

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, JUNE 9, 2014, AT 7:00 P.M.**

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

The Meeting was called to order at 7:00 p.m. by Chair Hanley and the Pledge of Allegiance was recited. Deputy City Clerk Susan Ullery called roll.

Present: Commissioners John Gerard, Jim Hall, Matt Mayer, Rachel Schwab, Jim Salzwedel and Chair Hanley.

Absent: Commissioner Cadwallader.

Also Present: Deputy City Clerk Susan Ullery and Mayor Jim Hodges.

**2. EXCUSE OF ABSENCES**

IT WAS MOVED BY HALL and seconded by GERARD to excuse the absences of Commissioner Cadwallader.

YEA: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

**3. APPROVAL OF AGENDA**

Chair Hanley suggested New Business – Item A be discussed prior to Old Business.

IT WAS MOVED BY GERARD and seconded by HALL to approve the agenda as corrected.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

**4. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MAY 12, 2014**

IT WAS MOVED BY HALL seconded by SCHWAB that the minutes of the May 12, 2014 meeting be approved as written.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

**5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.** No comments were received.

**6. NEW BUSINESS**

- a. Special Use Permit – Fire Works Display. Jason Lambracht of The Good Stuff Fireworks submitted a special land use application to establish a temporary open air business at 1250 West Main Street. Hours of business will be from 9 a.m. to 9 p.m. from June 13, 2014 through July 6, 2014 and 9 a.m. to 11 p.m. and July 3 and 4, 2014. Lambracht indicated Michigan permits and liability insurance have been provided.

Andy Moore from Williams and Works recommended the Planning Commission approve the special land use request to operate a temporary open air business to sell fireworks between June 13<sup>th</sup> and July 7<sup>th</sup>. The motion for approval should reference the Special Land Use review standards of Section 17.03. He also recommended 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 special land use shall at all times comply with city, county, state and other applicable regulations and provide the City with copies of all applicable state and local permits.
3. The applicant shall take sufficient steps to ensure that trash, paper, and other materials do not blow off the premises.
4. Any open air business display area shall be at least 20 feet from a street right-of-way line and shall not block pedestrian traffic or motorist vision.
5. The applicant shall designate and mark a minimum of two spaces for vehicle parking.
6. The Fire Chief shall review and approve the application prior to issuance of City permits.

IT WAS MOVED BY HALL and seconded by SALZWEDEL to approve The Good Stuff Fireworks Special Land Use Application with the above recommendations being met.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

## 7. OLD BUSINESS

- A. Review of Mixed Use Zoning. Andy Moore from Williams and Works provided a second draft regarding Mixed Use Zoning within the City. The Commission needs to consider how many buildings would be affected by a change in the zoning district. Such a change would be restrictive to those whose building becomes nonconforming with the ordinance.

Moore stated the map provided indicates the Commission should pay special attention to the idea of rezoning the areas east of Washington Street or going back and reviewing the nonconforming chapter of the ordinance.

Commissioner Hall suggested the possibility of extending the Historic District.

By general consensus, the Commissioners tabled the issue until next month.

## 8. NEW BUSINESS

1. Review Chapter 4 – General Provisions – to consider possible amendment to Section 4.10. Deputy City Clerk Susan Ullery explained this would be considered a subsection to Section 4.10 of the Zoning Ordinance, which would allow such issues as the sale of fireworks to be approved administratively rather than going through a special land use permit. Andy Moore from Williams and Works stated the ordinance refers to the sale of fireworks being similar to that of a car lot or

other open air business or principal use. The sale of fireworks is a temporary business. Moore noted there cannot be two principal uses on the same property. We already allow temporary uses such as a sales office, Christmas trees or similar type sales of merchandise temporarily. This would allow a more streamlined process instead of requiring a special use permit. Moore noted the fireworks law which was enacted a few years ago stating one cannot treat firework sales differently than any other sale. Other communities have been treating such sales as temporary uses along with Christmas trees or seasonal items one may see in a community.

Moore noted a special land use stays with the land.

Commissioner Hall had no problem with the proposal and it being approved administratively.

Moore wanted to check into the possibility of this type of use being considered a transient merchant, similar to that of the sales of Christmas trees, instead of amending zoning. Both are similar sales and should not be treated differently. Hanley suggested a time frame placed on transient merchants.

Ullery stated that according to current city code transient merchants are only allowed during festivals and other special activities. One must be careful when getting into the definition of transient merchants and consider how much of this activity is desired around the City. Hall stated he would rather leave this up to the City Council to make such a decision. Moore stated one community recently adopted language stating such businesses were only allowed in one district and included limits in terms of length the transient is there and items which can be sold.

IT WAS MOVED BY GERARD and seconded by SALZWEDEL to recommend an amendment to Chapter 4 – General Provisions –adding subsection 4.10.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

9. **STAFF REPORT.** No comments were received.

10. **COMMISSIONERS COMMENTS** No Commissioner comments.

IT WAS MOVED BY HALL and seconded by SCHWAB to adjourn at 7:35 p.m.

DATE:

APPROVED:

---

Shannon Hanley, Chair

---

Susan S. Ullery, Deputy City Clerk