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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, NOVEMBER 12, 2018 AT 7:00 P.M.
AT THE
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. October 8, 2018 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. Public Hearing - Planned Unit Developments – Proposed Amendments
 - b. Public Hearing – Residential Zoning Districts
6. NEW BUSINESS
 - a. Public Hearing – Burger King Special Land Use and Site Plan Review – 1400 W. Main Street
 - b. Public Hearing – Michael and Lindsay Bryan Special Land Use and Site Plan Review – 216 E. Main Street
 - c. Schneider Manor – Extension of the Site Plan approval
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 08, 2018 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 Commissioner Chair Bruce Barker.

Present: Commissioners David Cadwallader, Tony Ellis, Amanda Schrauben, Kelly Breimayer and Chair Bruce Barker.

Absent: Commissioners Marty Chamber and Colin Plank.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery and Andy Moore with William & Works.

2. APPROVAL OF ABSENCES.

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to excuse the absence of Commissioners Marty Chambers and Colin Plank.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

3. APPROVAL OF AGENDA.

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

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the minutes of the September 10, 2018 regular meeting as corrected.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

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

There was none.

6. OLD BUSINESS.

There was none.

7. NEW BUSINESS.

a. Chapter 15 – PUD Planned Unit Developments – Proposed Amendments.

The Planning Commissioners discussed the Planned Unit Development (PUD) at length.

Todd Shaal spoke in regards to working with other communities establishing a PUD. By general consensus, the planning commissioners decided to hold a public hearing on the PUD districts and Residential districts at the November 12, 2018 Planning Commission meeting.

8. **STAFF REPORT.**

No Comments

9. **COMMISSIONERS REMARKS.**

There was none.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to adjourn at 8:12 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan S. Ullery, City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 18-__

**AN ORDINANCE TO AMEND CHAPTER 15 – PLANNED UNIT DEVELOPMENT
DISTRICT, 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 Chapter 15. Chapter 15 of Appendix A, “Zoning,” of the Code
of Ordinance of the City of Lowell is amended in its entirety to read as follows:

CHAPTER 15 - PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 15.01 - DESCRIPTION AND PURPOSE

Description. This chapter offers an alternative to conventional development and traditional zoning standards by permitting flexibility in the regulations for development through the authorization of Planned Unit Development (PUD) Districts. The standards in this chapter are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses, the City’s Master Plan and, where applicable, preserving the existing natural features of the area.

Purpose. The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, these requirements might result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The purpose of a PUD is to permit and control the development of planned areas for various compatible uses allowed by the zoning ordinance and for other uses not so provided. It is intended that uses in a PUD afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

SECTION 15.02 - OBJECTIVES AND QUALIFYING CONDITIONS

A. The degree to which the following objectives are satisfied shall be considered by the Planning Commission and City Council in its review of a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:

1. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where included in the plan, other support facilities in a generally central location within reasonable distance of all dwelling units.
2. To encourage developers to use a more creative and imaginative approach in the development of property.
3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.
4. To facilitate economic development through the creation of a mix of uses and/or building types.
5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.
6. To provide for the adaptive re-use of significant or historic buildings;
7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.
8. To promote flexibility in design and permit planned diversification in the location of structures.
9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
10. To minimize of adverse traffic impacts and to accommodate of safe and efficient pedestrian access and circulation;
11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair; and
12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
13. To ensure a quality of construction commensurate with other developments within the city.

B. Qualifying conditions.

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.

2. Conditions. To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:
 - a. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
 - b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
 - c. The PUD is designed to preserve in perpetuity at least sixty (60) percent of the total area of the site in open space.
 - d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.
3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted City of Lowell Master Plan.

SECTION 15.03 - USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY

- A. The following uses may be permitted in a PUD:
 1. Uses permitted by right or by special land use in the underlying zoning district;
 2. Any use that is determined to be consistent with the City of Lowell Master Plan;
 3. A combination of residential, commercial, and public uses which are compatible with existing and adjacent land uses;
- B. Only those uses approved for the PUD district shall thereafter be permitted within the PUD.
- C. For PUDs located in non-residential or mixed use districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the City's Master Plan, existing and future surrounding land uses, capacity of public utilities and services, and other applicable factors.
- D. For PUDs located in residential zoning districts, the permitted density shall not be greater than that permitted by the underlying zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district, then the number of dwelling units shall be calculated on a proportionate basis.
- E. The total amount of land to be used for the calculation of the permitted density in a PUD in subsection D above shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.
- F. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.

SECTION 15.04 – NON-RESIDENTIAL AND MIXED USE PUDS

- A. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
- B. Mixed uses shall be permitted only if they will not materially alter the character of the neighborhood and/or the PUD.
- C. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).
- D. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - 1. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
 - 2. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

SECTION 15.05 – DESIGN STANDARDS

- A. Deviations from Minimum Requirements. In approving a PUD, the City may permit deviations from the lot area and width requirements, parking requirements, required buffers, building setback requirements, height limitations, and other requirements of this Ordinance provided that such deviations are consistent with all other requirements of this Chapter and the following standards:
 - 1. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved by the City Council after the Planning Commission recommendation. These adjustments may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses.
 - 2. Deviations from the minimum requirements shall also satisfy at least one (1) of the following criteria:
 - a. The proposed deviations shall preserve the best natural features of the site;
 - b. The proposed deviations shall create, maintain, or improve habitat for wildlife;
 - c. The proposed deviations shall create, improve, or maintain open space for the residents;
 - d. The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;
 - e. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property, and/or;
 - f. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.

B. Other Requirements.

1. All electric, cable, internet, and telephone transmission wires within the PUD shall be placed underground.
2. Signs are permitted in accordance with the underlying zone district in which the proposed uses are permitted.

C. Conditions. The City Council may impose conditions with the approval of a PUD which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval and shall be enforced by the zoning enforcement officer.

SECTION 15.06 - OPEN SPACE

If open space is provided in the PUD, it shall meet the following considerations and requirements:

- A. Open space may be established to separate use areas within the PUD.
- B. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may reasonably utilize the available open space.
- C. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the City of the future maintenance thereof.
- D. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
- E. All land set aside as open space shall be deed restricted to ensure that the open space remains undeveloped in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
- F. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed, to the satisfaction of the City, which shall take responsibility for the maintenance of the open space.
- G. The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this chapter, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm damage, or removal of diseased plant materials, and similar improvements.
- H. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

SECTION 15.07 – GENERAL APPLICATION PROCEDURES

- A. An application for a PUD shall be submitted and acted upon in accordance with the following procedures:
- B. The following steps, which are outlined in Section 15.08-15.11, shall apply to all applications for PUD approval, whether residential, non-residential, or mixed use:
 - 1. Preliminary Planning Commission Review (Optional). A preliminary Plan may be submitted to the Planning Commission for initial review. The applicant may attend a pre-application review of the proposed PUD Plan with the Planning Commission.
 - 2. PUD Plan and PUD Rezoning.
 - a. The Planning Commission shall review the PUD Plan and PUD Rezoning application, hold a public hearing (if desired), and make a written recommendation to the City Council.
 - b. The City Council shall review the PUD Plan and PUD Rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
 - 3. PUD Final Site Plan Review. The Zoning Enforcement Officer and other applicable City personnel shall review the PUD Final Site Plan in accordance with Section 15.11 of this Ordinance.
- C. An application for planned unit development shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 15.10, and other criteria imposed by this ordinance affecting the planned unit development under consideration.
- D. Either concurrently with the PUD Plan application, or upon approval by the City Council (with or without conditions), the applicant may apply for preliminary plat approval, condominium approval, and private road approval, if as applicable.
- E. Approval of a PUD pursuant to this Chapter shall constitute an amendment to the City of Lowell Zoning Map.

SECTION 15.08 – PRELIMINARY PLANNING COMMISSION REVIEW (OPTIONAL)

A preliminary plan review and conference may be held between the applicant and the Planning Commission.

- A. Preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PUD review. Such preliminary plans shall include as a minimum the information specified in Section 15.08(B).
- B. As part of the pre-application review, the applicant shall submit a copy of a conceptual plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of

lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.

- C. The Planning Commission shall advise the applicant regarding whether the proposed conceptual plan complies with the purpose and intent of this Chapter, and if it qualifies for PUD rezoning pursuant to the requirements of Section 15.02 of this Ordinance.
- D. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval of the preliminary plan.

SECTION 15.09 – PROCEDURES FOR PUD PLAN AND PUD REZONING

- A. Required Information. Following the preliminary review (if conducted), the applicant shall submit a completed application form for PUD rezoning, any required application fees, and ten (10) copies and a PDF of the PUD Plan to the Planning Commission at least twenty-one (21) days prior the next Planning Commission meeting.

The PUD Plan shall be professionally prepared by a licensed engineer, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PUD Plan shall, at a minimum, contain the following information, **unless the submission of specific items is waived by the Zoning Enforcement Officer:**

1. General Information.

- a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.
- b. Name and address of the property owner or petitioner.
- c. Scale, north arrow, and date.
- d. Acreage, gross and net.
- e. Zoning of adjacent properties.
- f. Legal property description.
- g. Existing Site Conditions.

- 1) Boundary survey lines and setbacks.
- 2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the City.
- 3) Location, width, and purpose of all existing easements and lease areas, including cross-access.
- 4) Abutting street right(s)-of-way and width.
- 5) Topography with contour intervals of no more than two (2) feet.
- 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, rivers, creeks,

County drains, and other significant site features, including the area of such features.

- 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
- 8) Size and location of existing utilities and status, where applicable.

h. Proposed Development.

- 1) Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
- 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
- 4) Layout and typical dimensions of building envelopes, proposed parcels, and lots.
- 5) Parking, stacking, and loading calculations, if applicable.
- 6) Phasing plan, if applicable.
- 7) Conceptual plan for provision of public water and public sanitary sewer services.
- 8) Conceptual grading plan.
- 9) Conceptual stormwater plan.
- 10) Conceptual building types, including building elevations and footprints.

i. Additional Information.

- 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of Section 15.10 are met.
- 2) A table detailing all requested deviations identified in the PUD concept plan compared to the requirements of the underlying zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.
- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

B. Planning Commission Review and Optional Public Hearing.

1. The Planning Commission shall review the PUD Plan at a regular or special meeting and may hold a public hearing, though it is not required. Notice of the public hearing (if held) shall be provided in accordance with the Michigan Zoning Enabling Act, as amended.
2. Following the public hearing (if conducted), the Planning Commission shall review the PUD Plan in consideration of public hearing comments, technical reviews from City staff and consultants, and other applicable standards and requirements. Within a reasonable timeframe after the public hearing (if held), the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Plan and PUD rezoning to the City Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
3. In order to recommend approval of the PUD Plan and PUD rezoning, the Planning Commission shall find that the standards of Section 15.10 are satisfied.

C. City Council Review and Required Public Hearing.

1. Following receipt of a recommendation from the Planning Commission on the PUD Plan and PUD rezoning, a public hearing of the City Council shall be scheduled in accordance with the Michigan Zoning Enabling Act, as amended.
2. After the public hearing, the City Council shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from city staff and consultants, and other applicable standards and requirements. Within a reasonable time, the City Council shall approve, deny, or approve with conditions the PUD Plan and PUD rezoning. The City Council's decision shall be documented with written findings to justify its decision.
3. In accordance with the Michigan Zoning Enabling Act, as amended, the City Council may place reasonable conditions on the approval of a PUD Plan, including a performance guarantee pursuant to Section 15.13(E). Conditions attached to the approval shall be incorporated into the PUD adoption ordinance.
4. Approval of the PUD Plan and PUD rezoning by the City Council shall be incorporated into a rezoning amendment to the City of Lowell Zoning Ordinance and Map. Such rezoning shall be shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

SECTION 15.10 – PUD PLAN AND REZONING STANDARDS FOR APPROVAL

In order to approve a PUD Plan and Rezoning, the Planning Commission and City Council shall find that all of the following standards are met:

- A. The proposed PUD complies with the Intent and Purpose and all Qualifying Conditions of Sections 15.01 and 15.02 of this Chapter, respectively.

- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted City of Lowell Master Plan.
- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- F. The proposed PUD shall satisfy all applicable local, state, and federal regulations.

SECTION 15.11 - PUD FINAL SITE PLAN - ADMINISTRATIVE REVIEW

1. Within 12 months after PUD Plan and PUD rezoning approval by the City Council, a minimum of four (4) copies and a PDF the PUD Final Site Plan for the entire PUD (or at least one phase of the PUD) shall be submitted by the applicant in accordance with Chapter 18 of this Ordinance to the City Clerk.
2. All PUD Final Site Plans subsequently submitted shall conform to the approved PUD Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Chapter.
3. If the PUD Final Site Plans substantially conform to the approved PUD Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Chapter, then the City shall approve the PUD Final Site Plan.
4. Unless otherwise required by subsection 6 below, PUD Final Site Plans shall be reviewed administratively by the Zoning Enforcement Officer and any other applicable City personnel. In cases where it is unclear whether or not a site plan substantially conforms to the approved PUD Plan and/or any conditions attached to its approval, the Zoning Enforcement Officer shall refer PUD final site plan to the Planning Commission for review and action pursuant to the requirements of Chapter 18 of this Ordinance.
5. For land uses within the PUD that require special conditions, such uses shall comply with all such required conditions unless deviations were approved pursuant to this Chapter.
6. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this Ordinance and other City Ordinances. These reviews may occur concurrently with the application for PUD Plan review and PUD rezoning.
- 7.

SECTION 15.13 – CONCURRENT REVIEW (DELETED)

SECTION 15.13 - APPROVED PUDS

- A. Phased Projects. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the community. Each phase of a PUD project shall require the submittal of a site plan and review under the procedures and requirements of this chapter and other applicable City Ordinances.
- B. Amendments to an Approved PUD. An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and City Council pursuant to Sections 15.09(B-C), except that the City may administratively review and approve minor amendments to the PUD, or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
1. Reduction of the size of any building, building envelope, or sign.
 2. Movement of buildings or signs by no more than ten feet.
 3. Changes requested by the City for safety reasons.
 4. Changes which will preserve natural features of the land without changing the basic site layout.
 5. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent or which do not change the average lot or unit width throughout the development.
 6. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan
 7. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change.
 8. Other non-substantive changes proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the City to be not material or significant in relation to the entire site and which the Department determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety and welfare.
 9. Any changes or items delegated to the City by the Planning Commission and/or City Council as a condition of approval.
- C. Expiration. Approval of the PUD Plan and rezoning by the City Council shall confer upon the owner of the property the right to submit a proposed PUD Final Site Plan within a period not to exceed one (1) year from the date of the approval and rezoning, subject to the following:

1. Each development shall be under meaningful construction of proposed improvements consistent with the approved site plan within one (1) year after the date of approval of the Final PUD Site Plan, which shall proceed diligently to completion. For the purposes of this subsection, "meaningful construction" means substantial completion of improvements such as utilities, roads, buildings, and similar improvements.
 2. Upon expiration of the time period for submission of either the (1) PUD Concept Plan and rezoning, or (2) the PUD Final Site Plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
 3. The City Council may, for good cause, approve extensions of up to two (2) years at a time, if requested in writing by the applicant prior to the expiration date of the original PUD Plan approval or PUD Final Site Plan approval. In requesting an extension, the applicant shall provide reasonable justification for the proposed extension to the City Council.
 4. Upon expiration of a PUD Plan or PUD Final Site Plan, the Planning Commission may conduct a public hearing and make a recommendation to revoke the PUD zoning and rezone the property to its original designation or other district as deemed appropriate.
- D. Appeals and Variances. The Board of Zoning Appeals shall not have jurisdiction to consider variances from the requirements of this Chapter, nor may decisions related to a Planned Unit Development be appealed to Board of Zoning Appeals.
- E. Performance Guarantees. The City Council may, to ensure strict compliance with any requirement contained in this Chapter, require the applicant for PUD rezoning to furnish a performance guarantee such as a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City Attorney, executed by a company authorized to do business in the state of Michigan in an amount determined by the City Council to be reasonably necessary to ensure compliance with the requirements of this Chapter. In fixing the amount of guarantee, the City Council shall take into account the size and scope of the proposed project, the phasing of the project, the probable cost of rehabilitating the property upon default by the applicant, the estimated expenses to compel compliance by court decree, and such other factors and conditions as might be relevant in the light of all facts and circumstances surrounding the application.

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: _____, 2018

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 _____ 2018, 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 _____, 2018. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2018, and was effective _____, 2018, ten (10) days after publication.

Dated: _____, 2018

Susan Ullery

City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: October 2, 2018
From: Andy Moore, AICP
RE: **Planned Unit Developments – Proposed Amendments**

The purpose of this memorandum is to review the updated provisions related to Planned Unit Developments (PUDs) in the City of Lowell. Due to the extensive nature of the amendments, we have provided both clean and marked-up versions of the updated Chapter to allow Commissioners to track the amendments. The following language includes additions and edits (highlighted) to existing Zoning Ordinance text.

A summary of the changes is as follows:

1. Sections 15.01 and 15.02 were expanded to allow for a greater variety of PUD projects in the City.
2. The qualifying conditions in Section 15.02 were modified to allow for parcels smaller than 5 acres to be developed as PUDs.
3. The permitted land uses in Section 15.03 were liberalized to allow for more potential land uses in a PUD, as long as such uses are consistent with the underlying district, the Master Plan, and existing and adjacent uses.
4. Also in Section 15.03, language was added specifying what the maximum permitted density would be for residential and non-residential PUDs.
5. Additional language was added in Section 15.04 related to non-residential and mixed-use PUDs.
6. Section 15.05 was renamed "Design Standards." The general standards were removed and are now stated in Section 15.10. Additional language was added permitting deviations from the requirements of the underlying district, and standards were added to justify such deviations.
7. In section 15.06, open space provisions were largely unchanged.
8. In sections 15.07-15.11, application procedures were expanded and clarified. As proposed, an applicant is required to submit a PUD concept plan for approval by the Planning Commission and City Council. If approved, the applicant would then return to the Planning Commission with additional detail for final plan review (see 15.11). Public hearings would be required by both the Planning Commission and City Council during the "concept plan" review.
9. Section 15.10 specifies the standards that must be met in order for a PUD to be approved.

10. Section 15.12 allows for concurrent review of a preliminary and final development plan, at the applicant's option (and risk).

11. Section 15.13 addresses a number of items that would apply to approved projects, such as project phasing, amendments, expiration, and other administrative items.

We look forward to reviewing these changes with you at October 8 meeting. If there are any questions, please feel free to contact us.

CHAPTER 15 - PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 15.01 - DESCRIPTION AND PURPOSE

Description. This chapter offers an alternative to conventional development and traditional zoning standards by permitting flexibility in the regulations for development through the authorization of Planned Unit Development (PUD) Districts. The standards in this chapter are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses, the City's Master Plan and, where applicable, preserving the existing natural features of the area.

Purpose. The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, these requirements might result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The purpose of a Planned Unit development (PUD) is to permit and control the development of planned areas for various compatible uses allowed by the zoning ordinance and for other uses not so provided. It is intended that uses in a PUD afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

SECTION 15.02 - OBJECTIVES AND QUALIFYING CONDITIONS

- A. The degree to which the following objectives are satisfied shall be considered by the Planning Commission and City Council in its review of a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:
 1. To encourage the provision and protection of open spaces, cultural/historic resources and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units.
 2. To encourage developers to use a more creative and imaginative approach in the development of property.
 3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.
 4. To facilitate economic development through the creation of a mix of uses.
 5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.
 6. To provide for the adaptive re-use of significant or historic buildings;
 7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

8. To promote flexibility in design and permit planned diversification in the location of structures.
9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
10. To minimize of adverse traffic impacts and to accommodate of safe and efficient pedestrian access and circulation;
11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair; and
12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
13. To ensure a quality of construction commensurate with other developments within the city.

B. Qualifying conditions.

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
2. To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:
 - a. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
 - b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
 - c. The PUD is designed to preserve in perpetuity at least sixty (60) percent of the total area of the site in open space.
 - d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.
3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted City of Lowell Master Plan.

SECTION 15.03 - USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY

A. The following uses may be permitted in a PUD:

1. Uses permitted by right or by special land use in the underlying zoning district;
2. Any use that is determined by the Planning Commission to be consistent with the City of Lowell Master Plan;
3. A combination of residential, commercial, and public uses which are determined to be compatible with existing and adjacent land uses;

- B. Only those uses approved for the PUD district shall thereafter be permitted within the PUD.
- C. For PUDs located in non-residential or mixed use districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the City's Master Plan, existing and future surround land uses, capacity of public utilities and services, and other applicable factors.
- D. For PUDs located in one or more residential zoning districts, the permitted density shall not be greater than that permitted by the underlying zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district, then the number of dwelling units shall be calculated on a proportionate basis.
- E. The total amount of land to be used for the calculation of the permitted density in a PUD in subsection B above shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.
- F. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.

SECTION 15.04 – NON-RESIDENTIAL AND MIXED USE PUDS

- A. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
- B. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
- C. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).
- D. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - 1. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
 - 2. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

SECTION 15.05 – DESIGN STANDARDS

- A. Deviations from Minimum Requirements. In approving a PUD, the City may permit deviations from the lot area and width requirements, parking requirements, required buffers, building setback requirements, height limitations, and other requirements of this Ordinance provided that such deviations are consistent with all other requirements of this Chapter and the following regulations:
 - 1. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved by the City Council after the Planning Commission recommendation. These adjustments may be permitted if they will result

in a higher quality of development or better integration of the proposed use(s) with surrounding uses.

2. Deviations from the minimum requirements shall also satisfy at least one (1) of the following criteria:
 - a. The proposed deviations shall preserve the best natural features of the site;
 - b. The proposed deviations shall create, maintain or improve habitat for wildlife;
 - c. The proposed deviations shall create, improve or maintain open space for the residents;
 - d. The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;
 - e. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property, and/or;
 - f. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.

B. Other Requirements.

1. All electric, television cable, and telephone transmission wires within the PUD shall be placed underground.
2. Signs are permitted in accordance with the underlying zone district in which the proposed uses are permitted.

- C. Conditions. The City council may impose conditions with the approval of a PUD which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval and shall be enforced by the zoning enforcement officer.

SECTION 15.06 - OPEN SPACE

If open space is provided in the PUD, it shall meet the following considerations and requirements:

- A. Open space may be established to separate use areas within the PUD.
- B. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
- C. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the City of the future maintenance thereof.
- D. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
- E. All land set aside as open space shall be deed restricted to ensure that the open space remains undeveloped in perpetuity. Land set aside for agriculture may, at the discretion of

the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

- F. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- G. The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this chapter, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm damage, or removal of diseased plant materials, and similar improvements.
- H. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

SECTION 15.07 – GENERAL APPLICATION PROCEDURES

- A. An application for a PUD shall be submitted and acted upon in accordance with the following procedures:
- B. The following steps, which are outlined in Section 15.08-15.11, shall apply to all applications for PUD approval, whether residential, non-residential, or mixed use:
 - 1. Preliminary Planning Commission Review (Optional). A preliminary Plan may be submitted to the Planning Commission for initial review. The applicant may attend a pre-application review of the proposed PUD Concept Plan by the Planning Commission.
 - 2. PUD Concept Plan and PUD Rezoning.
 - a. The Planning Commission shall review the PUD Concept Plan and PUD Rezoning application, hold a public hearing, and make a written recommendation to the City Council.
 - b. The City Council shall review the PUD Concept Plan and PUD Rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
 - 3. PUD Final Site Plan Review. The Planning Commission shall review the PUD Final Site Plan in accordance with Section 15.11 and Chapter 18 of this Ordinance.
- C. An application for planned unit development shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 15.10, and other criteria imposed by this ordinance affecting the planned unit development under consideration.
- D. Upon the approval, or approval with conditions by the City Council, the applicant may apply for preliminary plat approval, condominium approval, and private road approval, if as applicable.

- E. Approval of a PUD pursuant to this Chapter shall constitute an amendment to the City of Lowell Zoning Map.

SECTION 15.08 – PRELIMINARY PLANNING COMMISSION REVIEW (OPTIONAL)

A pre-application concept plan review and conference may be held between the applicant and the Planning Commission.

- A. Preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PUD review. Such preliminary plans shall include as a minimum the information specified in Section 15.08(B).
- B. As part of the pre-application review, the applicant shall submit a copy of a preliminary Concept Plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
- C. The Planning Commission shall advise the applicant regarding whether the proposed preliminary plan complies with the purpose and intent of this Chapter, and if it qualifies for PUD rezoning pursuant to the requirements of Section 15.02 of this Ordinance.
- D. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval of the preliminary plan.

SECTION 15.09 – PROCEDURES FOR PUD CONCEPT PLAN AND PUD REZONING

- A. Required Information. Following the preliminary review, the applicant shall submit a completed application form for PUD rezoning, any required application fees, and four (4) copies and a PDF of the PUD Concept Plan to the Planning Commission at least twenty-one (21) days prior the next Planning Commission meeting.

The PUD Concept Plan shall be professionally prepared by a licensed engineer, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PUD Concept Plan shall, at a minimum, contain the following information:

- 1. General Information.
 - a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.
 - b. Name and address of the property owner or petitioner.
 - c. Scale, north arrow and date.
 - d. Acreage, gross and net.
 - e. Zoning of adjacent properties.

f. Legal property description.

g. Existing Site Conditions.

- 1) Boundary survey lines and setbacks.
- 2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the City.
- 3) Location, width, and purpose of all existing easements and lease areas, including cross-access.
- 4) Abutting street right(s)-of-way and width.
- 5) Topography with contour intervals of no more than two (2) feet.
- 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, rivers, creeks, County drains, and other significant site features, including the area of such features.
- 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
- 8) Size and location of existing utilities and status, where applicable.

h. Proposed Development.

- 1) Layout of proposed buildings, structures, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
- 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
- 4) Layout and typical dimensions of building envelopes, proposed parcels and lots.
- 5) Parking, stacking and loading calculations, if applicable.
- 6) Site Development.
- 7) Phasing plan, if applicable.
- 8) Conceptual plan for provision of public water and public sanitary sewer services.
- 9) Preliminary grading plan.
- 10) Stormwater concept plan.
- 11) Building type concepts, including building elevations and footprints.

i. Additional Information.

- 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of Section 15.10 are met.
- 2) A table detailing all requested deviations identified in the PUD concept plan compared to the requirements of the underlying zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.
- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

B. Planning Commission Review and Public Hearing.

1. The Planning Commission shall review the PUD Concept Plan at a regular or special meeting and shall hold a public hearing. Notice of the public hearing shall be provided in accordance with the Michigan Zoning Enabling Act, as amended.
2. Following the public hearing, the Planning Commission shall review the PUD Concept Plan in consideration of public hearing comments, technical reviews from City staff and consultants, and other applicable standards and requirements. Within a reasonable timeframe after the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Concept Plan and PUD rezoning ordinance to the City Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
3. In order to recommend approval of the PUD Concept Plan and PUD Rezoning, the Planning Commission shall find that the standards of Section 15.10 are satisfied.

C. City Council Review and Public Hearing.

1. Following receipt of a recommendation from the Planning Commission on the PUD Concept Plan and PUD Rezoning, a public hearing of the City Council shall be scheduled in accordance with the Michigan Zoning Enabling Act, as amended.
2. After the public hearing, the City Council shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from city staff and consultants, and other applicable standards and requirements. Within a reasonable time, the City Council shall approve, deny, or approve with conditions the PUD Concept Plan and PUD Rezoning. The City Council's decision shall be documented with written findings to justify its decision.
3. In accordance with the Michigan Zoning Enabling Act, as amended, the City Council may place reasonable conditions on the approval of a PUD, including a performance guarantee pursuant to Section 15.13(F). Conditions attached to the approval shall be incorporated into the PUD adoption ordinance.

4. Approval of the PUD Concept Plan and PUD rezoning by the City Council shall be incorporated into a rezoning amendment to the City of Lowell Zoning Ordinance and Map. Such rezoning shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

SECTION 15.10 – PUD CONCEPT PLAN AND REZONING STANDARDS FOR APPROVAL

In order to approve a PUD Concept Plan and Rezoning, the Planning Commission and City Council shall find that all of the following standards are met:

- A. The proposed PUD complies with the Intent and Purpose and all Qualifying Conditions of Sections 15.01 and 15.02 of this Chapter, respectively.
- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted City of Lowell Master Plan.
- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- F. The proposed PUD shall satisfy all applicable local, state, and federal regulations.

SECTION 15.11 - PUD FINAL SITE PLAN REVIEW BY THE PLANNING COMMISSION

1. Within 12 months after PUD Concept Plan and PUD rezoning approval by the City Council, a minimum of four (4) copies and a PDF of the PUD Final Site Plan for the entire PUD (or at least one phase of the PUD) shall be submitted by the applicant in accordance with Chapter 18 of this Ordinance to the City Clerk.
2. All PUD Final Site Plans subsequently submitted shall conform to the approved PUD Concept Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Chapter.
3. For land uses within the PUD that require special conditions, such uses shall comply with all such required conditions unless deviations were approved pursuant to this Chapter.
4. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this Ordinance and City Ordinances.

SECTION 15.12 - CONCURRENT REVIEW

- A. At his/her option and risk, an applicant may request that a PUD Final Site Plan be reviewed concurrently with an application for Concept Plan review and PUD rezoning.
- B. If requested, the Planning Commission may approve or deny (or recommend approval or denial) of certain permitted or uses requiring specific authorization, tentative preliminary plats, condominiums, site condominiums, or other development forms within a PUD pursuant to Section 15.11(4) above, concurrently with its decision related to the preliminary site development plan review and PUD rezoning.
- C. If approval is recommended, such approval(s) or recommendation(s) of approval shall be conditioned upon the City Council's approval of the PUD Concept plan and PUD rezoning pursuant to Section 15.09(c).
- D. In all cases, no land use authorization shall be given until all required permits and approvals are granted by the City in accordance with applicable standards.

SECTION 15.13 - APPROVED PUDS

- A. Phased Projects. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the community. Each phase of a PUD project shall submit a site plan and review under the procedures and requirements of this chapter and other applicable City Ordinances.
- B. Amendments to an Approved PUD. An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and City Council pursuant to Sections 15.09(B-C), except that the City may review and approve minor amendments to the PUD or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
 - 1. Reduction of the size of any building, building envelope, or sign.
 - 2. Movement of buildings or signs by no more than ten feet.
 - 3. Changes requested by the City for safety reasons.
 - 4. Changes which will preserve natural features of the land without changing the basic site layout.
 - 5. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent or which do not change the average lot or unit width throughout the development.

6. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan
 7. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change.
 8. Other non-substantive changes proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the City to be not material or significant in relation to the entire site and which the Department determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety and welfare.
 9. Any changes or items delegated to the City by the Planning Commission and/or City Council as a condition of approval.
- C. Expiration. Approval of the PUD Concept Plan and rezoning by the City Council shall confer upon the owner of the property the right to submit a proposed PUD Final Site Plan within a period not to exceed two (2) years from the date of the approval and rezoning, subject to the following:
1. Each development shall be under meaningful construction of proposed improvements consistent with the approved site plan within one (1) year after the date of approval of the Final PUD Site Plan, which shall proceed diligently to completion. For the purposes of this subsection, "meaningful construction" means substantial completion of improvements such as utilities, roads, buildings and similar improvements.
 2. Upon expiration of the time period for submission of either the (1) PUD Concept Plan and rezoning, or (2) the PUD Final Site Plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
 3. The City Council may, for good cause, approve extensions of up to two (2) years at a time, if requested in writing by the applicant prior to the expiration date of the original PUD Concept Plan approval or PUD Final Site Plan approval. In requesting an extension, the applicant shall provide reasonable justification for the proposed extension to the City Council.
- D. Upon expiration of a PUD Concept Plan or PUD Final Site Plan, the Planning Commission may conduct a public hearing and make a recommendation to revoke the PUD zoning and rezone the property to its original designation or other district as deemed appropriate.
- E. Appeals and Variances. The Board of Zoning Appeals shall not have jurisdiction to consider variances from the requirements of this Chapter, nor may decisions related to a Planned Unit Development be appealed to the Zoning Board of Appeals.
- F. Performance Guarantees. The City Council may, to ensure strict compliance with any requirement contained in this Chapter, require the applicant for PUD rezoning to furnish a performance guarantee such as a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City Attorney, executed by a company authorized to do business in the state of Michigan in an amount determined by the City Council to be reasonably necessary to ensure compliance with the requirements of this Chapter. In

fixing the amount of guarantee, the City Council shall take into account the size and scope of the proposed project, the phasing of the project, the probable cost of rehabilitating the property upon default by the applicant, the estimated expenses to compel compliance by court decree, and such other factors and conditions as might be relevant in the light of all facts and circumstances surrounding the application.

CHAPTER 15. - PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 15.01. - DESCRIPTION AND PURPOSE.

Description. This chapter offers an alternative to conventional development and traditional zoning standards by permitting flexibility in the regulations for development through the authorization of Planned Unit Development (PUD) Districts. The standards in this chapter are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses and preserving the existing natural features of the area.

Purpose. The use, area, height, bulk and placement regulations of this ~~e~~Ordinance are primarily applicable to the usual situation of one ~~(1)~~ principal building on a lot. In certain ~~large~~ developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The purpose of ~~p~~Planned ~~u~~Unit ~~d~~Development (PUD) ~~;~~ is intended to permit and control the development of planned areas for various compatible uses allowed by the zoning ordinance and for other ~~exceptional~~ uses not so provided. ~~C.~~ It is intended that uses in a PUD ~~shall~~ afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

~~Under this chapter, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.~~

SECTION 15.02. - OBJECTIVES AND QUALIFYING CONDITIONS.

- A. The degree to which the following objectives are satisfied shall be considered by the planning commission and city council in its review ~~application for any of a~~ PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:

~~To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.~~

1. To encourage the provision and protection of open spaces, cultural/historic resources and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units.

2. To encourage developers to use a more creative and imaginative approach in the development of areas property.
3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.
4. To facilitate economic development through the creation of a mix of uses.
5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.
~~To encourage underground utilities which can be more efficiently designed when master planning a larger area.~~
6. To provide for the adaptive re-use of significant or historic buildings;
7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.
8. To promote flexibility in design and permit planned diversification in the location of structures.
9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
10. To minimize of adverse traffic impacts and to accommodate of safe and efficient pedestrian access and circulation;
11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair; and
12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
13. To ensure a quality of construction commensurate with other developments within the city.

B. Qualifying conditions.

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
~~The property which is the subject of a PUD application must be a minimum of five (5) contiguous acres in total area.~~
2. To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:
 - a. The PUD contains two (2) or more separate and distinct uses, for example, residential ~~single family and multiple family~~ dwellings and office or commercial uses;

- b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
 - c. The PUD is designed to preserve in perpetuity at least sixty (60) percent of the total area of the site in open space.
 - d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.
3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted City of Lowell Master Plan.

SECTION 15.03. —APPLICATION PROCEDURES. USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY

A. The following uses may be permitted in a PUD: ~~either singly or in combination, in accordance with the applicable PUD requirements:~~

- ~~1. Single family dwellings.~~
 - ~~2. Two family dwellings, provided that such units make up no more than twenty (20) percent of the total number of residential dwelling units in the total PUD.~~
 - ~~3. Multiple family dwellings, provided that such units make up no more than thirty (30) percent of the total number of residential dwelling units in the total PUD.~~
 - ~~4. Uses permitted by right in the C-1 Neighborhood Business District, subject to the standards noted for non-residential uses in the PUD and the requirements of the C-1 District.~~
- 1. Uses permitted by right or by special land use in the underlying zoning district;
 - 2. Any use that is determined by the Planning Commission to be consistent with the City of Lowell Master Plan;
 - 3. A combination of residential, commercial, and public uses which are determined to be compatible with existing and adjacent land uses;

C. Only those uses approved for the PUD district shall thereafter be permitted within the PUD.

A. ~~Except as noted in section 15.07,~~ For PUDs located in non-residential or mixed- use districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the City's Master Plan, existing and future surround land uses, capacity of public utilities and services, and other applicable factors.

B. For PUDs located in one or more residential zoning districts, the permitted density shall not be greater than that permitted by the underlying zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district, then the number of dwelling units shall be calculated on a proportionate basis.

C. The total amount of land to be used for the calculation of the permitted density in a PUD

in subsection B above shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.

~~D. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the most restrictive zone district in which the proposed uses are permitted.~~

E. The City may allow for a PUD to modify applicable bulk, area, setback, density, and other dimensional requirements of the Zoning Ordinance.

F. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.

~~G. Non-residential uses:~~

~~1. All non-residential uses allowed in the PUD, shall occupy no more than ten (10) percent of the PUD project's developable area.~~

~~1. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.~~

~~2. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.~~

~~3. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).~~

~~4. Buildings designed for non-residential uses shall be constructed according to the following requirements:~~

~~a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.~~

~~b. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.~~

SECTION 15.04. – NON-RESIDENTIAL AND MIXED USE PUDS

A. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.

B. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.

C. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).

D. Buildings designed for non-residential uses shall be constructed according to the following requirements:

1. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
2. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

SECTION 15.05. – DESIGN STANDARDS

~~Prior to approval of a planned unit development application, the planning commission and city council shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion of the planned unit development under consideration.~~

~~General standards. The planning commission and city council shall review the particular circumstances of the planned unit development application under consideration in terms of the following standards and shall approve a planned unit development only upon a finding of compliance with each of the following standards:~~

- ~~1. The general standards for special land use in section 17.03A;~~
 - ~~1. The standards of review for site plan review in section 18.06.~~
 - ~~2. The applicable standards of this chapter; and~~
 - ~~3. The applicable standards as may be established elsewhere in this ordinance.~~
- A. **Deviations from Minimum Requirements.** In approving a PUD, the City may permit deviations from the lot area and width requirements, required buffers, open space areas, building setback requirements, height limitations, and other requirements of this Ordinance provided that such deviations are consistent with all other requirements of this Chapter and the following regulations:
1. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved by the city council after the planning commission recommendation. These adjustments may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses.
 2. Deviations from the minimum requirements shall also satisfy at least one (1) of the following criteria:
 - a. The proposed deviations shall preserve the best natural features of the site;
 - b. The proposed deviations shall create, maintain or improve habitat for wildlife;
 - c. The proposed deviations shall create, improve or maintain open space for the residents;
 - d. The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;

- e. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property, and/or;
- f. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.

B. Other Requirements.

- 1. All electric, television cable, and telephone transmission wires within the PUD shall be placed underground.
- 2. Signs are permitted in accordance with the underlying zone district in which the proposed uses are permitted.

- C. **Conditions.** The city council may impose conditions with the approval of a planned unit development which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this ordinance. Such conditions shall be considered an integral part of the planned unit development approval and shall be enforced by the zoning enforcement officer.

SECTION 15.05. -- USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY.

- A. ~~The following uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements:~~

- ~~1. Single family dwellings.~~
- ~~2. Two family dwellings, provided that such units make up no more than twenty (20) percent of the total number of residential dwelling units in the total PUD.~~
- ~~3. Multiple family dwellings, provided that such units make up no more than thirty (30) percent of the total number of residential dwelling units in the total PUD.~~
- ~~4. Uses permitted by right in the C-1 Neighborhood Business District, subject to the standards noted for non-residential uses in the PUD and the requirements of the C-1 District.~~

- B. ~~Except as noted in section 15.07, the maximum number of dwelling units permitted shall not be greater than that permitted by the most restrictive zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district the number of dwelling units shall be calculated on a proportionate basis.~~

- C. ~~The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.~~

- D. ~~The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the most restrictive zone district in which the proposed uses are permitted.~~

- E. ~~Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.~~

F. Non-residential uses.

1. All non-residential uses allowed in the PUD, shall occupy no more than ten (10) percent of the PUD project's developable area.
2. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
3. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
5. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy five (75) percent of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 15.06. - OPEN SPACE.

Any If open space is provided in the PUD, it shall meet the following considerations and requirements:

- A. Open space may be established to separate use areas within the PUD.
- B. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
- C. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the city of the future maintenance thereof.
- D. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
- E. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
- F. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

- G. The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this chapter, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm damage, or removal of diseased plant materials, and similar improvements.
- H. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

SECTION 15.07. – GENERAL APPLICATION PROCEDURES.

- A. An application for a ~~planned unit development~~ PUD shall be submitted and acted upon as a rezoning in accordance with the requirements of this ordinance, and as noted in this chapter.
- B. The following steps, which are outlined in Section 15.08-15.11, shall apply to all applications for rezoning, whether residential, non-residential, or mixed use:
 - 1. Preliminary Planning Commission Review (Optional). A preliminary Concept Plan may be submitted to the Planning Commission for initial review. The applicant may attend a pre-application review of the proposed PUD Concept Plan by the Planning Commission.
 - 2. PUD Concept Plan and PUD Rezoning.
 - a. The Planning Commission shall review the PUD Concept Plan and PUD Rezoning application, hold a public hearing, and make a written recommendation to the City Council.
 - b. The City Council shall review the PUD Concept Plan and PUD Rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
 - 3. PUD Final Site Plan Review. The Planning Commission shall review the PUD Final Site Plan in accordance with Section 15.11 and Chapter 18 of this Ordinance.
- C. An application for planned unit development shall be accompanied by a statement with regard to compliance with the criteria required for approval in section 15.10, and other criteria imposed by this ordinance affecting the planned unit development under consideration.

~~Review and approval. The planning commission shall review the application for a planned unit development, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and recommend to the city council denial, approval, or approval with conditions, the planned unit development application in accordance with the purpose of this chapter and the criteria for approval stated in section 15.04, and such standards contained in this ordinance which relate to the planned unit development under consideration, including those for site plan review. The planning commission shall prepare a report stating its conclusions on the request for a planned unit~~

~~development, the basis for this recommendation, and any conditions relating to an affirmative recommendation.~~

- D. Upon the approval, or approval with conditions by the city council, the applicant may apply for preliminary plat approval, condominium approval, and private road approval, if as applicable.
- E. Approval of PUD pursuant to this Chapter shall constitute an amendment to the City of Lowell Zoning Map.

SECTION 15.08 – PRELIMINARY PLANNING COMMISSION REVIEW (OPTIONAL)

A pre-application concept plan review and conference may be held between the applicant and the Planning Commission.

- F. Preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PUD review. Such preliminary plans shall include as a minimum the information specified in Section 15.08(B).
- G. As part of the pre-application review, the applicant shall submit a copy of a preliminary Concept Plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
- H. The Planning Commission shall advise the applicant regarding whether the proposed preliminary plan complies with the purpose and intent of this Chapter, and if it qualifies for PUD rezoning pursuant to the requirements of Section 15.02 of this Ordinance.
- I. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval of the preliminary plan.

SECTION 15.09 – PROCEDURES FOR PUD CONCEPT PLAN AND PUD REZONING

- A. Required Information. Following the preliminary review, the applicant shall submit a completed application form for PUD rezoning, any required application fees, and four (4) copies and a PDF of the PUD Concept Plan to the Planning Commission at least twenty-one (21) days prior the next Planning Commission meeting.

The PUD Concept Plan shall be professionally prepared by a licensed engineer, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PUD Concept Plan shall, at a minimum, contain the following information:

1. General Information.

- a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.

- b. Name and address of the property owner or petitioner.
- c. Scale, north arrow and date.
- d. Acreage, gross and net.
- e. Zoning of adjacent properties.
- f. Legal property description.
- g. Existing Site Conditions.
 - 1) Boundary survey lines and setbacks.
 - 2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the City.
 - 3) Location, width, and purpose of all existing easements and lease areas, including cross-access.
 - 4) Abutting street right(s)-of-way and width.
 - 5) Topography with contour intervals of no more than two (2) feet.
 - 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, rivers, creeks, County drains, and other significant site features, including the area of such features.
 - 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
 - 8) Size and location of existing utilities and status, where applicable.
- h. Proposed Development.
 - 1) Layout of proposed buildings, structures, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
 - 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
 - 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
 - 4) Layout and typical dimensions of building envelopes, proposed parcels and lots.
 - 5) Parking, stacking and loading calculations, if applicable.
 - 6) Site Development.
 - 7) Phasing plan, if applicable.
 - 8) Conceptual plan for provision of public water and public sanitary sewer services.

- 9) Preliminary grading plan.
- 10) Stormwater concept plan.
- 11) Building type concepts, including building elevations and footprints.

i. Additional Information.

- 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of Section 15.10 are met.
- 2) A table detailing all requested deviations identified in the PUD concept plan compared to the requirements of the underlying zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.
- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

B. Planning Commission Review and Public Hearing.

1. The Planning Commission shall review the PUD Concept Plan at a regular or special meeting and shall hold a public hearing. Notice of the public hearing shall be provided in accordance with the Michigan Zoning Enabling Act, as amended.
2. Following the public hearing, the Planning Commission shall review the PUD Concept Plan in consideration of public hearing comments, technical reviews from City staff and consultants, and other applicable standards and requirements. Within a reasonable timeframe after the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Concept Plan and PUD rezoning ordinance to the City Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
3. In order to recommend approval of the PUD Concept Plan and PUD Rezoning, the Planning Commission shall find that the standards of Section 15.10 are satisfied.

C. City Council Review and Public Hearing.

1. Following receipt of a recommendation from the Planning Commission on the PUD Concept Plan and PUD Rezoning, a public hearing of the City Council shall be scheduled in accordance with the Michigan Zoning Enabling Act, as amended.
2. After the public hearing, the City Council shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from city staff and consultants, and other applicable standards and requirements. Within a reasonable time, the City Council shall approve, deny, or approve with conditions the PUD Concept Plan and PUD Rezoning. The City Council's decision shall be documented with written findings to justify its decision.

3. In accordance with the Michigan Zoning Enabling Act, as amended, the City Council may place reasonable conditions on the approval of a PUD, including a performance guarantee pursuant to Section 15.13(F). Conditions attached to the approval shall be incorporated into the PUD adoption ordinance.
4. Approval of the PUD Concept Plan and PUD rezoning by the City Council shall be incorporated into a rezoning amendment to the City of Lowell Zoning Ordinance and Map. Such rezoning shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

SECTION 15.10 – PUD CONCEPT PLAN AND REZONING STANDARDS FOR APPROVAL

In order to approve a PUD Concept Plan and Rezoning, the Planning Commission and City Council shall find that all of the following standards are met:

- A. The proposed PUD complies with the Intent and Purpose and all Qualifying Conditions of Sections 15.01 and 15.02 of this Chapter, respectively.
- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted City of Lowell Master Plan.
- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- F. The proposed PUD shall satisfy all applicable local, state, and federal regulations.

SECTION 15.11 - PUD FINAL SITE PLAN REVIEW BY THE PLANNING COMMISSION

- A. Within 12 months after PUD Concept Plan and PUD rezoning approval by the City Council, a minimum of four (4) copies and a PDF of the PUD Final Site Plan for the entire PUD (or at least one phase of the PUD) shall be submitted by the applicant in accordance with Chapter 18 of this Ordinance to the City Clerk.
- B. All PUD Final Site Plans subsequently submitted shall conform to the approved PUD Concept Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Chapter.
- C. For land uses within the PUD that require special conditions, such uses shall comply with all such required conditions unless deviations were approved pursuant to this Chapter.

- D. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this Ordinance and City Ordinances.

SECTION 15.12 - CONCURRENT REVIEW

- A. At his/her option and risk, an applicant may request that a PUD Final Site Plan be reviewed concurrently with an application for Concept Plan review and PUD rezoning.
- B. If requested, the Planning Commission may approve or deny (or recommend approval or denial) of certain permitted or uses requiring specific authorization, tentative preliminary plats, condominiums, site condominiums, or other development forms within a PUD pursuant to Section 15.11(4) above, concurrently with its decision related to the preliminary site development plan review and PUD rezoning.
- C. If approval is recommended, such approval(s) or recommendation(s) of approval shall be conditioned upon the City Council's approval of the PUD Concept plan and PUD rezoning pursuant to Section 15.09(c).
- D. In all cases, no land use authorization shall be given until all required permits and approvals are granted by the City in accordance with applicable standards.

SECTION 15.13 - APPROVED PUDS

- A. Phased Projects. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the community. Each phase of a PUD project shall submittal of a site plan and review under the procedures and requirements of this chapter and other applicable City Ordinances.
- B. Amendments to an Approved PUD. An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and City Council pursuant to Sections 15.09(B-C), except that the City may review and approve minor amendments to the PUD or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
 - 1. Reduction of the size of any building, building envelope, or sign.
 - 2. Movement of buildings or signs by no more than ten feet.
 - 3. Changes requested by the City for safety reasons.
 - 4. Changes which will preserve natural features of the land without changing the basic site layout.

5. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent or which do not change the average lot or unit width throughout the development.
 6. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan
 7. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change.
 8. Other non-substantive changes proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the City to be not material or significant in relation to the entire site and which the Department determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety and welfare.
 9. Any changes or items delegated to the City by the Planning Commission and/or City Council as a condition of approval.
- C. Expiration. Approval of the PUD Concept Plan and rezoning by the City Council shall confer upon the owner of the property the right to submit a proposed PUD Final Site Plan within a period not to exceed two (2) years from the date of the approval and rezoning, subject to the following:
1. Each development shall be under meaningful construction of proposed improvements consistent with the approved site plan within one (1) year after the date of approval of the Final PUD Site Plan, which shall proceed diligently to completion. For the purposes of this subsection, "meaningful construction" means substantial completion of improvements such as utilities, roads, buildings and similar improvements.
 2. Upon expiration of the time period for submission of either the (1) PUD Concept Plan and rezoning, or (2) the PUD Final Site Plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
 3. The City Council may, for good cause, approve extensions of up to two (2) years at a time, if requested in writing by the applicant prior to the expiration date of the original PUD Concept Plan approval or PUD Final Site Plan approval. In requesting an extension, the applicant shall provide reasonable justification for the proposed extension to the City Council.
- D. Upon expiration of a PUD Concept Plan or PUD Final Site Plan, the Planning Commission may conduct a public hearing and make a recommendation to revoke the PUD zoning and rezone the property to its original designation or other district as deemed appropriate.
- E. Appeals and Variances. The Board of Zoning Appeals shall not have jurisdiction to consider variances from the requirements of this Chapter, nor may decisions related to a Planned Unit Development be appealed to the Zoning Board of Appeals.
- F. Performance Guarantees. The City Council may, to ensure strict compliance with any requirement contained in this Chapter, require the applicant for PUD rezoning to furnish a

performance guarantee such as a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City Attorney, executed by a company authorized to do business in the state of Michigan in an amount determined by the City Council to be reasonably necessary to ensure compliance with the requirements of this Chapter. In fixing the amount of guarantee, the City Council shall take into account the size and scope of the proposed project, the phasing of the project, the probable cost of rehabilitating the property upon default by the applicant, the estimated expenses to compel compliance by court decree, and such other factors and conditions as might be relevant in the light of all facts and circumstances surrounding the application.

williams&works

engineers surveyors planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: September 10, 2018
From: Andy Moore, AICP
Nathan R. Mehmed, AICP
RE: Residential Zoning Districts Review – Proposed Amendments

The purpose of this memorandum is to provide an edited version of the residential zoning districts and associated land use definitions in the City of Lowell Zoning Ordinance based upon the changes discussed during the August Planning Commission meeting. The following language, organized by chapter, includes additions and edits (highlighted) to existing Zoning Ordinance text and removes language as prescribed in the previous memo.

CHAPTER 2. – DEFINITIONS

Cemetery. One (1) or a combination of more than one (1) of the following: a burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.

Convalescent or nursing home. A facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A “nursing home” shall include an extended care facility, hospice, and convalescent home.

Child Care Home

1. **Family Child Care Home (1-6 Children).** A private home in which one (1), but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
2. **Group Child Care Home (7+ Children).** A private home in which more than six (6), but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Operation. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes, and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- D. Field preparation and ground and aerial seeding and spraying.
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F. Use of alternative pest management techniques.
- G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.
- J. The employment and use of labor.

Farm Product. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture and Rural Development.

Adult Foster Care Facility. a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:

- A. A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- B. A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- C. A hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- D. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of health and human services under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.
- E. A county infirmary operated by a county department of health and human services under section 55 of
- F. the social welfare act, 1939 PA 280, MCL 400.55.
- G. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - 1. Two, if the total number of residents is 10 or fewer.
 - 2. Three, if the total number of residents is not less than 11 and not more than 14.
 - 3. Four, if the total number of residents is not less than 15 and not more than 20.
 - 4. Five, if the total number of residents is 21 or more.
- H. A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.
- I. An establishment commonly described as an alcohol or a substance use disorder rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- J. A facility created by 1885 PA 152, MCL 36.1 to 36.12.
- K. An area excluded from the definition of adult foster care facility under section 17(3) of the continuing care community disclosure act, 2014 PA 448, MCL 554.917.

Foster care

- A. Adult Foster Care Family Home (1-6 Adults). A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

B. Adult Foster Care Small Group Home (1-12 Adults). An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

C. Adult Foster Care Large Group Home (13-20 Adults). An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Greenhouse and Nursery. A retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).

Golf course. A use consisting of regulation and par 3 golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage facilities.

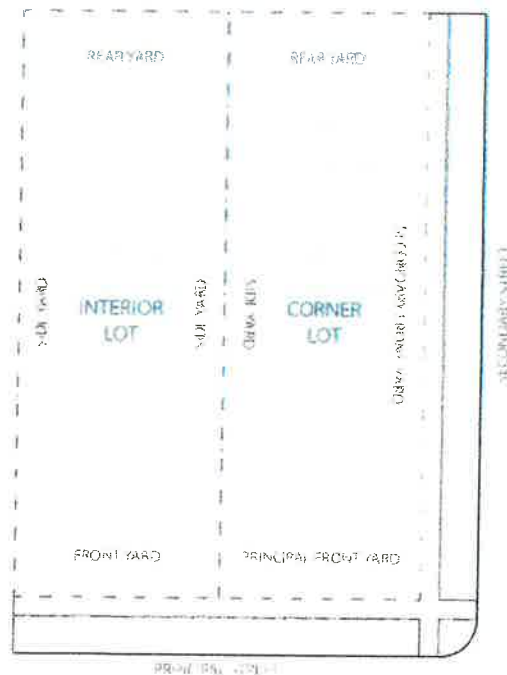
Lot lines. The lines bounding a lot as defined herein:

- A. Front lot lines. In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street.

A corner lot shall have two (2) front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the zoning administrator shall determine the principal front lot line.

General provisions.

1. The secondary front lot setback shall be one-half ($\frac{1}{2}$) of the principal front lot setback.
2. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three (3) front setbacks, the remaining setback shall be a rear setback.
3. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
4. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.



Public recreation facility.

- A. Indoor. A facility providing a variety of indoor recreational opportunities including, but not limited to: gymnasium, swimming pool, tennis, racquetball and/or handball courts, batting cages, and other indoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services.
- B. Outdoor. A facility providing a variety of outdoor recreational opportunities including, but not limited to: athletic fields, playground equipment, tennis and basketball courts, swimming pools, boat ramps and fishing piers, and areas for passive recreation such as hiking trails, picnic areas and bird blinds. This use includes all not-for-profit organizations chartered to provide community-based recreation services.

Riding stable. A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training equines may also be conducted.

Roadside stand. An accessory structure for the seasonal retail sale of products grown on the site only, with no space for customers within the structure itself.

CHAPTER 5. – SR – SUBURBAN RESIDENTIAL DISTRICT

SECTION 5.01. - DESCRIPTION AND PURPOSE.

This district is intended for residential uses on lots that are generally larger than those found in more developed areas of the city. The purpose of this district is to foster an open space character of the lands within this district, minimizing public service costs, limiting urban influence, and preserving natural features. Certain compatible, nonresidential uses may also be permitted within the district.

SECTION 5.02. – USES PERMITTED BY RIGHT.

Land and/or buildings in the SR District may be used for the following purposes as uses permitted by right:

- A. Farms and farm operations, including roadside stands.
- B. Single-family dwellings.
- C. Adult foster care family homes and adult foster care small group homes.
- D. Family child care homes. (1-6 children).
- E. Home occupations in accordance with the requirements of section 4.11.
- F. Public outdoor recreation facilities.
- G. Cemeteries.
- H. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right, or special land uses.

SECTION 5.03. – SPECIAL LAND USES.

Land and/or buildings in the SR District may be used for the following purposes following review by the planning commission as a special land use as regulated by Chapter 17:

- A. Country clubs, golf courses, riding stables, and private athletic grounds and parks, and other similar uses, including related uses, such as snack bars or small retail shops selling goods directly related to the primary use.
- B. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Kennels.
- E. Radio and television transmitting buildings and towers.
- F. Bed and breakfast establishments.

- G. Institutional uses including schools, churches, libraries, community center buildings, and other similar uses.
- H. Funeral homes and mortuary establishments.
- I. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- J. Group child care homes (7-12 children).
- K. Child care centers.

SECTION 5.04. - DISTRICT REGULATIONS.

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Minimum front yard setback ¹	30 feet
Minimum side yard setback ²	20 feet total/8 feet minimum ³
Minimum rear yard setback ⁴	35 feet
Maximum building height ⁵	35 feet or 2½ stories, whichever is less
Maximum Lot coverage ⁶	35%
Minimum lot area ⁷	23,000 square feet
Minimum lot width ⁸	125 feet
Minimum dwelling unit floor area ⁹	1,500 square feet DFA

¹ See Section 2.23 for definition of "Front yard."

² See Section 2.23 for definition of "Side yard."

³ In the case of corner lots, the minimum setback of 8 feet for side yards shall apply.

⁴ See Section 2.23 for definition of "Rear yard."

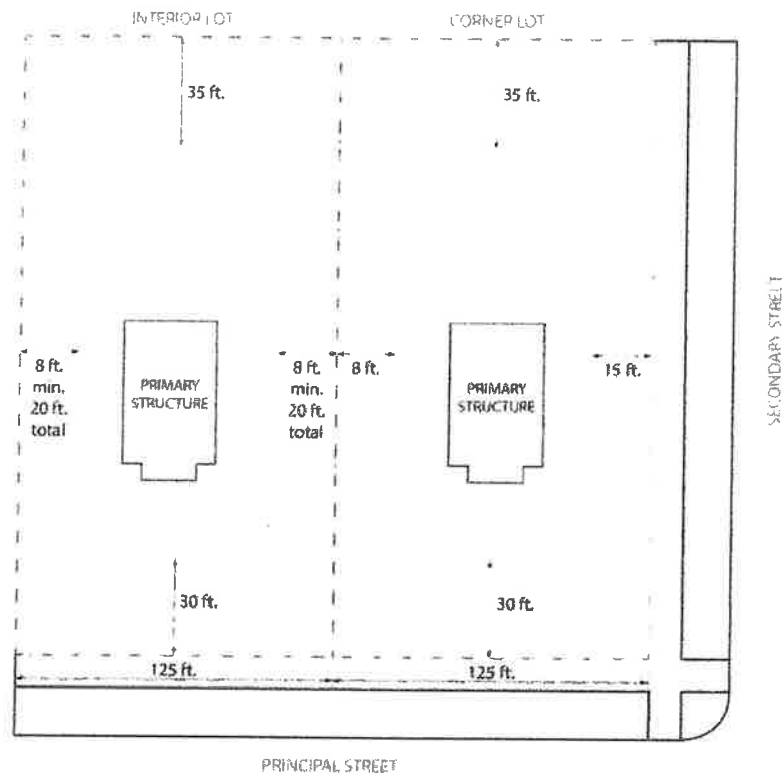
⁵ See Section 2.09 for definition of "Height."

⁶ See Section 2.13 for definition of "Lot coverage."

⁷ See Section 2.13 for definition of "Lot area."

⁸ See Section 2.13 for definition of "Lot width."

⁹ See Section 2.09 for definition of "Floor area, dwelling (DFA)."



CHAPTER 6. – R-1 RESIDENTIAL DISTRICT

SECTION 6.01. - DESCRIPTION AND PURPOSE.

This district is primarily intended for residential uses on moderate sized lots. Its purpose is to foster stable neighborhoods and to minimize the encroachment of incompatible uses. Certain related non-residential uses are also provided.

SECTION 6.02. – USES PERMITTED BY RIGHT.

Land and/or buildings in the R-1 District may be used for the following purposes as uses permitted by right:

- A. Single-family dwellings.
- B. Adult foster care family homes or small group homes
- C. Family child care homes. (1-6 children)
- D. Home occupations in accordance with the requirements of section 4.11.
- E. Public outdoor recreation facilities
- F. Cemeteries.
- G. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right, or special land uses.

SECTION 6.03. – SPECIAL LAND USES.

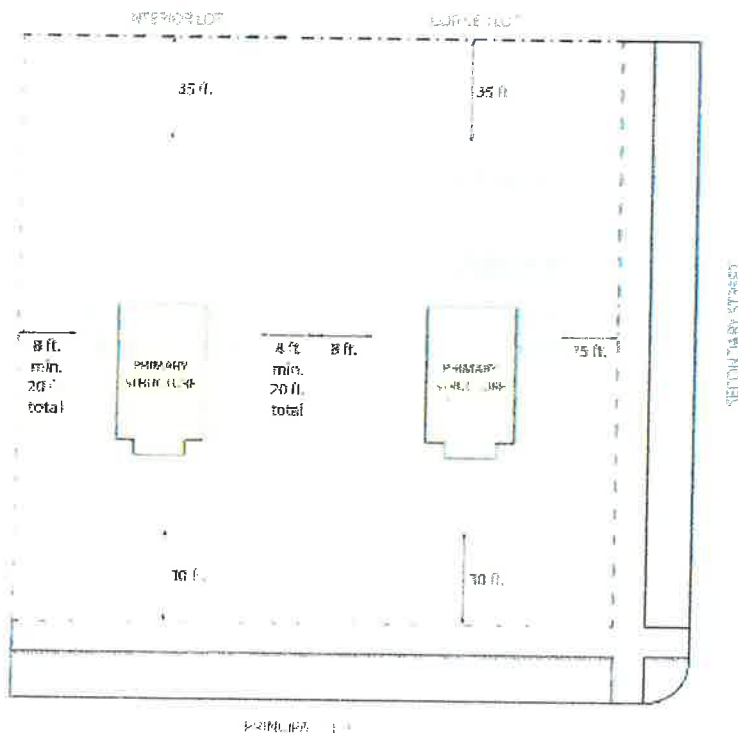
Land and/or buildings in the R-1 District may be used for the following purposes following review by the planning commission as a special land use as regulated by Chapter 17:

- A. Adult foster care small or medium group homes (7-12 adults).
- B. Group child care home (7-12 children).
- C. Bed and breakfast establishments.
- D. Institutional uses including schools, churches, libraries, community center buildings, and other similar uses.
- E. Public or private campgrounds.
- F. Funeral homes and mortuary establishments.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Child care center.

SECTION 6.04. - DISTRICT REGULATIONS.

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Minimum front yard setback ¹	30 feet
Minimum side yard setback ²	Single-family dwellings - 20 feet total/8 feet minimum ³ Non-residential buildings - 30 feet
Minimum rear yard setback ⁴	25 feet
Maximum building height ⁵	35 feet or 2½ stories
Maximum lot coverage ⁶	35%
Minimum lot area ⁷	9,750 square feet
Minimum lot width ⁸	75 feet
Minimum dwelling unit floor area ⁹	1,500 square feet DFA



¹ See Section 2.23 for definition of "Front yard."

² See Section 2.23 for definition of "Side yard."

³ In the case of corner lots, the minimum setback of 8 feet for side yards shall apply.

⁴ See Section 2.23 for definition of "Rear yard."

⁵ See Section 2.09 for definition of "Height."

⁶ See Section 2.13 for definition of "Lot coverage."

⁷ See Section 2.13 for definition of "Lot area."

⁸ See Section 2.13 for definition of "Lot width."

⁹ See Section 2.09 for definition of "Floor area, dwelling (DFA)."

CHAPTER 7. – R-2 RESIDENTIAL DISTRICT

SECTION 7.01. – DESCRIPTION AND PURPOSE.

This district is primarily intended for residential uses and related non-residential uses in traditional neighborhoods with smaller lots. The purpose of this district is to provide additional housing opportunities by providing a variety of housing options, including single- and two-family dwellings.

SECTION 7.02. – USES PERMITTED BY RIGHT.

Land and/or buildings in the R-2 District may be used for the following purposes as uses permitted by right:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Adult foster care family homes and small group homes
- D. Family child care homes (1-6 children).
- E. Home occupations in accordance with the requirements of section 4.11.
- F. Public outdoor recreation facilities
- G. Cemeteries.
- H. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right, or special land uses.

SECTION 7.03. – SPECIAL LAND USES.

Land and/or buildings in the R-2 District may be used for the following purposes following review by the planning commission as a special land use as regulated by Chapter 17:

- A. Multiple-family dwellings.
- B. Public or private campgrounds.
- C. Institutional uses including schools, churches, libraries, community center buildings, and other similar uses.
- D. Funeral homes and mortuary establishments.
- E. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- F. Bed and breakfast establishments.
- G. Group day care home (7-12 children).
- H. Child care center.

SECTION 7.04. – DISTRICT REGULATIONS.

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Minimum front yard setback ¹	20 feet
Minimum side yard setback ²	Single- and two-family dwellings – 15 feet total/6 feet minimum ³ Non-residential buildings – 20 feet Multiple-family dwellings – 20 feet or equal to the height of the building, whichever is greater
Minimum rear yard setback ⁴	25 feet
Maximum building height ⁵	35 feet or 2½ stories
Maximum Lot coverage ⁶	35%
Minimum lot area ⁷	Single- and two-family dwellings – 8,200 square feet Multiple-family dwelling – 12,000 square feet for the first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed six (6) units per acre
Minimum lot width ⁸	Single-family dwellings – 66 feet Two-family and multiple-family dwellings – 100 feet ^[DM1]
Minimum dwelling unit floor area ⁹	Single- and two-family dwellings – 1,000 square feet DFA per unit/700 square feet DFA per unit on the ground floor Multiple-family dwellings – 500 square feet + 150 square feet per bedroom DFA per unit

¹ See Section 2.23 for definition of "Front yard."

² See Section 2.23 for definition of "Side yard."

³ In the case of single- and two-family dwellings on corner lots, the minimum setback of 6 feet for side yards shall apply.

⁴ See Section 2.23 for definition of "Rear yard."

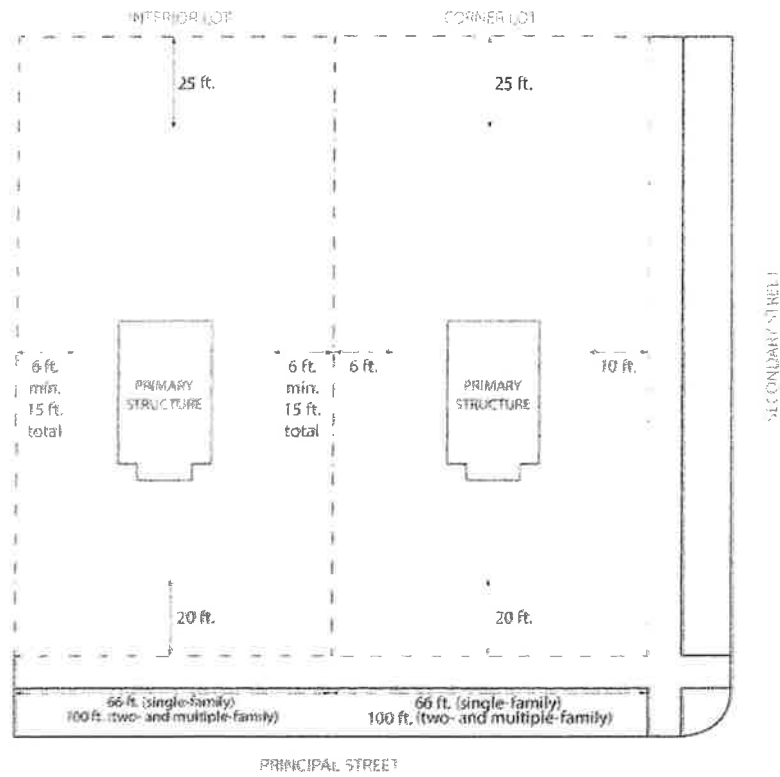
⁵ See Section 2.09 for definition of "Height."

⁶ See Section 2.13 for definition of "Lot coverage."

⁷ See Section 2.13 for definition of "Lot area."

⁸ See Section 2.13 for definition of "Lot width."

⁹ See Section 2.09 for definition of "Floor area, dwelling (DFA)."



CHAPTER 8. – R-3 RESIDENTIAL DISTRICT

SECTION 8.01. – DESCRIPTION AND PURPOSE.

This district is intended for medium to high density residential uses and related non-residential uses. The purpose of this district is to provide additional housing opportunities by providing a variety of housing options, including single-family, two-family, and multiple-family dwellings.

SECTION 8.02. – USES PERMITTED BY RIGHT.

Land and/or buildings in the R-3 District may be used for the following purposes as uses permitted by right:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Multiple-family dwellings.
- D. Adult foster care family homes and small group homes.
- E. Family day care homes. (1-6 children).
- F. Home occupations in accordance with the requirements of section 4.11.
- G. Public outdoor recreation facilities
- H. Cemeteries.
- I. Convalescent or nursing homes.
- J. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right, or special land uses.

SECTION 8.03. – SPECIAL LAND USES.

Land and/or buildings in the R-3 District may be used for the following purposes following review by the planning commission as a special land use as regulated by Chapter 17:

- A. Public or private campgrounds.
- B. Institutional uses including schools, churches, libraries, community center buildings, and other similar uses.
- C. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- D. Bed and breakfast establishments.
- E. Group child care homes (7-12 children).
- F. Adult foster care large group homes (13-20 adults).
- G. Child care center

SECTION 8.04. – DISTRICT REGULATIONS.

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Minimum front yard setback ¹	20 feet
Minimum side yard setback ²	Single- and two-family dwellings – 13 feet total/5 feet minimum ³ Multiple-family dwellings – 20 feet or equal to the height of the building, whichever is greater Non-residential buildings – 20 feet
Minimum rear yard setback ⁴	25 feet
Maximum building height ⁵	35 feet or 2½ stories
Maximum Lot coverage ⁶	35%
Minimum lot area ⁷	Single- and two-family dwellings - 8,200 square feet Two-family dwelling - 9,000 square feet Multiple-family dwelling - 12,000 square feet for the first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed ten units per acre
Minimum lot width ⁸	Single-family dwellings - 66 feet Two-family dwellings - 80 feet Multiple-family dwellings – 100 feet
Minimum dwelling unit floor area ⁹	Single- and two-family dwellings - 1,000 square feet DFA per unit/700 square feet DFA per unit on the ground floor Multiple-family dwellings - 500 square feet plus 150 square feet per bedroom DFA per unit

¹ See Section 2.23 for definition of "Front yard."

² See Section 2.23 for definition of "Side yard."

³ In the case of single- and two-family dwellings on corner lots, the minimum setback of 5 feet for side yards shall apply.

⁴ See Section 2.23 for definition of "Rear yard."

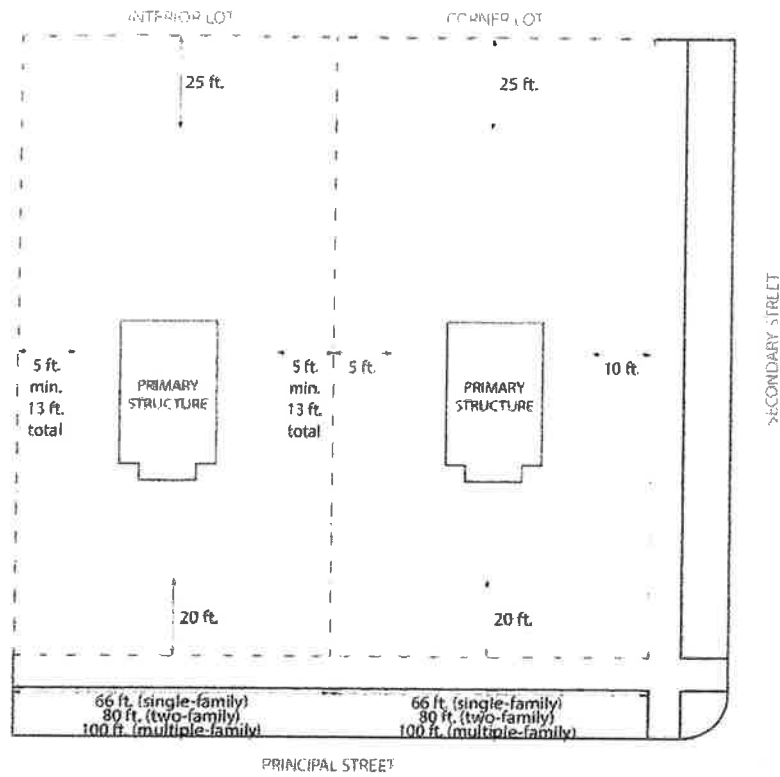
⁵ See Section 2.09 for definition of "Height."

⁶ See Section 2.13 for definition of "Lot coverage."

⁷ See Section 2.13 for definition of "Lot area."

⁸ See Section 2.13 for definition of "Lot width."

⁹ See Section 2.09 for definition of "Floor area, dwelling (DFA)."



CHAPTER 9. – MHP – MANUFACTURED HOME PARK DISTRICT

SECTION 9.01. - SCOPE.

- B. This district is intended for the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection to the residents of any manufactured home park development, these regulations are considered to be minimum standards to be applied to all manufactured home park developments in the city.
- C. All manufactured home parks shall comply with the applicable requirements of Act 419 of the Public Acts of Michigan of 1976, as amended, provided further that said developments meet the standards, conditions and all other provisions herein.

CHAPTER 17. – SPECIAL LAND USES

SECTION 17.04. – DESIGN SITE STANDARDS

- I. Group foster care home (7-12 adults).
- J. Group child care home (7-12 children).
- EE. Child care center

- 1. A child care center shall be licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) as a child care center under the terms of the Child Care Organizations Act, Act 116 of the Public Acts of Michigan of 1973, as amended, or its successor statute. Copies of current licenses shall be submitted to the City promptly after a license has been issued or renewed.
- 2. Building and site development requirements.
 - a. The minimum lot size shall be 20,000 square feet and shall comply with minimum lot width requirements of the zoning district.
 - b. An outdoor play area shall be provided pursuant to the State of Michigan Department of Human Services' Licensing Rules for Child Care Centers.
 - c. All on-site outdoor play areas shall be fenced.
- 3. Circulation and parking.
 - a. Vehicle entrances and exits shall be designed, configured, and located so that safety for vehicle occupants and pedestrians is maximized. The Planning Commission may require terms and conditions regarding the design and placement of site entrances and exits, parking areas, drive aisles, sidewalks, and other pedestrian areas, including those where children may congregate while entering a building or waiting to be picked up.

- b. Child drop-off and pick-up parking spaces shall be provided along with a designated pedestrian route to the main building entrance. At least four such parking spaces shall be provided per 20 children based on licensed capacity. These spaces may be counted toward parking space requirements.

CHAPTER 15. - PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 15.01. - DESCRIPTION AND PURPOSE.

- A. The use, area, height, bulk, and placement regulations of this ordinance are primarily applicable to the usual situation of one (1) principal building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The planned unit development (PUD) is intended to permit and control the development of planned areas for various compatible uses allowed by the zoning ordinance and for other exceptional uses not so provided.
- B. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.
- C. Under this chapter, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 15.02. - OBJECTIVES AND QUALIFYING CONDITIONS.

- A. The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:
 - ~~1. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.~~
 - 2-1. To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units.
 - 3-2. To encourage developers to use a more creative and imaginative approach in the development of areasproperty.
 - 4-3. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
 - 5-4. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.
 - 6-5. To promote flexibility in design and permit planned diversification in the location of structures.

~~7.6.~~ To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.

~~8.7.~~ To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

~~9.8.~~ To ensure a quality of construction commensurate with other developments within the city.

B. Qualifying conditions.

1. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.

~~2. The property which is the subject of a PUD application must be a minimum of five (5) contiguous acres in total area.~~

~~3.2.~~ To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:

a. The PUD contains two (2) or more separate and distinct uses, for example, single-family and multiple-family dwellings, mixed land uses, etc.;

b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.

c. The PUD is designed to preserve in perpetuity at least sixty (60) percent of the total area of the site in open space.

d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.

~~e.C.~~

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 15.03. - APPLICATION PROCEDURES.

A. An application for a planned unit development shall be submitted and acted upon as a rezoning in accordance with the requirements of this ordinance, and as noted in this chapter.

B. An application for planned unit development shall be accompanied by a statement with regard to compliance with the criteria required for approval in section 15.04, and other criteria imposed by this ordinance affecting the planned unit development under consideration.

C. Review and approval. The planning commission shall review the application for a planned unit development, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and recommend to the city council denial, approval, or approval with conditions, the planned unit development application in accordance with the purpose of this chapter and the criteria for approval stated in section 15.04, and such standards contained in this ordinance which relate to the planned unit development under consideration, including those for site plan review. The planning commission shall prepare a report stating its conclusions on the request for a planned unit

development, the basis for this recommendation, and any conditions relating to an affirmative recommendation.

- D. Upon the approval, or approval with conditions by the city council, the applicant may apply for preliminary plat approval, condominium approval, private road approval, if as applicable.

D-E. Approval of PUD pursuant to this Chapter shall constitute an amendment to the City of Lowell Zoning Map

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 15.04. - BASIS OF DETERMINATION.

Prior to approval of a planned unit development application, the planning commission and city council shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion of the planned unit development under consideration.

- A. General standards. The planning commission and city council shall review the particular circumstances of the planned unit development application under consideration in terms of the following standards and shall approve a planned unit development only upon a finding of compliance with each of the following standards:

~~The general standards for special land use in section 17.03A;~~

1. The standards of review for site plan review in section 18.06.
2. The applicable standards of this chapter; and
3. The applicable standards as may be established elsewhere in this ordinance.

- B. Conditions. The city council may impose conditions with the approval of a planned unit development which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this ordinance. Such conditions shall be considered an integral part of the planned unit development approval and shall be enforced by the zoning enforcement officer.

(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 03-2, § 2, 2-18-03)

SECTION 15.05. - USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY.

- A. The following uses may be permitted in a PUD:

1. Uses permitted by right or special land use in the underlying zoning district.
2. Any use that is determined by the Planning Commission to be consistent with the City of Lowell Master Plan. ~~allowing uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements.~~
3. Residential, commercial, and public uses which are determined to be compatible with existing and adjacent land uses may be combined within a PUD district.
4. Only those uses approved for the PUD district shall thereafter be permitted within the PUD.
 1. ~~Single family dwellings.~~
 2. ~~Two-family dwellings, provided that such units make up no more than twenty (20) percent of the total number of residential dwelling units in the total PUD.~~

~~3. Multiple-family dwellings, provided that such units make up no more than thirty (30) percent of the total number of residential dwelling units in the total PUD.~~

~~4-A. Uses permitted by right in the C-1 Neighborhood Business District, subject to the standards noted for non-residential uses in the PUD and the requirements of the C-1 District.~~

B. Except as noted in section 15.07, the maximum number of dwelling units permitted shall not be greater than that permitted by the most restrictive underlying zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district the number of dwelling units shall be calculated on a proportionate basis.

C. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.

~~D. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the most restrictive zone district in which the proposed uses are permitted.~~

D. The City may allow for a PUD to modify applicable bulk, area, setback, density, and other dimensional requirements of the Zoning Ordinance.

E. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.

F. Non-residential uses.

~~1. All non-residential uses allowed in the PUD, shall occupy no more than ten (10) percent of the PUD project's developable area.~~

2.1. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.

3.2. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.

4.3. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).

5.4. Buildings designed for non-residential uses shall be constructed according to the following requirements:

a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.

b. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 15.06. - OPEN SPACE.

A. Any ~~If~~ open space is provided in the PUD, it shall meet the following considerations and requirements:

1. Open space may be established to separate use areas within the PUD.

2. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the city of the future maintenance thereof.
4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
5. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
6. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
7. The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this chapter, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm damage, or removal of diseased plant materials.
8. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 15.07. - OTHER REQUIREMENTS.

- A. All electric, television cable, and telephone transmission wires within the PUD shall be placed underground.
- B. Signs are permitted in accordance with the most restrictive zone district in which the proposed uses are permitted.

(Ord. No. 95-06, § 1, 12-27-95)

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: November 7, 2018
From: Andy Moore, AICP
Whitney Newberry
RE: **Burger King Special Land Use**

Net Lease Development C/O Ben Hidalgo has submitted an application for Site Plan Review / Special Land Use to redevelop a vacant lot into a Burger King Restaurant and drive-through in the C-3 General Business District. Restaurants with drive-throughs are only permitted in the C-3 district with special land use review and approval from the Planning Commission. The purpose of this memorandum is to review the application pursuant to Chapter 17 of the City's Zoning Ordinance.



Background. The applicant is proposing redevelopment of a parcel located at 1400 W. Main Street SE (PPN 41-20-03-478-019). The parcel was formerly the location of Farm Bureau Insurance, but is now a vacant lot. The applicant proposes the construction of a 3,109 square foot Burger King on this site, along with associated parking lot, lighting, and utility improvements. The curb cut in West Main Street (M-21) is proposed to remain unchanged.

Completeness of Submittal. The Zoning Ordinance requires that special use applications be accompanied by a site plan, and the applicant has an ALTA/NSPS land title survey, topographic survey, demolition plan, grading plan, site plan, and utility plan. All the requirements for a site plan review have been submitted.

Site Plan Review

Dimensional Requirements. The proposed lot and building meet the dimensional requirements of the C-3 district.

Lighting. A photometric plan was submitted with the application. The Zoning Ordinance requires that not more than 0.5 footcandles of light be cast onto adjoining properties. The photometric plan shows that lighting will exceed these levels along the southerly property line

(adjacent to Curtis Cleaners front entrance). On the west side of the property, light levels also slightly exceed 0.5 footcandles. The light fixture height is 20', which is consistent with Zoning Ordinance requirements. The applicant has not submitted information regarding the type of fixtures, as the Zoning Ordinance requires fully cut-off fixtures. This can be addressed as a condition of approval.

Parking. The applicant is proposing 45 parking spaces on the subject property. Section 19.07 of the Zoning Ordinance requires 1 space per 100 square feet of gross floor area, which equates to a total of 31 spaces. Thus, the applicant has proposed 14 more spaces than is required by the ordinance.

Parking lots that contain more than twelve parking spaces are required to provide planting islands at a minimum ratio of one island per twenty parking spaces. The applicant has not submitted a landscaping plan, so this will need to be addressed.

There exists on the southern and western portion of the property an easement that provides nineteen parking spaces to Curtis Cleaners, located directly to the south of the subject property. Curtis Cleaners has received approval to construct a parking lot addition to the south of their building, which, once completed, will likely eliminate the need for the easement. However, some of the proposed Burger King parking lot is directly adjacent to Curtis Cleaner's property and it is likely that Curtis Cleaner patrons will use spaces on the Burger King property. Additionally, the driveway to Valley Vista will also likely be utilized by both Burger King and Curtis Cleaners patrons. Therefore, some type of easement should remain in place along with an agreement related to the driveway located on Valley Vista and use of parking spaces between the two property owners.

Landscaping. Section 4.26(2) of the Zoning Ordinance requires a minimum of one (1) canopy tree and three (3) deciduous shrubs for each 30 feet of lot width, in addition to parking lot landscaping. The site has approximately 200 feet of frontage each along Main Street and Valley Vista, so approximately 13 trees and 40 shrubs are required. The applicant has proposed eight trees and 27 shrubs along Main Street, plus 27 evergreen trees along Valley Vista (which will function as a screen), and four additional trees located on the southern and eastern sides of the building. Additionally, two existing trees are located within the Main Street right of way, which are proposed to remain. The proposed landscaping satisfies the standards of the Zoning Ordinance related to both parking lot and frontage landscaping.

Signage. The applicant is proposing one pole sign along Main Street in addition to wall signs located on the north, south, and east sides of the building. Dimensions are not given for the pylon sign. However, the building signs are proposed be circular "Burger King" logos with an area of 36 square feet. Further, the north side of the building facing Main Street would have additional signage "Flame Grilling Since 1954" that measures an additional 34 square feet, bringing the total area of signage for the north elevation to about 72 square feet. Section 20.08(D) allows one sign per building wall facing a parking lot or public street, and the maximum sign area is 50 square feet. The signage on the south and east elevations are acceptable, but the signage on the north side of the building needs to be reduced to meet the 50 square foot

requirement. Sign permits from the City are required before installing any signage at the site. The Planning Commission may address this as a condition of approval.

Review Standards. To approve a special land use, the Planning Commission must find that the use satisfies the general standards of Section 17.03 applying to all special land uses, the standards of Section 17.04 (T) pertaining to this specific special land use, and the standards of Section 18.06 for site plan reviews. Following are the standards and our remarks on each.

Special Land Use Review Standards.

1. *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 proposed development is consistent with other structures in the vicinity. All neighboring properties are located within the C-3 General Business district. McDonald's fast food restaurant is located on a neighboring property to the east and also has a drive-through window with a building square footage of approximately 4,500 square feet. Additionally, the proposed building would enhance the character of the area by redeveloping a site that is currently vacant. The Planning Commission may therefore find that this standard is met.

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

Remarks: The City of Lowell Master Plan was updated in 2007 and identifies the West Main Street Commercial Corridor as the primary location of contemporary suburban strip development in the City. The subject parcel is located within this corridor, which extends from railroad tracks on the west side of downtown Main Street to the City boundary. The Master Plan articulates that land uses in this area should include retail, office, and service uses that are oriented towards automobile traffic. Therefore, the development of a drive-through restaurant in this area appears to be consistent with the Master Plan.

Additionally, the future land use map identifies the subject parcel as mixed use, which would encourage different pedestrian-oriented uses that are desirable to neighborhoods and the central business district. The proposed use could provide services to both business and neighborhood traffic. The sidewalks would remain along Main Street and Valley Vista, and the applicant has proposed to connect the main entrance of the building to the Main Street sidewalks with additional sidewalk and pavement markings, as has been done in previous projects recently. Therefore, the Planning Commission may find this standard met.

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

Remarks: The applicant proposes to keep the access drives that currently exist from W. Main Street (M-21) and Valley Vista Drive and reduce the overall impervious area from the previous development. Because the applicant has proposed to use existing access drives, it is expected that public facilities and services will not be adversely impacted by the special land use development. Because this parcel was previously developed, there are existing drainage structures that will be used for stormwater drainage off of the site. There are also water and sanitary sewer facilities on or adjacent to the subject property, and connections to these utilities will need to be approved by the City DPW. The Planning Commission may also request Fire Department approval of the proposed site plan to ensure fire lanes are acceptable.

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

Remarks: It is not expected that the proposed special land use would create any additional requirements at public cost for public facilities and services, as it does not require extensive utility connections. The Planning Commission may find this standard met.

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 detrimental impacts on the surrounding area, as it is consistent with neighboring land uses and located in the Main Street Commercial Corridor where this type of development is expected. Therefore, the Planning Commission may find this standard met.

5. *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 is addressed as a condition of approval.

Section 17.04, T – Site Design Standards for Restaurants with Drive-Through Facilities

1. *Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.*

Remarks: The applicant has shown seven stacking spaces on the site plan, and it appears that there would be available room for ten stacking spaces without interfering with traffic patterns on Main Street.

2. *In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.*

Remarks: The applicant has indicated three “hot and fresh” parking spaces near the exit of the drive-through intended for customers to wait for the delivery of orders. The Planning Commission may find this standard met.

3. *Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.*

Remarks: Both access drives on the subject property are at least 50 feet from the intersection of W. Main Street and Valley Vista Drive. Therefore, the Planning Commission may find this standard met.

4. *The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.*

Remarks: There are no abutting residential properties, so this standard is not applicable.

5. *Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.*

Remarks: The outdoor speakers are located approximately 34 feet off of the west property line. This location allows any sound to be directed towards Valley Vista Drive and away from adjacent properties. Valley Vista Drive has a right-of-way width of 66 feet, so speakers will be approximately 100 feet from the nearest property in the direction of which they face. Therefore, the Planning Commission may find this standard met.

Section 18.06 – Site Plan Review Standards

1. *The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.*

Remarks: It is not expected that the proposed use would cause detrimental impacts on public health, safety, or welfare, as the development would be consistent with surrounding land uses. The topography and size of the site are also appropriate for the proposed development. Because this site was previously developed, existing drives and some utilities are already in place. Therefore, it does not appear that the proposed development would impede the normal and orderly development of other properties. The Planning Commission may find this standard met.

2. *Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.*

Remarks: The applicant has indicated vehicular rights-of-way within the site to define the orderly flow of traffic. There are also pedestrian sidewalks and a cross walk to facilitate movement from parking spaces and other sidewalks to the proposed restaurant. There are two proposed ingress/egress points that already existed on the site. Traffic flow at these points appears to promote safe and efficient traffic operations within the site, although we have some concerns with the Main Street driveway (discussed later in this report).

There is a row of 15 parking spaces located on the north property line of the Curtis Cleaners site and there are five parking spaces on the south property line of the proposed development. There is not a defined property line between these two sites, so customers of each business may use the other's parking spaces unintentionally. This should be addressed.

3. *The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.*

Remarks: The main entrance for the proposed Burger King would be approximately 60 feet from the McDonalds entrance. The presence of two fast food restaurants in close proximity may increase traffic and congestion near the intersection of Valley Vista Drive and W. Main Street. Generally speaking, fast-foot restaurants generate a considerable amount of traffic, often at rate of more than 100 trips per hour during peak times. The proximity of two fast food restaurants with drive-through windows, along with the location of the subject parcel near the intersection of W. Main Street and Valley Vista Drive, could result in circulation problems along W. Main Street.

The Main Street entrance to the site poses some traffic concerns relative to the intersection with Main Street and Valley Vista. Left turns entering the site (from WB Main Street) and existing the site (onto WB Main Street) will be challenging from a traffic safety perspective. It may be prudent to require the driveway onto Main Street to allow for right turns only, and direct other traffic seeking to enter the site to the Valley Vista entrance.

An MDOT permit will be needed for the Main Street driveway, and the MDOT permitting process will also require a traffic impact analysis to be performed by the applicant.

4. *Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission requires that approved landscaping, buffers,*

and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

Remarks: There are few natural features currently on the property as this is a redevelopment site. The applicant has indicated two existing trees along Main Street are proposed to remain in place. In accordance with Section 4.26 (E)(2), C-3 zoning districts are required to have front yard landscaping with a minimum of one canopy tree and three deciduous shrubs for each thirty feet of lot width. The applicant's landscaping plan complies with the requirements of the Zoning Ordinance.

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

Remarks: This is addressed as a condition of approval.

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

Remarks: The Planning Commission may find this standard met (see special land use standards, #2, addressed elsewhere in this memorandum).

Recommendation. At the November 12 public hearing, the Planning Commission should carefully listen to the comments from the applicant and the public. Subject to those comments, the Planning Commission may approve of the request, subject to the following conditions, along with any others deemed necessary by the Planning Commission:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the new structure.
5. The applicant shall comply with the requirements of the City's DPW regarding water and sewer service connections and related matters.
6. The applicant shall obtain City approval for both the water and wastewater connection locations.
7. The applicant shall revise the existing easement, or create a new easement, between the subject property and the property to the south (Curtis Cleaners) to the satisfaction of the City Attorney to address parking and circulation.
8. The applicant shall obtain MDOT approval of the access drive to Main Street.

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 second 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: 1400 W. Main Street SE / SW Quadrant of the Intersection of West Main Street (M-21) and Valley Vista Drive.
2. Parcel Identification Number (Tax I.D. No.): #41-20- 03-478-019
3. Applicant's Name: Net Lease Development C/O Ben Hidalgo Phone Number: 214-914-8822
Address: 201 Main Street, Suite 600 Fort Worth TX 76102
Street City State Zip
Fax Number N/A Email Address: bh@netleasedev.com
4. Are You: ☐ Property Owner ☒ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: BFA, Inc. Phone Number: 636-231-4325
Address: 103 Elm Street, Washington, MO 63090
6. Present Zoning of Parcel C-3 General Business Present Use of Parcel: Vacant
7. Description of proposed development (attach additional materials if needed):
Redevelopment of a vacant lot (formerly Farm Bureau Insurance – Approximately 4,100 SF) into a Burger King Restaurant with Drive-Thru along with associated parking lot, lighting, and utility improvements. Access Break off West Main Street (M-21) will remain unchanged.

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

Signature:  Date: 10/10/18

Type or Print Your Name Here: Rick G. Rohlfing, Project Manager for BFA, Inc.

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.  10-9-18

Owner – Ben Hidalgo

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.

- | | INITIAL |
|---|-------------------|
| 1. Date, north arrow and scale (not more than 1" = 100', supplementary site plans at a 1" = 50' or larger scale are encouraged) 30 SCALE | <u>RGR</u> |
| 2. A city locational sketch | <u>RGR</u> |
| 3. Legal description and City address of the subject property | <u> </u> |
| 4. The size in acres or square feet of the subject property | <u>RGR</u> |
| 5. All lot and/or property lines with dimensions, including building setback lines (LISTED) | <u>RGR</u> |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary | <u>RGR</u> |
| 7. The location and dimensions of all existing and proposed structures on the subject property | <u>RGR</u> |
| 8. The location and dimensions of all existing and proposed: | |
| ▪ Drives | <u>RGR</u> |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval) | <u>RGR</u> |
| ▪ sidewalks | <u>RGR</u> |
| ▪ exterior lighting | <u> </u> |
| ▪ curbing | <u>RGR</u> |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space) | <u>RGR</u> |
| ▪ unloading areas (TRUCK ROUTE SHOWN) | <u>RGR</u> |
| ▪ recreation areas | <u>N/A</u> |
| ▪ common use areas | <u>N/A</u> |
| ▪ areas to be conveyed for public use and purpose | <u>N/A</u> |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements | <u>RGR</u> |
| 10. The existing zoning of all properties abutting the subject project | <u>RGR</u> |
| 11. The location of all existing and proposed: | |
| ▪ landscaping and vegetation EXISTING | <u> </u> |
| ▪ location, height and type of existing and proposed fences and walls DUMPSTER ENCLOSURE | <u> </u> |
| 12. Proposed cost estimates of all site improvements \$ 250,000 ± | <u> </u> |
| 13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems NEED TO CONFIRM WATER CONNECTION LOCATION | <u>RGR</u> |
| 14. The location and size of septic and drain fields | <u>N/A</u> |
| 15. Contour intervals shown at five (5) foot intervals (1' INTERVALS) | <u>RGR</u> |
| 16. FOR RESIDENTIAL DEVELOPMENT , 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 Burger King will 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 will not change the essential character of the area as the adjacent existing zoning south of the site is Industrial, to the east and north of the site is Highway Commercial Zoning, and across Valley Vista Drive to the west is zoned Automotive Commercial. Furthermore, the development to the east is an existing fast food restaurant, approximately 4,500 SF in size, with a drive-thru.
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 proposed Burger King site will be adequately served by essential public facilities and services such as highways/streets with access off of W. Main Street as it exists today, as well as access off of Valley Vista Drive at the current access location. The site is also adequately served with local police and fire protection, as this project is located within the City Limits of Lowell, MI. There are existing drainage structures in-place that will continue to be utilized for the proposed development to convey the Stormwater off the site; additionally, it should be noted that the proposed site will be reducing the overall impervious area from what had previously been developed. Lastly, the site has water and sanitary sewerage facilities on/immediately adjacent to it; and is serviced by refuse disposal services.
3. Not create excessive additional requirements at public cost for public facilities and services; and
The proposed Burger King will not create excessive additional requirements at public cost for public facilities and services, as the proposed site has water, sanitary sewerage, storm sewer, gas, telephone, and electric utilities on/immediately adjacent to it; thus, this project will not require extensive utility extensions. Furthermore, the immediately adjacent roadways in W. Main Street and Valley Vista Drive will adequately serve this development without improvements.
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 Burger King will not involve uses, activities, processes, materials, and/or 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, as this facility is similar in nature to the adjacent fast food restaurant with drive-thru.

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:

The below responses are to Section 17.04, Subsection T – Restaurants with drive-through facilities, Items 1-6:

Item 1: Our site layout provides adequate stacking capacity without extending into the public street right-of-way.

Item 2: The site layout provides and labels three parking spaces as 'Hot and Fresh', which are in close proximity to the exit of the drive-through portion of the operation to allow customers a designated space when waiting for delivery orders.

Item 3: The required front yard setback of 20 feet and side yard setback of 10 feet for parking is provided.

Item 4: The proposed project layout will utilize the existing access entrance locations off of both W. Main Street and Valley Vista Drive, both of which exceed the 50' minimum clear distance from the right-of-way line to the nearest edge of the entrance.

Item 5: There are no abutting residentially zoned properties, thus this item is not applicable for our site development.

Item 6: The proposed site layout positions the outdoor speakers associated with the drive-through facility approximately 34 feet off of the west property line, which is also the east right-of-way line of Valley Vista Drive. Valley Vista Drive has a right-of-way width of 66 feet; thus the speakers will be approximately 100 feet from the nearest adjoining property in the direction of which they face.

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: November 7, 2018
From: Andy Moore, AICP
Whitney Newberry
RE: Michael and Lindsay Bryan Special Land Use: 216 E. Main Street

Michael and Lindsay Bryan have submitted an application for a special land use on their property located at 216 E. Main Street. They desire to use the apartments at this location for short-term rental purposes. This property is located in the C-2 Central Business district. Short term rentals are only permitted in the C-2 district with special land use review and approval from the Planning Commission. The purpose of this memorandum is to review the application pursuant to Chapter 17 of the City's Zoning Ordinance.



Completeness of Submittal. The Zoning Ordinance requires that special use applications be accompanied by a site plan. The applicant has not submitted a site plan for review since the building already exists and the exterior components and overall site configuration would not be altered under this request. However, in order to understand the interior layout of the proposed special use space and ensure compliance with applicable standards, a plan of the interior of the building should be submitted.

Special Land Uses Review Standards. To approve a special land use, the Planning Commission must find that the use satisfies the general standards of Section 17.03 applying to all special land uses, as well as the standards of Section 17.04, EE pertaining to this specific special land use. Following are the standards and our remarks on each.

1. *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 existing building achieves the desired aesthetic for downtown Lowell and is consistent with other structures in the vicinity. Because the proposed short-term rental

would be located within an existing historic building, the special land use would not change the essential character of the area. Therefore, the Planning Commission may find that this standard is met.

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

Remarks: The proposed short-term rental is currently in the Downtown land use designation and is also identified as Downtown land use in the future land use map. The proposed special land use is consistent with the Downtown land use designation described in the Master Plan, which encourages mixed-use development. This type of development is usually characterized by offices or residential activities located on the second floor of commercial buildings that are located along Main Street. The applicant has stated that the short-term rental would be on the second floor of the building, while the first and third floors are currently vacant. The Master Plan also notes the importance of a pedestrian-scaled environment. The location of a short-term rental at this location would contribute to the pedestrian-paced environment desired for the downtown area. In our view, the proposed special land use is consistent with the City of Lowell Master Plan.

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

Remarks: The property is located downtown along Main Street and appears to have adequate access to emergency services. However, the Fire Department should review the site to ensure that the home is accessible.

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

Remarks: It is unlikely that the proposed use, if conducted in accordance with the standards of the Zoning Ordinance, would create any additional requirements at public cost for public facilities and services. However, the Planning Commission may wish to confirm that the applicant has made arrangements for cleaning/maintenance and designated a local agent to address any property issues.

5. *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 use of the property as a short-term rental in compliance with the Zoning Ordinance will not likely be detrimental to adjacent properties. However, public input should be solicited in this regard, as there are often many questions and concerns about short term rentals from neighbors.

6. *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 is addressed as a condition of approval.

Section 17.07, EE – Site Design Standards for Short-term Rentals. Section 17.04, EE of the Zoning Ordinance contains the requirements for short-term rentals in Lowell. Most of these standards are included as conditions of approval. However, we offer the following comments:

- Section 17.04,EE,4 requires that the short-term rental be located on a parcel that meets all required dimensional standards of the SR District. The subject property satisfies this standard.
- Section 17.04,EE,5 restricts occupancy to two persons per bedroom. The applicant has indicated that the property contains two bedrooms, so the home may not be occupied by more than four guests.
- Section 17.04,EE,6 requires one parking space per bedroom. Parking spaces are not clearly delineated in a site plan, though the applicant has indicated that there is free parking behind the building. The Zoning Ordinance permits uses downtown to count public parking within 400' of the property toward the required minimum, so the Planning Commission may consider the parking requirement to be satisfied.

Recommendation. At the November 12 public hearing, the Planning Commission should carefully listen to the comments from the applicant and the public. Subject to those comments, the Commission may approve the request, subject to the following conditions, along with any others deemed necessary by the Planning Commission:

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 maintain all required state, federal, and local permits and approvals.
3. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the structure.
4. The applicant shall submit a basic site or floor plan to ensure compliance with applicable Zoning Ordinance standards for review by the Zoning Enforcement Officer.
5. The site shall not accommodate more than 4 guests at a time.
6. The applicant shall notify, in writing, the Lowell Area Fire Department and Lowell Police Department of the dates and number of guests for each unique stay.
7. The applicant shall provide the City with a 24-hour telephone number with which the host or host's agent can be reached in case of emergency and/or enforcement matters.
8. The applicant shall provide an in-unit notice in a conspicuous place that includes the property address, a 24-hour telephone number with which the host or host's agent can be reached, all applicable rules and ordinances related to the short-term rental, and the maximum occupancy of the dwelling unit as permitted by this subsection.

9. The short-term rental shall be conducted in a manner that is consistent with the customary use of a dwelling. The unit shall provide safe, reasonable, and adequate sleeping arrangements in traditional bedrooms with proper egress or as consistent with law. The use of any other arrangement to provide additional occupancy on the premises is prohibited.
10. Occupants shall not encroach on neighboring properties.
11. The applicant shall provide sufficient waste receptacles substantially screened from view; and the premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
12. The appearance of the short-term rental shall not conflict with the residential character of the neighborhood. The dwelling shall be properly maintained per all applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of downtown Lowell.
13. The applicant or his agent shall be available to accept telephone calls at all times that the short-term rental is rented. The host or host's agent must have a key to the unit and be capable of being physically present at the unit within 60 minutes to address issues, unless arrangements are made for a substitute person to address issues within the same timeframe.

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 second 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: 216 E Main St.
2. Parcel Identification Number (Tax I.D. No.): #41-20- 02-413-019
3. Applicant's Name: Michael & Lindsay Bryan Phone Number 616-916-2336
Address: 216 E Main St. Lowell MI 49331
Street City State Zip
Fax Number _____ Email Address VolvoMan100@yahoo.com
4. Are You: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: _____ Phone Number _____
Address: _____
6. Present Zoning of Parcel _____ Present Use of Parcel _____
7. Description of proposed development (attach additional materials if needed):
To use 216 E Main St. Apartments as
Airbnb short term rentals

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

Signature: [Signature] Date: 10/3/12

Type or Print Your Name Here: Michael Bryan

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. [Signature]

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.

- | | |
|---|----------------|
| 1. Date, north arrow and scale (not more than 1" = 100', supplementary site plans at a 1" = 50' or larger scale are encouraged) | INITIAL
N/A |
| 2. A city locational sketch | N/A |
| 3. Legal description and City address of the subject property | |
| 4. The size in acres or square feet of the subject property | N/A |
| 5. All lot and/or property lines with dimensions, including building setback lines | N/A |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary | N/A |
| 7. The location and dimensions of all existing and proposed structures on the subject property | N/A |
| 8. The location and dimensions of all existing and proposed: | |
| ▪ Drives | N/A |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval) | N/A |
| ▪ sidewalks | N/A |
| ▪ exterior lighting | N/A |
| ▪ curbing | N/A |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space) | N/A |
| ▪ unloading areas | N/A |
| ▪ recreation areas | N/A |
| ▪ common use areas | N/A |
| ▪ areas to be conveyed for public use and purpose | N/A |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements | N/A |
| 10. The existing zoning of all properties abutting the subject project | C2 |
| 11. The location of all existing and proposed: | |
| ▪ landscaping and vegetation | N/A |
| ▪ location, height and type of existing and proposed fences and walls | N/A |
| 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 | N/A |
| 14. The location and size of septic and drain fields | N/A |
| 15. Contour intervals shown at five (5) foot intervals | N/A |
| 16. FOR RESIDENTIAL DEVELOPMENT , 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 | N/A |
| ▪ the number of dwelling units proposed (by type), including typical floor plans for each type of dwelling | N/A |
| ▪ the number and location of efficiency and one or more bedroom units | N/A |
| ▪ typical elevation views of the front, side and rear of each type of building | N/A |
| ▪ Dwelling unit density of the site (total number of dwellings / net developable area) | 2 |

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;

N/A

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;

N/A

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

N/A

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.

N/A

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:

N/A

The neighborhood

Lindsay's home is located in Lowell, Michigan, United States.

We'll start with our building.. the apartment is located on the second floor (24 stairs up). Currently, we have another Airbnb apartment across the hall with the first and third floors vacant at the moment. Once outside there are many restaurants/bars, boutiques, and antique shops that are located along Main St.. We are adjacent from City Hall and the Lowell Police Department, just down from there we have our local library and fenced in park for those who have little ones along for the stay.

Our historic small town always has something going on throughout the year like parades, family runs/walks, our summer showboat concerts, festivals, Laughfest for Gilda's club and so many more things. And when none of things are happening we have the Wittenbach Nature Center located a few miles away with lots of trails and things to see. If fishing is something you like we have plenty to choose from.. our town sits right where the Flat River and the Grand River meet along with many other lakes that are home to Bluegill, Smallmouth & Largemouth Bass, Perch, and Crappie just name a few. We're 20 minutes to Downtown Grand Rapids, 50 minutes away from some of Michigan's most beautiful beaches.

Getting around

Lowell doesn't have any public transportation, but there are Uber drivers all over. We have free parking in the lot directly behind our building along with spots along Main St. * Please note that some on-street parking along Main St. may not allow for overnight occupancy.



Destiny · August 2018



Lindsay's apartment was great! It's in an awesome historic building but everything is updated and so nice. The town of Lowell is such a gem! We stumbled on a great concert by the lake and a book sale at the library! We had delicious BBQ right next door and a great bakery across the street. We were in the area for a show in Grand Rapids but we are so thankful to have found this great apartment!



Jodi · August 2018



Beautifully decorated and well maintained flat about 25 minutes outside GR. The small town was cute with a coffee shop and restaurants within walking distance. New Union Brewery was our favorite local joint. Lindsay was a great host who provided a good recommendation for disc golf courses near by and even wished me happy birthday.



Sandra · August 2018



Adorable little place in a very cool old building. Very quiet and quaint little town. Beats a hotel any day!!



Kara · August 2018



My husband, teenage daughter, and I stayed for 2 nights, and this fit the bill as to what we expect from Airbnb, which is to experience the life of a local in a new town. Here, we stayed on a main street of Lowell, a small town that packs a big punch with boutique shops, antique shops, and a good choice of eateries. The Airbnb is in an old building that was renovated and updated so thoughtfully by Lindsay and her family— and it was so delightful when we entered: “ooh, look at this! Look at that!” We went tubing on Rogue River, and did much-needed laundry back at the Airbnb. We had dinner on the waterfront, enjoyed some wine, then walked back to the Airbnb and watched Netflix. We didn’t need to cook, but having a kitchen was good even just to make coffee and have snacks. The beds were comfy and cozy, and we all enjoyed sweet slumber. Lindsay was easy to communicate with during our stay, and check-in was easy, too. The only hard part was check-out, because we didn’t want to leave! P.S. My husband’s review: it was super neat and clean, and had a nice southwest and rustic style!



Annette · August 2018



We truly enjoyed staying at this wonderful little apartment! We were in town for a wedding in Grand Rapids and decided to make it a long weekend. Lindsay’s apartment was super clean, the decor was very cool and it was a very comfortable space. We really enjoyed visiting all of the local beaches (about an hour away), local shops and amazing restaurants! Lowell is a very cute town and we also really enjoyed East Grand Rapids where we had dinner at Carolina Kitchen on Wealthy Street. Wonderful food and very friendly staff! Also there was a good ice cream place there. The apartment is close to Grand Rapids (appx. 20 minutes). Wish we would’ve had more time to spend there as I know there was much more to see! Thanks Lindsay for a very fun weekend in your cozy apartment! Would definitely stay there again!



Stacy · July 2018

Lindsay's place is such a hidden little gem! I travel to GR for work and like the quiet of just-outside-city-limits. The apartment's location couldn't be more ideal with its street-lined shops including boutiques, a quaint bakery, beer shop, and a solid corner restaurant to unwind at the end of a long day. The apartment itself is so stinking cute with its lofty ceilings, cinema-worthy flat screen, and rustic chic decor. The kitchen is fully equipped for cooking (complete with spices!) if you don't feel like heading out, and the coffee jar is fully stocked for an anytime pick-me-up. The living room offers a cozy hangout space, while the small bedroom is strictly reserved for resting (but provides ample hanging space for clothing). The washroom, located directly off the bedroom, has a spa-worthy rain shower and plenty of real estate near the vanity for early-morning primping. Lindsay has included all the little details like a mini hairdryer, straightener, and all the powder room essentials. Bottom line: If you're planning to visit the Grand Rapids area, don't overlook this off-the-beaten-path spot. Highly recommend it, and will certainly be staying here again.



Laura · July 2018

We had a wonderful time at Lindsay's place, we would definitely stay again. The inside was beautifully decorated, and it was right where all the shops and restaurants of the town are.



Brandi · July 2018

This place is fantastic in so many ways. Located in a downtown area in which you can feel comfortable to walk to restaurants and/or a brewery. There are adorable clothing stores nearby as well. The apartment itself is clean, stylish, comfortable, and offers all the amenities to make you feel like home!

[Reload this page](#) arah · July 2018



Lindsay's place was so cool. Old vintage building RIGHT IN THE HEART of the little downtown Lowell. They are restoring the building as a family which is really cool. The apartment was beautifully remodeled! Super cute touches and a very comfortable stay.

Reload this page

Matthew · June 2018



A VERY stylish little apartment overlooking the main drag in Lowell. It has a small town feel -- antique stores and ice cream stands -- plus a handful of great breweries within walking distance! Lindsay was accommodating and even let us check in early. We had a great time!

P



Madison · June 2018

This apartment is lovely. A modern space that manages to be all cozy and tucked away in a charming little downtown. There is a cafe and shopping within very close walking distance and there was a local Farmers' Market happening right next door during our stay. Everything was spotless and our host was accommodating. She even contacted me before I got too far to inform me of a left behind item (thanks again for that Lindsay). I would certainly recommend this place to anyone considering it!

P



Emiliana · May 2018

Lindsay's place was super cute and very clean! She was very helpful and available for any questions that came up. The location is great - I recommend trying the BBQ place next door!

P



Amalia · May 2018

Lindsay's place was a great launch pad for our four-day stay in the Grand Rapids area. Very cozy and comfortable apartment. As other reviewer's have mentioned, she leaves thoughtful touches they cater to your visit. She is an amazing host!

P



Robert · May 2018

Enjoyed our stay so much! I could not have decorated this place any nicer if I tried. Our hosts were timely with questions and the apartment was spotless. The town was adorable and all the people in the restaurants and shops were beyond friendly. Definitely would recommend!!



Sarah · April 2018

Great location, close to restaurants, quiet, quaint...perfect!



Levi · April 2018

Lindsay's place is a great launching pad for seeing the area - short drive from Lowell to Grand Rapids if you need a bigger town, but downtown Lowell has some great restaurants and walking locations, as well as close access to the river and trails. Property is very clean and comfortable, easy to access, with plenty of nearby parking. Lindsay was very responsive during our booking and stay, with thoughtful touches for our trip. Recommended!



Christina · March 2018

Lindsay's apartment was everything I imagined and more. Very stylish, clean and so comfortable! It was perfectly set downtown where everything was available in walking distance for the most part. Didn't get to hit the BBQ joint right down the street, but the food smelled delicious from outside! We really adored the small touches. Very sweet! Great setup as well! Lindsay was a ton of help and went above and beyond to let me know everything I needed for my stay



Abigail · March 2018

Great place would highly recommend! Clean, comfortable and good location to restaurants and shopping.



Lee-Anne · June 2018

P

This is an awesome place to stay in. So modern and close to nice restaurants. Cute little town and very central to everything. We stayed for a week and was totally comfortable. Comfy bed as well.



Sue Ullery
City of Lowell
302W East Main Street
Lowell, MI 49331

Schneider Manor
Proposed 12 Unit Building

October 10, 2018

Sue Ullery and Andrew Moore:

On behalf of Schneider Manor, we are requesting an extension of the Site Plan Approval they received in November 2017 for a new 12 unit apartment building and related carports on the corner of Bowes and Pleasant St.

Recently, Schneider Manor submitted a grant application for the project. As a stipulation in the grant process, Schneider Manor can not begin construction until the grant application has been reviewed and, hopefully, approved. They anticipate this process will be completed by the end of 2018. Construction would begin in the Spring of 2019.

This grant represents a significant portion of the capital funding required for this project and the Lowell Planning Commission's support helps Schneider Manor create affordable housing for our community's senior residents.

If you have any questions, feel free to contact me (616-451-3041) or Jody Haybarker at Schneider Manor (897-8908) or Bob Pfaller, Schneider Manor Board of Directors (616-292-5916).

Thank you in advance for your support.

Jay Miedema | architect
Post Associates | architects

jaym@postassociates.com
616-451-3041

2018

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
01/09/2018	01/09/2018	2535 Gee Drive	Howard Barriger	Finish Basement
01/30/2018	02/12/2018	219 E. Main	National Park Service	Sign Permit
02/07/2018	02/13/2018	621 E. Main	Lowell Methodist Church	Playground Equip.
02/23/2018	02/23/2018	1001 Heffron	Joe Runstrom	Addition
03/15/2018	03/19/2018	2535 Gee Drive	Howard Barriger	Detached garage
3/28/2018		804 Riverside Dr	Gail VanStee	Fence
04/09/2018	08/13/2018	930 W. Main	Betten Baker/Pioneer	New Building
04/11/2018	04/11/2018	517 N. Hudson	Philip Hansen	Renovation
04/23/2018	04/23/2018	624 Lafayette	Anne Dimmick	Deck
04/27/2018	06/15/2018	610 E Main	Brianna & Jacob Furlong	Fence
05/03/2018		722 N Hudson St	Brent & Hannah Sutterfield	Privacy Fence
05/14/18		152 S. Pleasant	Jasmin Bajric (call him Yas)	New bathroom, windows and siding
05/14/18		724 Riverside Dr	John Hruska	Privacy Fence
06/01/18	06/01/2018	1359 Highland Hill	Chris Gonzalez	Deck
06/04/2018	06/05/2018	201 N. Washington	Lowell Church of the Nazarene	Front Steps
06/06/2018	06/07/2018	814 Grindle	Jason Winn	Above ground pool
06/04/2018	06/11/2018	721 E. Main	Roman Tapia	Deck
06/01/2018	06/11/2018	350 N. Center	Laurels of Kent	Awning
06/27/2018	09/26/2018	609 Lafayette	Rachel Devries	Fence
06/28/2018	08/13/2018	104 W. Main	Holly Cooper	Sign
07/02/2018		1301 Sibley St	Luis Luna	Fence
07/09/2018	07/09/2018	511 Avery	Doris Bishop	Fence
07/03/2018	07/30/2018	512 E. Main	FROM	Demo

