

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE REGULAR MEETING OF  
MONDAY, NOVEMBER 9, 2015 AT 7:00 P.M.  
AT THE  
LOWELL CITY HALL  
CITY COUNCIL CHAMBERS  
SECOND FLOOR  
301 EAST MAIN STREET

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. September 14, 2015 – Regular Meeting
  - b.
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
  - a.
6. NEW BUSINESS
  - a. Redevelopment Liquor License Approval Process
  - b. Discussion of Potential Zoning/Ordinance Changes
  - c. Zoning Changes for Grand Rapids Gravel
  - d. Text Amendment to Zoning Ordinance - Breweries
7. STAFF REPORT
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, SEPTEMBER 14, 2015, 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 City Clerk Susan Ullery and the Pledge of Allegiance was recited.

Present: Commissioners Dave Cadwallader, Jim Salzwedel, James Zandstra and Chair Shannon Hanley.  
Absent: Commissioners Carney, Gerard and Hall.  
Also Present: City Manager Mark Howe, City Clerk Susan Ullery and Williams and Works Planner Andy Moore.

**2. EXCUSE OF ABSENSE.**

IT WAS MOVED BY CADWALLADER and seconded by ZANDSTRA to excuse the absences of Commissioners Carney, Gerard and Hall.

YES: 4. NO: 0. ABSENT: 3. MOTION CARRIED.

**3. APPROVAL OF AGENDA.**

IT WAS MOVED BY CADWALLADER and seconded by SALZWEDEL to approve the agenda as amended.

YES: 4. NO: 0. ABSENT: 3. MOTION CARRIED.

**4. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 10, 2015.**

IT WAS MOVED BY CADWALLADER seconded by ZANDSTRA that the minutes of the August 10, 2015 meeting be approved as written.

YES: 4. NO: 0. ABSENT: 3. MOTION CARRIED.

**5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.** Katherine Henry of Belding introduced herself to the Commission. She stated she is running for the 86<sup>th</sup> District House of Representative's vacancy seat.

**6. OLD BUSINESS**

- a. Cell Tower Ordinance – Williams and Works Planner Andy Moore explained the Commission reviewed the draft ordinance pertaining to Commercial Wireless Communication Facilities at its last meeting. A few changes in the ordinance were made, which Moore pointed out.

IT WAS MOVED BY CADWALLADER and seconded by SALZWEDEL to recommend to the City Council adoption of the Cell Tower Ordinance.

YES: 4, NO: 0, ABSENT: 3, MOTION CARRIED.

## 7. NEW BUSINESS

### a. South Monroe Parking Lot – Informational Review - Approved Administratively.

Williams and Works Planner Andy Moore explained the lot is temporary and provides safer conditions until a permanent one can be completed in the spring. City Manager Howe provided a picture of a sign that will be installed informing individuals of the new expanded parking lot. He noted a site plan approval process will be completed. Thirty-nine spaces will be created initially with a total of 55 when everything is complete. Howe explained there will be many utility improvements as well.

After discussion with the business owners, a decision was made to actually do the project in the spring.

### b. Community Facilities Report.

City Manager Howe presented the City of Lowell Community Facilities Report to the Commission. This is a report that has been worked on over a period of time and has recently been presented to the City Council. One suggestion from the Council included the cost of each park and city hall.

Howe noted these facilities include the Englehardt Public Library, Graham Building, Riverwalk Building, Showboat and Riverwalk, Community Parks and Oakwood Cemetery. There is a net cost to the City of Lowell taxpayers of about \$300,000 a year. This equates to a little over 3 mills. Those facilities are taken care of and maintained by the City of Lowell taxpayers but are used by the community as a whole.

### c. Five Year Street Plan.

City Manager Howe presented a five year street plan summary. Street planning is a complicated project to put together. As this is done, a street asset management plan will be created and submitted to the State. Once the plan is in place, the Major and Local Street funds can be combined into one fund and used in accordance with the plan. This creates many financial benefits.

This will be an annual process and will be updated every year. Continued public input is needed.

Howe explained the types of street repair (Mill & Resurface, Crush and Shape, Crack Sealing, Chip Seal).

### d. N. Washington Street Project. City Manager Howe explained work will be completed on N. Grove and High Streets soon. He questioned the Commissioners thoughts on whether or not N. Washington Street should be milled with the asphalt laid back down while the machine is still here. City engineer Dave Austin and Interim DPW Director Ron Woods believed this would be an improvement over the surface of the road. The estimated cost is \$7,700.

Letters were distributed to the area residents regarding their concerns and a mix of feelings were returned.

Howe questioned the Commissioner's thoughts. Commissioners Cadwallader and Salzwedel agreed the work should be completed.

Howe also referred to a discussion the Planning Commission had several years ago regarding parking lots that have a hard surfaced pavement of poured concrete or rolled asphalt, or other such surfaces

approved by the Planning Commission. This may be a conversation the Planning Commission wants to revisit.

Moore stated there is language that refers to rolled asphalt, cement or such surfaces approved by the Planning Commission. This is very common language.

Moore believed parking lots could be considered on a case by case basis depending on the use and how many cars would be traveling on it.

Howe believed the surface of a parking a lot is a policy issue and should be discussed further.

Salzwedel suggested this be added to the list of 2016 goals. "What is considered to be a hard surface".

8. **STAFF REPORT.** City Clerk Susan Ullery provided the Commission with a list of updated building permits since the last meeting.

City Manager Howe reminded the Commission of the workshop on September 29, 2015 at 6:00 p.m.

9. **COMMISSIONERS COMMENTS.** Commissioner Salzwedel thanked the city for putting up new speed limit signs and truck route signs.

IT WAS MOVED BY CADWALLADER and seconded by SALZWEDEL to adjourn at 8:02 p.m.

DATE:

APPROVED:

---

Shannon Hanley, Chair

---

Susan S. Ullery, City Clerk

## City of Lowell Redevelopment Liquor License Approval Process

1. Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (Form LCC-3011, Example 1), Police Investigation Recommendation (Form LC-1800, Example 2) and relevant fees are submitted to the Lowell Police Department. The application must contain the legal entity's name and clearly indicate all licenses and permits for which application is being made. (Police Department)
2. Application (Form LCC-3011) is forwarded by the Police Department to the City Clerk. (Police Department)
3. Determine if applicant meets LCC submittal requirements and document on City of Lowell Liquor License Checklist (City Clerk):
  - a. Located within the Downtown Development Authority district.
  - b. Expended or will expend at least \$75,000 for rehabilitation/restoration of the building.
  - c. The business will have a seating capacity of not less than 25 persons.
4. Determine if applicant meets City of Lowell guidelines and document on City of Lowell Liquor License Checklist:
  - a. The request is a use permitted by right and the application meets all the requirements under the City of Lowell Zoning Ordinance. (City Clerk)
  - b. The request is supported by the City of Lowell Master Plan, DDA Development Plan, or other development guides applicable to the development district. (City Clerk)
  - c. The applicant does not have any current or outstanding code violations. (City Clerk verifies with Building Official and Police Department)
  - d. The applicant does not have any outstanding City taxes or other City fees. (City Clerk verifies with City Treasurer)
5. Notification to the members of the Downtown Development Authority and Planning Commission. (Clerk)
6. Notification to Police Department to proceed with investigation recommendations. (City Clerk)
7. Notification to current liquor license holders operating in the City of Lowell. (Police Department)
8. Local Government Approval form (LCC-1305) is drafted. (City Clerk)
9. Affidavit of Public and Private Investment is prepared. (City Assessor)

10. Affidavit A attesting to the following is prepared to include: (City Clerk)
  - a. That the City of Lowell has created a Downtown Development Authority District (include the date).
  - b. That the proposed location of the applicant is located within the DDA District.
  - c. That the City Clerk has received the Affidavit of Public and Private Investment and certifies that the information is correct.
  
11. Application and supporting documentation are forwarded to the City Manager to be included on a future City Council agenda (City Clerk). Supporting documentation includes:
  - a. Police Investigation Recommendations (LC-1800)
  - b. City of Lowell Liquor License Checklist
  - c. Local Government Approval Form (LCC-1305)
  - d. Affidavit A from the City Clerk
  - e. For first time applications:
    - i. Certified copy of the resolution establishing the Downtown Development Authority District.
    - ii. Map of the Downtown Development Authority District.
  - f. Affidavit of Public and Private Investment.
  
12. Applicant is advised of the date of the City Council meeting when the item will be on the agenda for approval. (City Clerk)
  
13. City Council reviews and recommends or does not recommend the application to be considered by the Liquor Control Commission. (City Council)
  
14. Local Government Approval form is completed. (City Clerk)
  
15. Applicant is informed that the completed application and supporting documentation is available to be picked up. Copies are kept on file with the City Clerk. (City Clerk)

**Planning Commission Goals/Priorities  
2015**

1. **Master Plan – due for an update**
2. **Review maximum building height**
3. **Review each district and its setbacks**
4. **Residential Zoning Districts – Lessen setbacks in Historic District (R2 and R3)**
5. **Lot Coverage Standards/Nonconforming Lots – Very Strict – Specifically in the C3 District.**
6. **Consider Accessory Dwellings in certain districts (R-2 and R-3)**
7. **Requirements for parking spaces – Possible thoughts to a new formula based on “area population’s”.**
8. **Comprehensive review of ordinance**

**2016**

1. **What is considered to be a hard surface?**

MEMORANDUM

TO: Mr. Mark Howe  
Lowell City Manager

FROM: Andy Moore, AICP

DATE: October 20, 2015

RE: **Grand Rapids Gravel – Initial Steps**

---

The purpose of this memorandum is to outline the steps the City must take before Grand Rapids Gravel can apply for the necessary special land use permit to extract natural resources from their property located at 2104 Bowes St SE. As you know, Grand Rapids Gravel has expressed interest in mining the property to create a pond, and eventually to construct a residential development adjacent to it.

The extraction of natural resources is permitted with special land use approval in the SR Suburban Residential district and in the FP Floodplain district. According to the Zoning Map, the Grand Rapids Gravel property is split-zoned, with the northern portion of the property zoned Industrial and the southern portion zoned Floodplain. Mining is not permitted in the Industrial district, but it is permitted as a special land use in the Floodplain district.

However, the Floodplain district is described clearly in Section 14.02 of the Zoning Ordinance as an overlay district that coincides with the 100-year floodplain, not as a standalone district as shown on the map. Further complicating matters is that the City's Zoning Map does not reflect the boundaries of the Floodplain district accurately. So the City has two issues to address on the Zoning Map: (1) the proper illustration of the 100-year floodplain overlay and (2) determining the appropriate underlying zoning districts for property currently zoned Floodplain.

The Floodplain Overlay also brings forward another unusual scenario that must be addressed. As you know, an overlay district typically adds an additional layer of regulation to address some special condition. Overlays are generally more restrictive than the underlying zoning district, so someone wishing to develop property within an overlay must comply with both the standards of the overlay and those of the underlying zoning district. Parts of the Grand Rapids Gravel parcel are zoned Industrial and are within the 100-year floodplain. Since the extraction of the natural resources is not allowed in the Industrial District, we will have a conflict where a land use (mining) is permitted by the overlay but prohibited in the underlying zoning district. To rectify this problem, it will likely be necessary to amend the Zoning Ordinance.

Once these two issues are resolved, the property owner could apply for a special land use permit to begin the mining process. If the special land use permit were granted, the City could then look to amend the Master Plan in the coming years to accommodate the proposed end use for the mining



operation, which would be residential homes. Once the Master Plan is amended, the City may rezone the property to permit the desired end use.

**Next Steps.** The following steps are recommended:

1. **Amend the City's official zoning map to accomplish the following:**
  - a. Illustrate the 100-year floodplain as an overlay district, as stated in Section 14.02 of the Zoning Ordinance. The boundary of the overlay must coincide with the actual 100-year floodplain, as determined by FEMA. This can be accomplished using digital maps from FEMA and GIS.
  - b. Rezone the property currently zoned Floodplain to another district as deemed appropriate by the Planning Commission. This will be necessary due to item a above, and can be accomplished at the same time.
  - c. At the City's option, the map could further be edited and refined to illustrate all the rezonings that have occurred over the years that were never updated on the City's official maps. Betty Morlock and I worked on this some time ago, but I do not believe the new map was ever adopted by City Council. This would result in an accurate and up-to-date zoning map that includes all recent amendments.
2. **Amend the Zoning Ordinance Text.** The text of the Ordinance should be amended to eliminate the conflict where the Floodplain Overlay is less restrictive than the underlying district. Depending on how the zoning map is amended in item 1 above, this could be a relatively simple process.

The approach outlined above should also be reviewed by the City Attorney, as his input will be important to insure the appropriate process is followed.

We believe that step 1 could be accomplished by the end of 2015, with the text amendment being approved by March or April, assuming there are no obstacles and that we start soon and work diligently. Once those two steps are completed, the applicant could then apply for a special land use permit once the map and text amendments are effective.

Please feel free to contact me if there are questions or concerns.

- c: Ms. Sue Ullery, City Clerk  
Mr. Dick Wendt, City Attorney

## 2015 Staff Reports

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
02/11/2015	03/13/2015	835 W. Main	Pete Ricards	Store
02/24/2015	03/13/2015	2475 Gee Drive	Scott Barriger	Inground pool
03/23/2015	03/30/2015	1030 Hunt	John Ingersoll	Accessory Building
03/24/2015	03/24/2015	820 N. Jefferson	Karrie Scudder	Fence
03/30/2015	03/30/2015	115 S. Broadway	King Milling	Upgrade/Cell Tower
03/31/2015	03/31/2015	1405 Laurie Gail	Kaitin Shive	Fence
04/01/2015	04/01/2015	806 N. Jefferson	Ron Stanford	Fence
04/08/2015	04/15/2015	741 Grindle	Thomas Read	Demo
04/28/2015		520 Spring	Cody Moore	Fence
05/04/2015	05/08/2015	325 S. Division	David Crandall	Deck
05/06/2015	05/08/2015	1320 E. Main St.	Moose Lodge	Fence
05/11/2015	5/11/2015	257 Donna	Elizabeth Sparks	Fence
05/11/2015	05/12/2015	316 North	Charles May	Addition
05/12/2015	05/12/2015	1320 Highland Hills	Allen Edwin Homes	New Home
05/13/2015	05/14/2015	168 S. Center	Eric Bouwhuis	Fence
05/14/2015	05/14/2015	2204 Gee Drive	Herb VanderBilt	Shed
05/19/2015	05/26/2015	815 N. Hudson	Anthony Hall	Unattached garage
05/19/2015	07/06/2015	1300 Highland Hill	Allen Edwin Homes	New Home
05/20/2015	07/06/2015	1281 Highland Hill	Allen Edwin Homes	New Home
05/27/2015	05/29/2015	315 Alden Nash	Tim Jankowski	Accessory Building
05/12/2015	05/28/2015	2255 Gee Drive	Tim Bruce	New Home
06/01/2015	06/24/2015	2212 Gee Drive	Brian Koetje	New Home
06/12/2015	06/12/2015	812 Grindle	Josh Peterman	Shed
06/17/2015	07/07/2015	741 Grindle	Thomas Read	Lot Split
06/18/2015	06/23/2015	612 N. Montro	Ronald Steffens	Repair
06/11/2015	06/23/2015	750 Hillside Ct.	Alan Hovinga	Sun Porch
06/30/2015	07/08/2015	1580 Carol Lynne	Brian Darling	Garage
07/07/2015	07/07/2015	800 Bowes	Mark Mundt	Inground Pool
07/10/2015	07/10/2015	1105 Bowes	Scott Macpherson	Shed
07/10/2015	07/10/2015	1105 Bowes	Scott Macpherson	Fence

07/13/2015	07/14/2015	925 S. Hudson	Todd Wood	Deck
07/13/2015	07/14/2015	925 S. Hudson	Todd Wood	Roof/Siding
07/20/2015	07/22/2015	2401 Bowes	William Sanborn	Shed
07/21/2015	07/22/2015	1695 Gee Drive	Kurt Holzhueter	Accessory Building
07/16/2015	08/04/2015	12142 Bowes	GR Gravel Co.	Demo
08/07/2015	08/07/2015	429 N. Washington	Tim Van Laan	Remodel
08/11/2015	08/13/2015	1462 Sibley	Dennis Walsh	Fence
08/17/2015	08/25/2015	2212 Gee Drive	Bernie Deliverer	Pool
08/24/2015	08/31/2015	726 Lafayette	Ron Wells	Porch
08/27/2015	08/31/2015	609 Lafayette	Rachel DeVries	Shed
09/01/2015	09/01/2015	1015 Beech	Tina Collins	Roof
09/02/2015	09/02/2015	1301 Sibley	Luis Luna	Shed
09/02/2015	09/02/2015	1334 Highland Hills	Allen Edwin Homes	New Home
09/18/2015	09/22/2015	517 Spring	Tim Kurzhals	Demo/Garage
09/25/2015	09/25/2015	1011 N. Hudson	Diane McNaughton	Demo/Garage
09/25/2015	09/25/2015	1011 N. Hudson	Diane McNaughton	Garage
09/16/2015	10/07/2015	724 Riverside	John Hruska	Roof
09/24/2015	09/24/2015	604 E. Main	John Gilbert	Deck
09/29/2015	10/16/2015	1340 Highland Hills	Allen Edwin Homes	New House
10/07/2015	10/07/2015	221/223 W. Main	LowellArts!	Roof
10/08/2015	10/08/2015	171 S. West	Diane Merriman	Roof
10/16/2015	10/16/2015	517 Spring	Tim Kurzhals	Garage/Addition

**Hi All,**

**I wanted to bring this up for discussion at our next meeting. I suggest we adopt guidelines for planting all future trees according to industry standards. I have copied these below. This information was sent to me from Bob Rouse who is well known in the industry. They can also be found at: <http://www.treecaretips.org/?p=64>**

### **Design Tips & Guidelines: Spacing**

**Many neglect to space their trees properly which leads to overgrown, crowded conditions. This is detrimental to your trees' nutrient intake and overall health.**

- **For trees which mature greater than 60 feet, plant a minimum 20 feet from a building and 40 feet apart.**
  - **For tree which mature between 30 and 60 feet, plant a minimum 15 feet from a building and 35 feet apart.**
  - **For trees which mature less than 30 feet, plant a minimum 10 feet from a building and 15 feet apart.**
  - **Plant trees no less than 15 feet from a driveway, 10 feet from a utility pole, and 30 feet from an intersection.**
  - **Do not plant trees that grow over 20 feet tall under power lines.**
- See everyone at the next meeting.**