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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, DECEMBER 11, 2023 AT 7:00 P.M.

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. October 9, 2023 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. Master Plan Update
 - b. Proposed Zoning Amendment - Temporary Uses
6. NEW BUSINESS
 - a. Informal Presentation from Rick Seese
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, OCTOBER 09, 2023 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 Gadula, Ellis, Chambers, Cadwallader, Plank and Chair Barker.

Absent: Commissioner Schrauben.

Also Present: Andy Moore with William & Works, Lowell City Clerk Sue Ullery, City Attorney Jessica Woods, City Manager Michael Burns.

2. EXCUSE OF ABSENCE.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS that the Planning Commissioners excuse the absence of Commissioner Schrauben.

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

NO: None. ABSENT: Commissioner Schrauben. MOTION CARRIED.

3. APPROVAL OF AGENDA.

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

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

NO: None. ABSENT: Commissioner Schrauben. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to approve minutes of the September 11, 2023 regular meeting as written.

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

NO: None. ABSENT: Commissioner Schrauben. MOTION CARRIED.

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

There were no comments.

6. OLD BUSINESS.

a) Site Plan Review – 805-825 E Main & 112 Horatio.

Greg Taylor who resides at 6467 Fieldview Drive and with CopperRock spoke on changes to their site plan.

Since they met with us a month ago, they have made changes to the site plan which they think all benefit the project and community in various ways. The most meaningful change they feel was they reduced the unit count by 11% from 44 units to 39 units. Doing that, they were able to increase their side yard setback on the west by 50% over what it was before, they were able to increase the front yard setback by 33%, substantially increase the greenspace, provide a single parking lot which improves access, safety, snow plowing abilities and widen the main entrance way on Avery with the preference recommended on the curb cut there. Structure is shorter in length, on the east side go from a three story structure to a two story structure. They received an endorsement from an independent engineer that approves of their site plan.

Chair Barker then opened up the public comments and limited the speaking to three minutes.

Shelby Phillips who resides at 721 E. Main Street appreciate the changes but would like the garbage relocated not near other residents. Ask about changes the other side of the building to two story and wants to know whether the restaurant will serve alcohol.

Bob Rowley who resides at 804 E Main commented on the amount of time they are allowed to speak, does not feel it is fair. Spoke on parking, Standard A and the Master Plan. Not in favor of the CopperRock project.

Don LaPonsie who resides at 717 E Main reiterated that he doesn't feel the CopperRock project fits with the Masterplan. Not in favor of the project.

John Sterly who resides at 711 Avery stated his issue is the traffic flow and explained what he would like to see.

Mike DeVore who resides at 424 Elm spoke regarding his concerns of the project, masterplan and place making plan.

Pam Rowley who resides at 804 E Main spoke about the September meeting, spoke of the residents' unhappiness and worried about this project happening. Standard A – no on-site management. Standard C- take away on street parking. Suggests a public exchange as a group and look at property.

Andy Moore then reviewed the memo and the updated changes.

Chair Barker then questioned the on-site management and ask Mr. Taylor to explain that.

Mr. Taylor explained that his staff has decades of experience, close relationships with tenants, frequent conversations. Staff that will be involved with working through normal conditions and unusual conditions, maintenance calls and they can be contacted during and after normal business office hours. With such a small amount of units, most everything can be handled remotely. On-site would be overkill for a project this size.

Commissioner Ellis asked about the lighting in the parking lot.

Taylor stated it will be standard lighting for a parking lot.

Dean with CopperRock Construction stated building will be locally owned and local people investing. Many of the construction team love Lowell and some live here.

Chair Barker asked if there would be more foliage for the south side on Main Street.

Paul Henderson stated yes, there will be an enhanced buffer and bushes and trees.

Chair Barker reiterated whether Division and Avery would be redone if this were approved. And would there be a roundabout on Main or a traffic light to slow down traffic as you come into town.

City Manager Michael Burns said they could certainly ask for it and look at options. And yes, Division and Avery would be redone right away.

Commissioner Gadula asked to see the updates on snow storage.

Commissioner Cadwallader asked about moving the dumpsters to the southeast corner.

Greg Taylor said they would investigate moving the dumpster there.

Dean said they will look at moving dumpster and they want this to be a very successful operation or they will lose so they will do all they can to make everything right.

City Manager Michal Burns stated they are asking for a foot and a half on the widening of Avery.

Chair Barker then closed the public hearing and asked for Andy Moore with Williams and Works to go through all the standards.

Andy then reviewed all the standards A through F.

Commissioner Plank asked on Standard A- uses, structure and questioned metrics and struggling what does that mean.

Moore stated looking at mixed use, the building everything is R3 (all surrounding property) which allows for increased height.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that Standard A has been met.

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

NO: Commissioner Plank. ABSENT: Commissioner Schrauben. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by ELLIS that Standard B has been met.

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

NO: None. ABSENT: Commissioner Schrauben. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that Standard C has been met.

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

NO: None. ABSENT: Commissioner Schrauben. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CADWALLADER that Standard D has been met.

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

NO: None. ABSENT: Commissioner Schrauben. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that Standard E and F has been met.

YES: Commissioner Cadwallader, Commissioner Ellis, Commissioner Chambers, Commissioner Gadula, Chair Barker.

NO: Commissioner Plank.

ABSENT: Commissioner Schrauben.

MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept the site plan approval for 805 and 825 E. Main and 112 Horatio with the 8 conditions as listed below.

1. Prior to the issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. No grading, preliminary, or final earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
3. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
4. This site plan approval is expressly contingent on Horatio Street being vacated in accordance with the proper statutory procedures.
5. The City engineer and emergency department personnel should review if the proposed buildings can be reached by emergency vehicles, and if the vehicular traffic flow will be efficient as provided by the applicant.
6. 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.
7. The proposed sign along Main Street near Grove shall be a ground sign.
8. The dumpster enclosure shall be eight feet tall with a lid and constructed of masonry.

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

NO: Commissioner Plank.

ABSENT: Commissioner Schrauben.

MOTION CARRIED.

b.) Master Plan Update.

Andrew Moore stated Williams & Works staff is working on the Master Plan and should have additional info next month.

7. **NEW BUSINESS**

There was none.

8. **STAFF REPORT.**

There was none further.

9. **COMMISSIONERS REMARKS.**

Commissioner Chambers stated he is happy to have this done.

Ellis inquired about Grindle/Shepard project and Monroe Street project.

Burns stated Grindle and Shepard are done and Monroe Street is moving along.

Chair Barker reminded everyone to take the survey for the Master Plan.

10. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to adjourn at 8:24 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk

MEMORANDUM

To: City of Lowell Planning Commission
Date: December 5, 2023
From: Andy Moore, AICP
RE: **Proposed Zoning Amendment - Temporary Uses**

A few months ago the Planning Commission considered a proposed special land use permit for a temporary auto sales facility to be located along Main Street. After considerable public comment, the Planning Commission voted to deny the application. After this decision, we were requested to revise applicable provisions of the City Zoning Ordinance to narrow the range of potential land uses that could be offered for sale temporarily to smaller products that coincide with a season or holiday, such as fireworks, Christmas trees, pumpkins, mums, etc. In response to his request, a draft zoning amendment is attached for your consideration.

The proposed amendment would revise Section 4.01 related to "Temporary Uses or Buildings Requiring Zoning Enforcement Officer Authorization." Currently, this section only provides for construction trailers and temporary sales offices. However, for several years the city has allowed additional sales activities, such as Jakes Fireworks, on a temporary basis, through the "open air business" special land use provisions of the zoning ordinance. Unfortunately, utilizing this provision is burdensome considering that a temporary use may only exist for 3-4 weeks per year (or less).

The attached amendment would authorize additional temporary sales to occur in the C-3 district, provided that the sales are related to a seasonal or periodic event and comply with the other standards set forth in the amendment. Perhaps most notably, the amendment would prohibit the sale of large items or equipment such as cars, trucks, boats, construction equipment, etc.

Because this is a zoning amendment, the Planning Commission must hold a public hearing prior to making a recommendation to the City Council.

As always, please contact us if there are any questions.

c: Sue Ullery, City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN
ORDINANCE NO. 24-__**

**AN ORDINANCE TO AMEND SECTION 4.10 “TEMPORARY USES OR BUILDINGS
REQUIRING ZONING ENFORCEMENT OFFICER AUTHORIZATION” 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 4.10. Section 4.10 is amended to read as follows:

- A. Upon application, the zoning enforcement officer may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than six (6) calendar months. Permits may be renewed by the zoning enforcement officer for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.
1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
 2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, such temporary office or model home shall be removed when fifty (50) percent or more of the lots or units have been sold or leased.
- B. Seasonal Merchandise Sales. Upon application, the zoning enforcement officer may issue a permit for the temporary sale of merchandise in the C-3, General Commercial district, related to a seasonal or periodic event, subject to the following standards:
1. In considering a request for a temporary permit, the zoning enforcement officer must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use.
 2. Each permit shall be valid for a period of not more than one (1) calendar months and may be renewed by the zoning enforcement officer for one successive period of one (1) additional month, provided the season or event to which the use relates is continued.
 3. Merchandise offered for sale shall be limited to small items related to a seasonal or periodic event, such as pumpkins, Christmas trees, fireworks, and similar items. In no case shall the sale of large items or equipment such as cars, trucks, motorcycles, off-road vehicles, boats, RVs, construction equipment, and similar items be permitted.

4. The provisions of this Section are not intended to regulate peddlers or solicitors as defined and regulated by the provisions of Chapter 15 of the City of Lowell Code of Ordinances.

C. In considering authorization for all temporary uses or buildings, the zoning enforcement officer shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this section are met. The zoning enforcement officer shall determine that:

1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
2. The use or structure is reasonably necessary for the convenience and safety of the construction proposed;
3. The use or structure does not adversely impact the character of the surrounding neighborhood;
4. Access to the use area or structure is located at a safe location.
5. Access to the area or structure will not constitute a traffic hazard due to ingress or egress;
6. Adequate off-street parking is available to accommodate the use;
7. The use or structure shall not create or emit noise, odors, vibration, dust, smoke or glare that is obnoxious, harmful or a nuisance to adjacent properties or the neighborhood;
8. If the zoning enforcement officer finds that any conditions of the temporary use permit or any requirements of this ordinance or other ordinances of the city have been violated, the temporary use permit may be rescinded.

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.

YES: Councilmembers _____

NO: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2024

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 _____ 2024, 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 _____, 2024. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2024, and was effective _____, 2024, ten (10) days after publication.

Dated: _____, 2024

Susan Ullery
City Clerk

2023				
Open Date	Close Date	Address	Name/Business	Subject
01/05/2023	01/17/2023	860 Hillside Ct.	John Barnett	New House
02/10/2023	02/10/2023	211 ½ W. Main	Joe Rathbun	Remodel
03/06/2023	03/06/2023	799 Foreman	Astrino Holdings LLC	Remodel
03/16/2023	03/16/2023	1335 W. Main	Alicia Pestka	Remodel
03/20/2023	03/20/2023	830 N. Washington	Brandon Gessler	Reroof
04/03/2023	04/06/2023	2055 Bowes	American Tower	New Equipment
04/17/2023	04/21/2023	1335 W. Main	Michael Berry	Remodel
05/01/2023	05/08/2023	2204 Gee Drive	Herb Vanderbilt	Front Porch Enclosure
05/12/2023	05/17/2023	310 King	Kedron Rhodes	Shed
05/22/2023	05/24/2023	510 High	David and Amy Martin	Shed
06/02/2023	06/02/2023	632 Birchwood Ct	Thomas McClurg	Finish basement
06/12/2023	06/20/2023	505 W. Main Suite E	Bisera Riordan	Remodel
06/20/2023	06/20/2023	746 W. Main	Betten Baker	Demo
06/19/2023	06/20/2023	1030 Hunt	Jessica Eidenier	Pool
06/13/2023	06/22/2023	2212 Gee Drive	Bernie Diekevers	Accessory Building
07/05/2023	07/11/2023	218 S. Jefferson	Brian McLane	Shed
07/27/2023	07/27/2023	2179 Gee Drive	Cory Cichoracki	Remodel
08/08/2023	07/24/2023	755 Alden Nash	Daniel Godinez	Pool Demo
08/16/2023	08/17/2023	905 N. Washington	Steven Wright	Fence
08/30/2023	09/08/2023	718 Lincoln Lake	James Miles	Covered Porch
09/07/2023	09/11/2023	813 Avery	Patricia Reed	Deck with Ramp
09/07/2023	09/13/2023	514 N. Monroe	Jody Horton	Pool Demo
09/20/2023	09/20/2023	1405 Laurie Gail	Terrance Carroll	Shed
10/02/2023	10/10/2023	209 Pine	Kurt Gallert	Shed
10/12/2023	10/12/2023	701 Grindle	Debbie Wagoner	Shed
10/30/2023	10/30/2023	709 Lafayette	Bob Hults	Home Demo
10/30/2023	10/30/2023	709 Lafayette	Bob Hults	Duplex

11/09/2023	11/09/2023	741 Hillside Ct.	Shannon Hollemans	Fence
10/31/2023	10/31/2023	261 Jane Ellen Dr.	Ashley Freeman	New Roof