

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, MARCH 14, 2016 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. February 8, 2016 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. 2016 Goals/Priorities
 - b.
6. NEW BUSINESS
 - a. Public Hearing – 119, 121, 125 and 127 Monroe Street SE – Special Land Use
 - b. Public Hearing – Proposed Amendment to the Zoning Ordinance
 - c.
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, FEBRUARY 8, 2016, 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 Jim Salzwedel, Alan Teelander, Kelli Carney and Chair James Zandstra.

Absent: Dave Cadwallader and John Gerard

Also Present: Interim City Manager David Pasquale, City Clerk Susan Ullery and Andy Moore from Williams & Works

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY SALZWEDEL and seconded by CARNEY to excuse the absences of Dave Cadwallader and John Gerard.

YES: 4. NO: 0. ABSENT: 2. MOTION CARRIED.

3. **APPROVAL OF AGENDA.**

IT WAS MOVED BY TEELANDER and seconded by SALZWEDEL to approve the agenda as presented.

YES: 4. NO: 0. ABSENT: 2. MOTION CARRIED.

4. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 11, 2016.**

IT WAS MOVED BY TEELANDER seconded by SALZWEDEL that the minutes of the January 11, 2016 meeting be approved as written.

YES: 4. NO: 0. ABSENT: 2. MOTION CARRIED.

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

No comments were received.

6. **OLD BUSINESS.**

a. **Zoning Changes for Grand Rapids Gravel – Further Discussion.**

Andy Williams from Williams & Works went over the proposed zoning changes and explained why these changes were necessary. It is necessary for the Commission to establish a public hearing for the March 14, 2016 meeting.

IT WAS MOVED BY TEELANDER seconded by SALZWEDEL to set a public hearing for March 14, 2016 Planning Commission meeting.

YES: 4. NO: 0. ABSENT: 2. MOTION CARRIED.

b. **2016 Goals/Priorities.**

The following items were discussed by the Commission and Andy Moore.

1. Master Plan – due for an update in 2017.
2. What is considered to be a hard surface?
3. Lot Coverage Standards/Nonconforming Lots – very strict – specifically in the C3 District
4. Consider Accessory Dwellings in certain districts (R-2 and R-3)
5. Requirements for parking spaces – possible thoughts to a new formula based on “area populations”.
6. Comprehensive review of ordinance

7. **NEW BUSINESS.**

a. **New Union Brewery Site Plan and Special Land Use Review.**

Tyler Velting submitted an application for site plan review and special land use approval to open a brewery at 400 West Main Street.

IT WAS MOVED BY SALZWEDEL and seconded by CARNEY to move forward with the proposal so long as it incorporated the standards of Section 17.04A and 17.04DD as well as meet the following conditions noted below.

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 and the site shall at all times comply with local standards and ordinances.
4. Any proposed signage or lighting must be reviewed and approved by the Zoning Enforcement Officer prior to construction/placement of such signage or lighting.
5. The Planning Commission may set hours of operation on the tasting room, if desired.
6. The Planning Commission accepts the proposed parking configuration as proposed. However, if the Zoning Enforcement Officer or other agent of the City determines that the parking is insufficient, the applicant shall be required to construct the deferred parking area. Prior to

construction of such deferred parking, the applicant shall provide an easement or other written agreement, in a form acceptable to the City, which authorizes construction and use of the deferred parking area for the winery/brewery. A permit shall be required for the construction of the deferred parking lot, and all standards of Chapter 19 shall apply.

7. The Planning Commission considers the lot and building to be legally nonconforming. Expansion of the facility in such a way that increases the degree of nonconformance is not permitted.
8. Any other conditions deemed necessary by the Planning Commission.

YES: 4. NO: 0. ABSENT: 2. MOTION CARRIED.

8. **STAFF REPORT.**

There was nothing to report.

9. **COMMISSIONERS COMMENTS.**

Commissioner Carney stated that she will be resigning from the Planning Commission.

IT WAS MOVED BY SALZWEDEL and seconded by CARNEY to adjourn at 7:50 p.m.

DATE:

APPROVED:

James Zandstra, Chair

Susan S. Ullery, City Clerk

Planning Commission Goals/Priorities
2016

1. Master Plan – due 2017
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
9. What is considered to be a hard surface?



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

CITY OF LOWELL

PUBLIC NOTICE

The City of Lowell Planning Commission-Citizen Advisory Committee will hold a public hearing at a regularly scheduled meeting on Monday, March 14, 2016 at 7:00 p.m. in the City Council Chambers, Second Floor, 301 East Main Street, Lowell, Michigan 49331 to consider the following request:

119, 121, 125 and 127 Monroe Street SE – The City of Lowell has requested a special land use permit to construct a public parking lot. The Zoning Ordinance requires that off-street parking lots are a special land use within the C-2 zoning district, thus, a special land use permit is required.

Information regarding this request and the Zoning Ordinance are available for public viewing at City Hall, 301 E. Main Street, Lowell, Michigan, during regular business hours. Written comments will be received until the time of the hearing.

Susan Ullery
City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: March 10, 2016
From: Andy Moore, AICP
RE: South Monroe Parking Lot Site Plan Review

The City of Lowell has submitted an application for site plan review and special land use approval to construct a parking lot on Monroe Street, just south of Main Street. The subject property has an area of about 29,000 square feet and is within the C-2 Central Business District. The purpose of this memorandum is to review the site plan and special land use application pursuant to applicable standards of the City of Lowell Zoning Ordinance.

Background

The area on which the lot will be constructed consists of several parcels. All, except one on the northeast portion of the site, is currently used for parking. Parts of the site were temporarily surfaced last fall with crushed asphalt to allow for its use through the winter in the anticipation of the lot being fully constructed in 2016. This would provide an additional 56 parking spaces to the downtown area. No buildings are proposed with this development. The proposed use is permitted with special land use approval in the C-2 district.

Site Plan Review

Setbacks and Dimensional Requirements. The subject property has an area of about 29,000 square feet and a width of 140 feet. There is neither a minimum area nor a minimum lot width requirement, so the property meets these standards. Since there are no buildings, other dimensional standards are not applicable, except as discussed below.

Landscaping. Section 19.06 requires a parking lot landscape plan. The Ordinance requires one landscaped island per 12 parking spaces, and this standard has been met.

Signs. Signage has not been proposed.

Lighting. The sight proposes seven light poles, these are designated as City of Lowell's Standard Light Pole. Any lighting that is proposed must be downward facing and fully cut-off in compliance with the Zoning Ordinance. Further, the light poles cannot exceed 20 feet in height.

Special Land Use Review. Section 17.03(A) of the zoning ordinance sets forth four standards that the Planning Commission must find are met in order to approve a special land use request. Following are the standards and our comments 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 proposed parking lot would be located and connected to an existing lot. Currently the property is used as an open gravel parking lot. Thus, the use will not change other than it will be paved and striped to accommodate more vehicles. The Planning Commission may find that this standard is met.

2. [The proposed special land use shall] Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities.

Remarks: This proposed use is sufficiently served and is accessible by transportation and emergency services. The Planning Commission may find that this standard is met.

3. [The proposed special land use shall] Not create excessive additional requirements at public cost for public facilities and services; and

Remarks: The proposed use is a public facility, so additional public costs will be involved in the construction and maintenance of the parking lot. However, these costs would not rise to the level of being "excessive."

4. [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 would not produce excessive amounts of traffic or odors that are not already present with the existing parking lot. The Planning Commission may find that this standard is met.

Section 17.04(S) of the Zoning Ordinance sets forth standards specifically with regards to Off-street parking lots. Those standards are as follows:

1. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
2. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least fifty (50) feet from an intersection.
3. All lighting shall be shielded from adjacent residential areas.
4. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
5. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest street right-of-way line to the nearest edge of said access.
6. 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.

We note that the nearest residentially zoned property is located about 420 feet to the west of the proposed parking lot. We also note that Section 17.04(S)(4) requires the parking lot to set back at least 20 feet from the front lot line, and the proposed parking lot does not meet this standard. On March 7, the Lowell Zoning Board of Appeals granted a variance to deviate from this standard, so the Planning Commission may consider this standard to be met.

Recommendation. At the March 14 public hearing, the Planning Commission should carefully consider the comments from the public regarding the proposed use. Subject to those comments, we believe the Planning Commission can approve the proposed special land use with the conditions noted below. The motion for approval should incorporate the standards of Section 17.03(A), 17.04(S) and the remarks in this memorandum may be used as a basis for such approval. Suggested conditions include:

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 special land use shall at all times comply with city, county, state and other applicable regulations.
4. The City must control all parcels on the site before construction can begin.
5. Lighting fixtures must be fully cut-off and in compliance with all standards of the City's Zoning Ordinance.
6. Any other conditions deemed necessary by the Planning Commission.

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 three 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: 125 S. Monroe
2. Parcel Identification Number (Tax I.D. No.): #41-20-02-413-026
3. Applicant's Name: City of Lowell Phone Number 616-897-8457
Address: 301 East Main Street Lowell MI 49331
Street City State Zip
Fax Number 616-897-4085 Email Address _____
4. Are You: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: Williams & Works Phone Number 616-224-1500
Address: 549 Ottawa Avenue NW, Grand Rapids, MI 49503
6. Present Zoning of Parcel C-2 Present Use of Parcel Gravel parking & Storage yard
7. Description of proposed development (attach additional materials if needed):
Construction of an expansion of an existing City parking lot to provide additional spaces
that will serve area businesses.

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

Signature: _____ Date: _____

Type or Print Your Name Here: _____

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

Owner

Date

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 parking lot will be constructed in a manner that will make it similiar to other

City parking facilities. It will enhance the character of the area by providing additional parking

for residents and visitors patronizing area businesses.

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;

All necessary facilities and services are available for the proposed parking lot development.

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

The extension of additional public facilities and services is not required for the proper function

of the proposed project.

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 use will fill a need for additional parking and will not be detrimental to the public.

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:

See Attached.

City of Lowell – South Monroe Parking Addition

Response to Site Design Standards (Section 17.04 s. Off-street parking lots).

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

Response: The proposed parking area will be paved with asphalt pavement and concrete sidewalks. It will be graded to drain to a natural low area along the south edge.

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

Response: The proposed parking area will be connected to an existing City parking lot with frontage on Main Street. The proposed S. Monroe Street access will be located approximately 150 feet south of Main Street.

3. *All lighting shall be shielded from adjacent residential areas.*

Response: The proposed site lighting will be standard City of Lowell light fixtures. There are no nearby residentially zoned properties.

4. *Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.*

Response: The proposed parking area will meet required setbacks on side and rear yards. A variance will be requested from the Zoning Board of Appeals for the setback from S. Monroe.

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

Response: The S. Monroe access will be located approximately 150 feet from Main Street.

6. *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.*

Response: There are no adjacent residential districts.



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CITY OF LOWELL
PUBLIC NOTICE

The City of Lowell Planning Commission-Citizen Advisory Committee will conduct a public hearing at Lowell City Hall, located at 301 East Main Street, Lowell, MI 49331 on Monday, March 14, 2016 at 7:00 PM concerning a proposed amendment to the City's Zoning Ordinance. The following provides a summary of the proposed amendment and its regulatory effect:

- It allows for "Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources" as a special land use in the I-General Industrial District
- It amends various sections of the F-1 Floodplain District to clarify that this district is an overlay district, to allow only those uses permitted in the underlying zoning district, and to clarify several provisions relating to standards for development within the Floodplain District.
- It amends Section 17.04(c) of relating to special land use provisions for "Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources" such to clarify that earth removal shall not alter predominate drainage patterns or cause drainage impacts to adjoining properties, and to require an applicant to propose an end use plan for a property on which mineral resource removal activities are proposed.
- In addition, the amendment rezones all properties currently zoned F-1 Floodplain to other zoning districts in order to be consistent with the language of the Zoning Ordinance. The following table illustrates the extent of the proposed rezonings.

Parcel ID	Address	Current Zoning	Proposed Zoning
41-20-10-100-015	2104 Bowes Rd	F-1 Floodplain	I-General Industrial
41-20-11-106-002	812 Bowes Rd	F-1 Floodplain	R3-Multiple Family Residential
41-20-11-126-002	680 Bowes Rd	F-1 Floodplain	R3-Multiple Family Residential
41-20-11-251-001	499 Dansville Ave	F-1 Floodplain	SR-Suburban Residential
41-20-11-203-001	925 S Hudson St	F-1 Floodplain	SR Suburban Residential
41-20-11-227-006	2091 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-11-227-003	2097 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-11-230-001	2089 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-11-501-001	13527 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-02-440-003	504 Front St	F-1 Floodplain	PF-Public Facilities
41-20-01-351-004	351 S Jackson St	F-1 Floodplain	PF-Public Facilities
41-20-01-307-007	125 S Division St	F-1 Floodplain	R3-Multiple Family Residential
41-20-01-305-009	125 S Grove St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-305-010	950 E Main St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-308-003	920 Railroad St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-306-009	1001 Railroad St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-376-004	1275 Grand River Dr	F-1 Floodplain	SR-Suburban Residential

41-20-01-376-003	1245 Grand River Dr	F-1 Floodplain	PF-Public Facilities
41-20-01-376-005	1295 Grand River Dr	F-1 Floodplain	SR-Suburban Residential

The parcels above, as well as any other parcels in the City within the 100-year floodplain, are subject to the requirements of the Floodplain Overlay District in the City's Zoning Ordinance.

At the above time and place, all interested parties will be given an opportunity to be heard. Written comments concerning the proposed amendment may be mailed or delivered to the Lowell City Clerk, 301 East Main Street, Lowell, MI 49331 up to the date of the public hearing. Copies of the proposed ordinance amendment may be viewed at City Hall at the address noted above during normal business hours.

The City will provide necessary reasonable auxiliary aids and services to those with disabilities planning to attend upon three (3) days' notice to the City Clerk. Individuals who require such services should contact the City at the address listed above or by telephone at 616-897-8457.

Susan Ullery
City Clerk



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

MEMORANDUM

TO: City of Lowell Planning Commission

FROM: Andy Moore, AICP

DATE: December 9, 2015

RE: Zoning Amendment – Floodplain and Mineral Extraction

The purpose of this memorandum is to review a proposed zoning amendment that addresses the City's floodplain district and allows for mineral extraction in the Industrial District in the City. As you know, this amendment is proposed because of conflicts between the Zoning Ordinance and map, particularly with regard to the property at 2104 Bowes Road owned by Grand Rapids Gravel. A summary of the amendment is below:

Section 1 of the proposed amendment allows for mineral extraction activities in the Industrial District as a special land use.

Sections 2, 3 and 4 of the proposed amendment amend the various parts of Chapter 14 of the Zoning Ordinance pertaining to the Floodplain District. The purpose of these amendments is to remove the various conflicts between the language of Chapter 14 and the zoning map, which we discussed at the November Planning Commission meeting.

- Section 2 simply changes the name of the chapter to state that it is an overlay district.
- Section 3 is a more notable change that permits all uses permitted in the underlying zoning districts, subject to the requirements of the overlay.
- Section 4 removes the "special land use" provisions for the Floodplain district, since special land uses would now be permitted in accordance with the underlying zoning district (see section 3 above). Instead, all the regulations that are currently in Section 14.04 have been retained (with some modest changes) and the title of this section has been renamed to "Additional Standards for Development."

I have also included a draft zoning map for your review. It reflects all the changes recently made to the map. Additionally, it illustrates proposed zoning for all the properties that are entirely or partially zoned "floodplain" presently (see dark blue outline). The colors within the properties zoned floodplain are my suggestions for how they should be rezoned. The map also shows the actual boundaries of the 100 year floodplain as an overlay so the underlying zoning districts are clearly visible.

I am looking forward to discussing this with you further on Monday. As always, please feel free to contact me if there are questions.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 16-__

AN ORDINANCE TO AMEND SECTION 13.03, "SPECIAL LAND USES" OF CHAPTER 13, "I – INDUSTRIAL DISTRICT;" THE TITLE OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT;" SECTION 14.03, "USES PERMITTED BY RIGHT" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT;" SECTION 14.04, "SPECIAL LAND USES" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT"; SECTION 17.04(C) "REMOVAL AND PROCESSING OF TOPSOIL, STONE, ROCK, SAND, GRAVEL, LIME OR OTHER SOIL OR MINERAL RESOURCES" OF SECTION 17.04 "SITE DESIGN STANDARDS;" OF CHAPTER 17 "SPECIAL LAND USES" OF AND TO APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember _____, supported by Councilmember _____, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Amendment of Section 13.03 of Chapter 13. Section 13.03, "Special Land Uses," of Chapter 13, "I – Industrial District" of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding subsection J, which reads as follows:

J. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

Section 2. Amendment of Title of Chapter 14. The title of Chapter 14, "F-1 Floodplain District," of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended to read as follows:

CHAPTER 14. F-1 FLOODPLAIN OVERLAY DISTRICT

Section 3. Amendment of Section 14.03 of Chapter 14. Section 14.03 “Uses permitted by right,” of Chapter 14, “F-1 Floodplain District” of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read as follows:

Section 14.03 Uses permitted by right.

- A. Any use permitted in the underlying zoning district, whether by right or by special land use, shall be permitted within the Floodplain Overlay District in accordance with the standards and regulations of the underlying zoning district.
- B. The standards of this Chapter shall also apply to any use proposed in the Floodplain Overlay District. Where there is a conflict between the provisions of this Chapter and another applicable Section of this Ordinance, the more restrictive provisions shall control.

Section 4. Amendment of Section 14.04 of Chapter 14. Section 14.04 “Special Land Uses,” of Chapter 14, “F-1 Floodplain District” of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read as follows:

Section 14.04 Additional Standards for Development.

- A. Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district ~~a flood hazard area~~ shall not occur except ~~upon issuance of a zoning compliance permit~~ in accordance with the requirements of this ordinance and the following standards:
 - 1. The requirements of this chapter shall be met.
 - 2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;
 - 3. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451 245, of the Public Acts of 1994 1929, as amended. Where a development permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
 - 4. The proposed use and/or structure(s) ~~use pattern and structure proposed to accomplish said use~~ shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.
 - 5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be ~~may be permitted when~~ designed so as not to increase the

possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

B. Specific base flood elevation standards:

1. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.
2. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

Section 5. Amendment of Section 17.04(C) of Chapter 17. Section 17.04(C) “Special Land Uses,” of Chapter 17, “Special Land Uses” of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to read as follows:

C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

1. No soil, sand, gravel, or other earth material shall be removed from any land within the city without special land use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the city;
 - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
 - ~~c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;~~
 - c. The earth removal involves less than one hundred (100) cubic yards;
 - d. The earth removal is for the purpose of construction of a swimming pool.
 - e. The soil removal will not be in violation of any other section of this ordinance, other city ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.

2. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
3. All earth removal operations shall be conducted in a manner such that the earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties.
4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The planning commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any residential district or use.
5. Where it is determined by the planning commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
6. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
7. No building shall be erected on the premises except as may otherwise be permitted in this ordinance or except as temporary shelter for machinery or for a field office, subject to approval by the planning commission.
8. The planning commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road within the site shall be hard surfaced for a distance established by the planning commission to minimize dust, mud, and debris being carried onto the public street.
9. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or to the community in general.
10. Proper measures, as determined by the zoning enforcement officer shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
11. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients is disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the zoning enforcement officer shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the planning commission.

12. At the time of special land use application for earth removal activities, the applicant shall submit a preliminary sketch plan of the proposed end use of the property to inform the Planning Commission of the intended long-term use of the site. Such sketch plan shall contain the information required in Section 18.04(A)(2) of this Ordinance. Planning Commission approval of the special land use request for the earth removal shall not constitute approval of the proposed end use.
13. Where excavation operation results in a body of water five (5) feet deep or greater, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.
14. The planning commission may require an environmental impact statement, engineering data, or other such justification supporting the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.

Section 6. Amendment of the Official Zoning Map. The City of Lowell Zoning Map is amended such that the parcels in the list below are rezoned as indicated:

Parcel ID	Address	Current Zoning	Proposed Zoning
41-20-10-100-015	2104 Bowes Rd	F-1 Floodplain	I-General Industrial
41-20-11-106-002	812 Bowes Rd	F-1 Floodplain	R3-Multiple Family Residential
41-20-11-126-002	680 Bowes Rd	F-1 Floodplain	R3-Multiple Family Residential
41-20-11-251-001	499 Dansville Ave	F-1 Floodplain	SR-Suburban Residential
41-20-11-203-001	925 S Hudson St	F-1 Floodplain	SR Suburban Residential
41-20-11-227-006	2091 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-11-227-003	2097 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-11-230-001	2089 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-11-501-001	13527 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-02-440-003	504 Front St	F-1 Floodplain	PF-Public Facilities
41-20-01-351-004	351 S Jackson St	F-1 Floodplain	PF-Public Facilities
41-20-01-307-007	125 S Division St	F-1 Floodplain	R3-Multiple Family Residential
41-20-01-305-009	125 S Grove St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-305-010	950 E Main St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-308-003	920 Railroad St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-306-009	1001 Railroad St	F-1 Floodplain	R2-Single or Two-Family Residential
41-20-01-376-004	1275 Grand River Dr	F-1 Floodplain	SR-Suburban Residential
41-20-01-376-003	1245 Grand River Dr	F-1 Floodplain	PF-Public Facilities
41-20-01-376-005	1295 Grand River Dr	F-1 Floodplain	SR-Suburban Residential

Section 7. Publication. After its adoption, the Deputy 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 8. Effective Date. This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers _____

NAYS: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____

Susan Ullery
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on _____, 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 _____, 2016. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2016, and was effective _____, 2016, ten (10) days after publication.

Dated: _____, 2016

Susan Ullery
City Clerk

2016 Staff Reports

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
01/06/2016	01/06/2016	106 W. Main	Jack Reedy	Deck
01/06/2016	01/06/2016	1326 Highland Hills	Allen Edwin Homes	New Home
01/15/2016	01/15/2016	800 Bowes	Mark Mundt	Remodel
02/09/2016	02/12/2016	624 Lafayette	Scheidel Pool & Spa	Pool
02/19/2016	02/19 2016	517 Front	Jamie Marentette	Repair/Remodel
03/01/2016	03/10/2016	201 E. Main	Flat River Grill	Roof