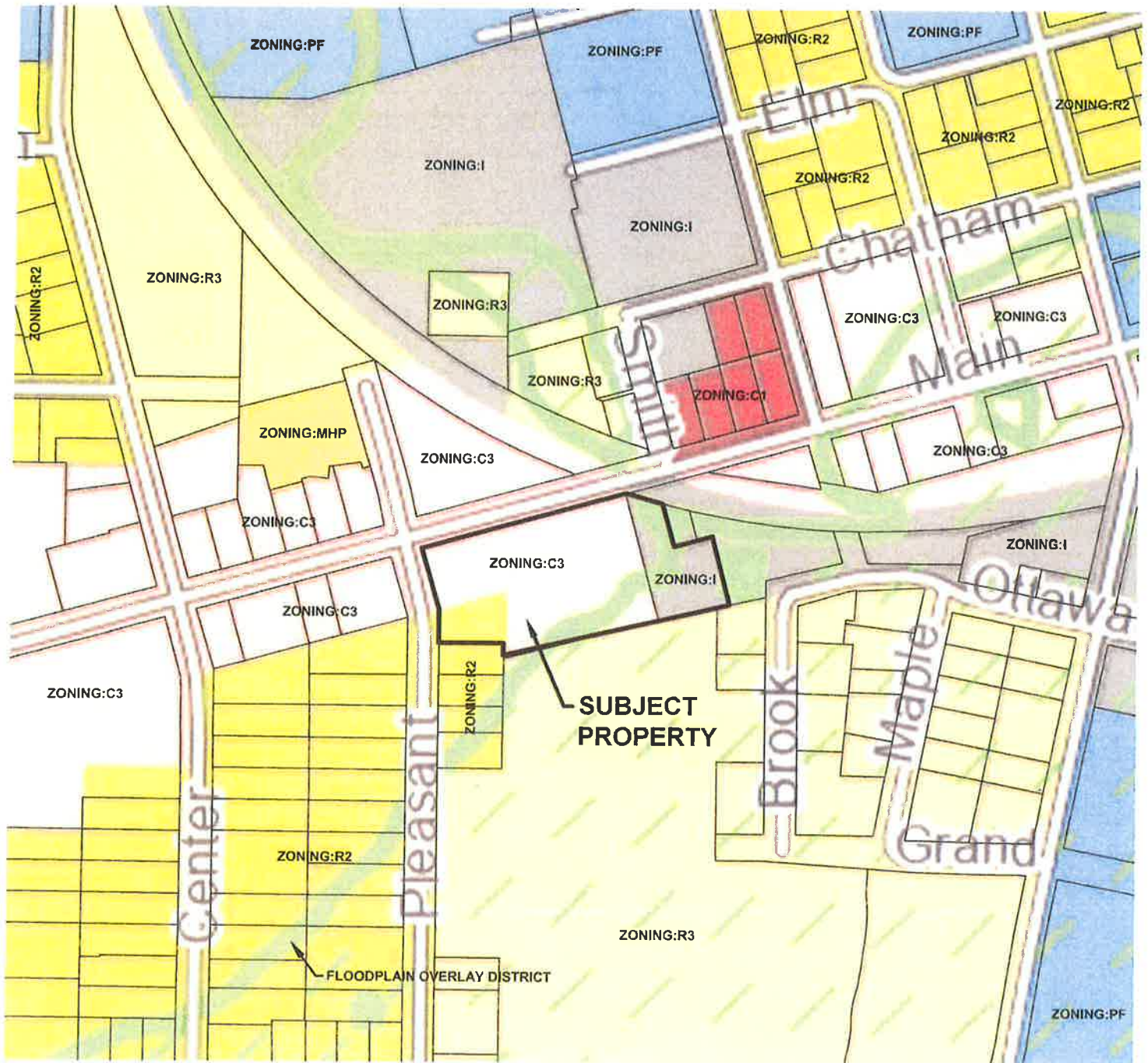


2121 3 Mile Rd. NW  
Walker, MI 49544  
Ph: 616-301-7888  
www.LREMI.com



DATE: 5-14-2021  
PROJECT: 20-143

**EXHIBIT A**



## ZONING MAP

**LRE**  
ENGINEERS & SURVEYORS

2121 3 Mile Rd. NW  
Walker, MI 49544  
Ph: 616-301-7888  
www.LREMI.com



DATE: 5-14-2021  
PROJECT: 20-143

**EXHIBIT A**



# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** June 11, 2021  
**From:** Andy Moore, AICP  
**RE:** **Proposed adult use marihuana zoning amendment**

Included with this memorandum is a proposed zoning ordinance amendment that would amend Section 17.03(FF) of the City's Zoning Ordinance related to adult use marihuana establishments. If adopted, the proposed amendment would prohibit the establishment of any adult use marihuana establishment on property located east of the Flat River.

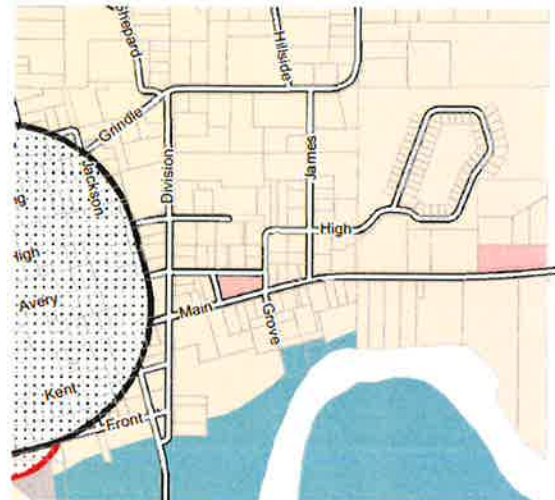
The impetus behind this change is the closure of a child care facility at the Lowell United Methodist Church. When this facility was in operation, the 1,000' isolation radius required for day care facilities served to prohibit adult use marihuana establishments on two of the three commercial properties located on East Main Street, east of downtown. The closure of the day care means that these parcels would be eligible for adult use marihuana establishments.

Given that these commercially zoned parcels are completely surrounded by single-family residential homes, it is the opinion of staff that these areas would not be suitable locations for adult use marihuana facilities and their associated traffic, parking, and similar concerns. Thus, an amendment is proposed that would prohibit the establishment of any adult use marihuana establishment on any property east of the Flat River.

A public hearing has been scheduled for the June 14 Planning Commission meeting, and after the public hearing, the Planning Commission may recommend approval of the proposed amendment to the City Council.

As always, feel free to contact me if there are any questions.

c: Jessica Wood, City Attorney



**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 21-04**

**AN ORDINANCE TO AMEND SECTION 17.03(FF), "ADULT USE MARIHUANA  
ESTABLISHMENTS" OF APPENDIX A, "ZONING," OF THE CODE OF  
ORDINANCES OF THE CITY OF LOWELL**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_,  
moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment of Section 17.03(FF)(5)(b).** Section 17.04FF,5,b of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include a new subsection iv, which reads as follows:

- iv. any property located east of the Flat River

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers \_\_\_\_\_

NAYS: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Susan Ullery  
City Clerk

**CERTIFICATION**

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on \_\_\_\_\_, 2021, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on \_\_\_\_\_, 2021. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2021, and was effective \_\_\_\_\_, 2021, ten (10) days after publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Susan Ullery  
City Clerk

2021				
Open Date	Close Date	Address	Name/Business	Subject
02/04/2021	02/04/2021	514 N. Monroe	Home Specialists	Remodel
03/30/2021	03/30/2021	1490 Sibley	Christian Hattis	Re-Roof
04/08/2021	04/13/2021	318 E. Main	BGR Investments	Fence
04/21/2021	04/27/2021	226 S. Jefferson	Donald Lasby	Addition
04/22/2021	04/28/2021	418 N. Jefferson	Patty Story	Fence
05/04/2021	05/04/2021	1401 W. Main	Rite Aid	Updated Signs
06/03/2021	06/03/2021	781 Foreman	Mark Batchelor	Fence
06/04/2021	06/09/2021	151 N. Center	Paula Rittersdorf	Deck
06/08/2021	06/08/2021	2420 Gee Drive	Lori Gerard	Deck
06/09/2021	06/10/2021	804 Riverside	Taylor Bonga	Fence