

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA  
FOR THE REGULAR MEETING OF  
MONDAY, MAY 9, 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. April 11, 2016 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
  - a. 2016 Goals/Priorities
  - b. Proposed Amendment to the Zoning Ordinance
  - c. Zoning Ordinance - Audit
6. NEW BUSINESS
  - a. Site Plan Review – DJT Properties LLC/1120 W. Main Street
  - b.
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, APRIL 11, 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 Dave Cadwallader, Marty Chambers, John Gerard, Jim Salzwedel, Alan Teelander and Chair James Zandstra.

Absent: None.

Also Present: Interim City Manager David Pasquale, City Clerk Susan Ullery, Andy Moore from Williams & Works, Councilmember Jim Hodges and Bruce Barker.

2. **APPROVAL OF AGENDA.**

IT WAS MOVED BY CADWALLADER and seconded by GERARD to approve the agenda as presented.

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

3. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 14, 2016.**

IT WAS MOVED BY SALZWEDEL and seconded by CADWALLADER that the minutes of the March 14, 2016 meeting be approved as written.

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

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

No comments were received.

5. **OLD BUSINESS.**

a. **2016 Goals/Priorities.**

Andy Moore with Williams and Works provided a brief background.

Bruce Barker went to the podium and stated that although he cannot vote until June 9, he will be at all of the meetings. He stated that there is no need to wait for his vote, as he does not want to hold anything up.

The Commission decided to table this for now so they may have more time to process all of the information they have received.

b. Proposed Amendment to the Zoning Ordinance.

Moore gave a short presentation to explain the proposed amendment to the zoning ordinance.

Commissioner Cadwallader asked about the water table and whether or not that would be an issue. Moore stated Grand Rapids Gravel would have to apply for a special land use application. Everything would be reviewed to ensure the process is safe. The change in zoning really has nothing to do with Grand Rapids Gravel. They would still have to submit site plans, etc.

Commissioner Salzwedel stated that he has spoken to many residents that this will affect and some of them would like to do something different with the property. For example, one resident mentioned having a farm. He also stated that this should not affect the taxes for the property unless the residents intend to do something to the property that increases its value.

Jim Pfaller of 810 Bowes stated that every year he has to come in and remind them that certain portions of his property are under water every year and he believes this rezoning is going to only make that process worse and that his taxes will increase.

Kathleen Burmania of 775 Grand River Drive asked for a better distinction between the floodplain districts since some flood every year, and others only flood when severe weather hits.

After further discussion the Commissioners decided that new districts needed to be developed. Moore stated he would work on getting revisions made and a revised map done.

IT WAS MOVED BY CADWALLADER and seconded by GERARD to create a new zoning ordinance.

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

6. NEW BUSINESS.

a. Site Plan Review – BGR Investments, LLC.

Brent Slagell submitted an application for site plan review to open a restaurant/brew pub at the corner of Main Street and Washington Street in the east half of the old Superior Furniture building. He does not plan to do anything to the outside of the building other than build a front porch/patio.

Andy Moore discussed the background a bit and went over his memo on the matter.

No public comments were received.

IT WAS MOVED BY CADWALLADER and seconded by TEELANDER to approve the proposed site plan as presented with the 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 special land use shall at all times comply with city, county, state and other applicable regulations.
4. Signage shall be submitted to the Zoning Enforcement Officer for review prior to installation.
5. The Planning Commission may require the applicant to replace any trees that are proposed to be removed for the patio.
6. The dumpster shown on the site plan must be submitted for zoning administrative approval. There must be fencing on all four sides.
7. A landscaping plan must be submitted prior to the build.
8. Any other conditions deemed necessary by the Planning Commission.

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

7. **STAFF REPORT.**

There was nothing to report.

8. **COMMISSIONERS COMMENTS.**

The new Commissioners were welcomed.

IT WAS MOVED BY CADWALLADER and seconded by SALZWEDEL to adjourn at 7:40 p.m.

DATE:

APPROVED:

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James Zandstra, Chair

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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?

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 16-\_\_**

**AN ORDINANCE TO AMEND SECTION 3.01 "DISTRICTS ESTABLISHED" OF CHAPTER 3, "ZONING DISTRICTS – GENERAL"; TO AMEND SECTION 13.03, "SPECIAL LAND USES" OF CHAPTER 13, "I – INDUSTRIAL DISTRICT;" TO AMEND THE TITLE OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT;" TO AMEND SECTION 14.03, "USES PERMITTED BY RIGHT" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT;" TO AMEND SECTION 14.04, "SPECIAL LAND USES" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT;" TO ADD A NEW CHAPTER 14A TITLED "RE- RIVER'S EDGE DISTRICT"; TO AMEND 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;" TO AMEND SUBSECTION "A" OF SECTION 18.02 "REGULATION" OF CHAPTER 18, "SITE PLAN REVIEW"; TO AMEND SUBSECTION A OF SECTION 20.08, "SIGNS PERMITTED BY ZONING DISTRICT" OF CHAPTER 20, "SIGNS"; AND TO AMEND THE OFFICIAL ZONING MAP TO REZONE VARIOUS PROPERTIES AS SPECIFIED HEREIN, 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 3.01 of Chapter 3.** Section 3.01, "Districts Established" of Chapter 3, "Zoning Districts – General" of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding the following zoning district, which reads as follows:

RE River's Edge District

**Section 2. 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 G, which reads as follows:

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

**Section 3. 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 4. 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 in its entirety to read as follows:

**Section 14.03 Uses permitted.**

- 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 and regulations 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 5. 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 in its entirety 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 shall not occur except 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 permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended. Where a 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) 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 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 6. Amendment of the City of Lowell Zoning Ordinance to include a new Chapter 14A.** Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended by adding a new Chapter 14A, which reads as follows:

**CHAPTER 14A. RIVER’S EDGE DISTRICT**

**Section 14A.01. Purpose**

This district is intended primarily to protect those undeveloped areas in the city that are subject to predictable and regular flooding, and therefore are generally unsuitable for permanent development. These areas are within the 100-year floodplain and are generally adjacent to the Grand River. It is the intent of this district to allow for limited activities and development that does not require the placement of buildings intended for human habitation. It is further the intent of this chapter to discourage development that would reduce reservoir capacity or would otherwise impede, retard, accelerate or change the direction of the flow of water.

**Section 14A.02. Uses permitted**

Land in the River’s Edge district may be used for the following purposes as uses permitted by right:

- A. Open space uses such as farms, nurseries, parks, playgrounds, golf courses, nature preserves, horse trails, natural trails, and recreational uses, provided no alteration is made to the existing level of the floodplain or the erection of a structure which may interfere with the flow of the river or floodplain capacity.
- B. Accessory buildings and uses, provided that the standards of Section 4.08 are met.

**Section 14A.03 Special land uses.**

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

**Section 14A.04 District Regulations**

Front yard	30 feet
Side yard	20 feet
Rear yard	35 feet
Building height	35 feet or 2½ stories
Minimum lot area	20,000 square feet
Minimum lot width	125 feet

#### **Section 14A.05 Additional Standards for Development**

- A. Development permitted by sections 14B.02 and 14B.03 above shall only be permitted in accordance with the requirements of this chapter, including all applicable overlay districts, and the following standards:
1. 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, of the Public Acts of 1994, 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 may be acceptable.
  2. Utilities, streets, off-street parking, structures, and buildings for public or recreational uses and any other proposed uses and/or structure(s) shall be designed as not to reduce the water impoundment capacity of the floodplain, significantly change the volume or speed of the flow of water or be otherwise detrimental to the public health, safety and welfare.

**Section 7. 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 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 8. Amendment of Section 18.02A of Chapter 18.** Subsection A of Section 18.02, "Regulation" of Chapter 18, "Site Plan Review" of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding subsection 10, which reads as follows

10. RE River's Edge District

**Section 9. Amendment of Section 20.08.** Subsection A of Section 20.08, "Permitted signs by Zoning District" of Chapter 20, "Signs" of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to reads as follows:

- A. The following sign types shall be permitted in accord with the following regulations, in the SR, R-1, R-2, R-3, MHP and RE Districts:

**Section 10. Amendment of Official Zoning Map.** The Official Zoning Map of the City of Lowell Zoning Map is amended such that the parcels in the list below are rezoned as indicated and illustrated on the attached map:

Parcel ID	Address	Current Zoning	Proposed Zoning
41-20-10-100-015	2104 Bowes Rd	F-1 Floodplain	I-General Industrial and RE River's Edge

41-20-11-106-002	812 Bowes Rd	R3 Multiple Family Residential and F-1 Floodplain	RE River's Edge
41-20-11-126-003	500 S Hudson St	R3 Multiple Family Residential and F-1 Floodplain	R3 Multiple Family Residential and RE River's Edge
41-20-11-251-001	499 Dansville Ave	F-1 Floodplain	RE River's Edge
41-20-11-203-001	925 S Hudson St	F-1 Floodplain	RE River's Edge
41-20-11-227-007	775 Grand River Dr	F-1 Floodplain	RE River's Edge
41-20-11-230-001	675 Grand River Dr	F-1 Floodplain	RE River's Edge
41-20-02-440-003	504 Front St	F-1 Floodplain	PF Public Facilities and RE River's Edge
41-20-01-351-004	351 S Jackson St	F-1 Floodplain	RE River's Edge
41-20-01-307-007	125 S Division St	F-1 Floodplain	R3-Multiple Family Residential and RE River's Edge
41-20-01-305-009	125 S Grove St	F-1 Floodplain	RE River's Edge
41-20-01-305-010	950 E Main St	F-1 Floodplain	RE River's Edge
41-20-01-308-003	920 Railroad St	F-1 Floodplain	RE River's Edge
41-20-01-306-009	1001 Railroad St	F-1 Floodplain	R2-Single or Two-Family Residential and RE River's Edge
41-20-01-376-004	1275 Grand River Dr	F-1 Floodplain	RE River's Edge
41-20-01-376-003	1255 Grand River Dr	F-1 Floodplain	RE River's Edge
41-20-01-376-005	1295 Grand River Dr	F-1 Floodplain	RE River's Edge

**Section 11. 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 12. 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

7632 36<sup>th</sup> st. se

Ada, MI 49301

April 27, 2016

Planning Commission

City of Lowell

301 East Main Street

Lowell, Michigan 49331

Dear Planning Commission:

This letter is in regard to the proposed amendment and its regulatory effect which has been discussed in the two prior Planning Commission meetings and will be discussed at the May 11, 2016, meeting.

**Specially, I am requesting a change in your proposal for my property, 41-20-11-227-007 at 775 Grand River Drive, which previous to legally being joined by Quit Claim Deed was known as 41-20-11-227-006 and 41-20-11-227-003. The property needs to be zoned as: *Suburban Residential and Rivers Edge, not just Rivers Edge.***

As you can see from the FEMA map #2601080001B (updated 5/16/1983 and not changed in the 2015 adjustments to FEMA maps), the upper level of this property is NOT in the 100 year flood plain, it is the same elevation as the east-west railroad track, has never been flooded and previously had a house on the property (Lovelands were the last tenants prior to the fire approximately 25-30 years ago).

We plan to build on the higher south section of this property with the appropriate zoning of Suburban Residential, which is what I was told was the correct zoning and had the ability to be built upon when I contacted the City of Lowell prior to purchasing this property.

Please consider this matter and contact me with any questions or concerns.

Yours,



Kathleen Burmania

616-822-5055

Cc: Bolhouse, Baar and LeFere, P.C. ; Rhoades, Mc Kee



# FEMA Flood Map Service Center : Search By Address

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755 grand river, lowell, mi

Search

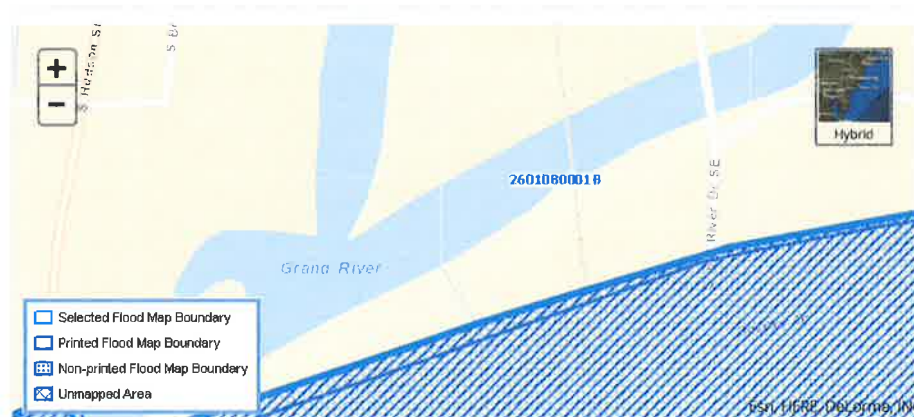
The buttons below let you view and print the selected flood map, download the flood map image, open an interactive flood map (if available), or expand the search to all products to view effective, preliminary, pending, or historic maps, and risk products for the community. The locator map shows flood map boundaries in your area of interest. You can choose a new flood map by clicking elsewhere on the locator map or entering a new location in the search box.

## Search Results—Products for **LOWELL, TOWNSHIP OF**

FEMA has not completed a study to determine flood hazard for the selected location; therefore, a flood map has not been published at this time.

Show all products for this area (<https://www.fema.gov/portal/availableProducts?community=260972&communityType=TOWNSHIP&searchresultsanchor=OF#searchresultsanchor>)

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## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** April 6, 2016  
**From:** Andy Moore, AICP  
**RE:** Zoning Ordinance Audit

The purpose of this memorandum is to summarize parts of the City of Lowell Zoning Ordinance that may need reconsideration or revision to help ensure effective land use and development standards to regulate the built environment. This report is intended to serve as a brief evaluation of the current zoning language and it highlights key policy issues and structural elements that may be revised to establish a more comprehensive and defensible document. This audit was completed at the request of the Planning Commission as they look to work on revisions to better serve the residents of the City.

As a general comment, the current Zoning Ordinance is fairly comprehensive and includes many the customary regulations normally found in a Michigan ordinance. However, parts of the Ordinance are antiquated and we recommend looking for ways refine certain provisions, remove duplicative language and craft more user-friendly language by using simple tables where appropriate. On another note, the format could be updated to ensure more obvious section and page numbering. Currently, if new language is inserted in the document, all the following pages would be renumbered which can lead to confusion if not everyone is using the same document. We find it more appropriate to number pages using a "chapter number – page number" format, where the fourth page of Chapter 3 would be page 3-4.

The following pages review each chapter of the Ordinance and highlight problems or policy questions that should be considered by the Planning Commission.

### Chapter 2 – Definitions

Definitions are of primary importance in the effective use of the Zoning Ordinance. However, the current Ordinance appears to be deficient in its definitions in that many land uses regulated by the Ordinance are not defined. Ideally, every listed permitted or special land use should be defined to help reduce ambiguity. For example, "retail store" is a permitted land use in the C-2 district but is not defined. What happens when an applicant and the City disagree on what constitutes a retail store? All permitted land uses should be defined to eliminate personal interpretation of the Ordinance's intent.

Additional general comments about definitions follow:

1. References to the City or Village Zoning Act, which occur in several instances throughout the Ordinance, should be revised to reference the Michigan Zoning Enabling Act (MZEA), which was adopted in 2006.
2. Throughout the definitions are terms throughout this article that refer to adult or sexually oriented businesses. These should be moved to one definition under the heading of "adult uses" or "sexually oriented businesses."
3. Many of the graphics could be updated for clarity, and additional graphics for could be created as appropriate.
4. Definitions for day cares, adult foster cares and similar state-licensed residential care facilities should be revised and/or updated to be consistent with definitions used by the State of Michigan
5. The definition of "farm" should be revised to be consistent with the Right to Farm Act.
6. The definition for lot lines, particularly those for front lot lines, should be reviewed, particularly in the case of corner lots, where the front lot line is the shorter to the two lot lines that are adjacent to the street. It may be appropriate to allow the Zoning Enforcement Officer to determine the front yard in certain circumstances.

#### **Chapter 4. General Provisions**

Chapter 4 contains provisions generally applying to all properties in the City. Most development proposals, permit applications, and land use activity will need to comply with these requirements. For this reason, general provisions are significant, as they relate generally to the entire City. Following are our observations relating Chapter 4.

1. Section 4.07(J) pertaining to fences seems to prohibit "privacy screens" but it is not clear what that means or how it is different from a privacy fence, if at all. Further, this subsection should be revised for clarity as the language is very confusing.
2. Section 4.10 pertaining to temporary uses should be revised to address temporary sales activities, such as fireworks, Christmas trees, and similar items. Currently the City requires a special land use permit for temporary fireworks tents, which seems unnecessarily burdensome. Note that a change to this Section may require the City Council to amend the general law ordinance pertaining to solicitors, peddlers and transient merchants.
3. Section 4.11 contains standards for home occupations. While the standards are acceptable, we suggest that an exemption be added that allows "the instruction of a fine art or craft" in any dwelling in the City, as required by the MZEA.
4. Section 4.13 pertaining to nonconforming uses should be revised for clarity. This section primarily addresses nonconforming buildings or structures, with nonconforming uses only addressed occasionally. This should be clarified and

expanded. We recommend organizing this section into at least three distinct subsections: one for general provisions pertaining to nonconformities, one for nonconforming uses and one for nonconforming buildings or structures.

5. Section 4.13A contains standards for nonconforming lots, but is somewhat duplicative of the standards in Section 4.03(C). This should be addressed and clarified, and/or combined into Section 4.13.
6. Section 4.19 addresses the keeping of animals. This should be reviewed by the City to determine if it is still appropriate, and to address any potential

### **Chapters 5-16 District Standards**

This chapter contains dimensional, land use and other standards for each of the City's fourteen zoning districts. We have the following comments:

1. As a general note, the boundaries of all the City's zoning districts should be explored and reviewed to ensure that properties are zoned appropriately.
2. It may be beneficial to state certain land uses in more general terms. For example, in the SR district "schools, churches, libraries, and community center buildings" are permitted as special land uses. This may be more aptly described as "institutional uses", which would also include similar uses that are not a school, church, library or community center building.
3. There are some inconsistencies with regard to state-licensed residential care facilities that should be corrected. For example, in the R-1 district such facilities are a permitted use, except for those that care for four or fewer minors. However, the state defines a family day care as one involving fewer than 6 children. This should be corrected for consistency.
4. In the table of dimensional requirements for each district, there is a standard referring to "lot coverage" which corresponds to a percentage. This is defined as the percentage of a lot covered by buildings or structures. However, the standard is of little use because it is not referred to as either a maximum or minimum. This should be corrected to refer to a maximum lot coverage, or eliminated.
5. The City's commercial and industrial district have a "lot coverage" standard of 60%, specifically includes building and parking areas. If interpreted as a maximum lot coverage requirement (as it is typically applied), then this is a difficult if not impossible standard to meet, especially in the more developed portions of the City. This should be reviewed and revised.
6. Some of the land uses permitted in the industrial districts are too specific. For example, "the manufacture, compounding, assembly or treatment of articles from the previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, [etc...] is too specific and should be shortened to "manufacturing, processing or assembly establishment" or something similar.

7. Section 13.03B indicates that "petroleum storage at least 500 feet from a residentially zoned property", which is confusing. Does this apply to any part of a development in that involves petroleum storage? Or only if petroleum storage is the principal use of the parcel? Why would this only apply to petroleum storage in the Industrial district?
8. The title of Chapter 15 "Planned Unit Development District" seems to indicate that approval of Planned Unit Development (PUD) constitutes a rezoning, but the language of the Ordinance suggests that it is only subject to special land use review and approval. PUDs can be processed either as a special land use or as a rezoning, and each has its benefits and drawbacks. The process should be clarified and one method of review and approval (either special land use or rezoning) should be chosen.
9. The PF Public Facilities district is intended for properties and facilities owned by the City of Lowell or other public or quasi-public entities. Most City facilities, schools, parks, cemeteries, etc. are in this designation. While most of the standards are appropriate, setbacks and other dimensional standards should be revised to ensure that public facilities are in compliance with this chapter.

#### **Chapter 17 - Special Land Uses**

Chapter 17 outlines the process by which special land uses are reviewed and approved in the City. It is generally complete, although we do offer the following comments:

1. The approval criteria in Section 17.03A could be strengthened somewhat and expanded to state that a proposed special land use be consistent with the City's Master Plan.
2. This chapter is missing some suggested provisions regarding special land uses, such as abandonment and changes to an existing or approved special land use.
3. Chapter 17A is a lengthy chapter regulating adult (sexually-oriented) businesses in the City. This chapter should be revised to ensure that adult businesses are not effectively excluded from the City, and that other standards are still defensible and practical. Since adult businesses are a special land use, it may be appropriate to incorporate these provisions into Chapter 17.

#### **Chapter 19. Off-Street Parking and Loading**

Chapter 19 addresses parking and loading provisions. This chapter contains typical minimum parking standards for many land uses permitted in the City, as well as some locational and design requirements for parking areas. It also addresses off-street loading spaces.

1. Section 19.02 contains provisions regarding the location of required parking facilities. The City may consider loosening these regulations somewhat so that in certain instances on-street or other parking may be counted toward the minimum.
2. Section 19.03(B) requires that parking lots be surfaced with asphalt or concrete or some other surface acceptable to the Planning Commission. The Commission

should discuss what other surfaces are acceptable and under what conditions such surfaces may be used.

3. Section 19.06 sets forth criteria for construction and reconstruction of parking lots, as well as parking lot landscaping. Some of the standards in Section 19.06(B) have been characterized as onerous in the past, as it requires a property owners to complete the parking lot in full conformance with the Ordinance, even if only 25% of it is being reconstructed or resurfaced. The Commission should discuss these standards.
4. The landscaping standards in 19.06(C) are generally acceptable, but many feel that they result in lots with fewer spaces, which can become a sensitive issue in areas where there is a real or perceived shortage of parking (i.e. downtown). This should be discussed by the Commission.
5. Section 19.07 contains minimum parking standards for various land uses in the City. This table should be revised so that it ties to specific land uses that are permitted in the City, and the parking requirements should be reviewed against an objective manual such as ITE's Parking Generation to ensure that the standards are appropriate.
6. As a general note, we often recommend that a high degree of flexibility be written into parking standards. In many cases, an applicant can better determine the amount of parking needed with greater accuracy than the City.

## **Chapter 20 Signs**

This chapter was comprehensively re-written a few years ago so no major revisions are needed. However, the 2015 US Supreme Court decision *Reed v. Town of Gilbert* may affect certain provisions in the Ordinance if any sign regulations are deemed to be "content-based." *Reed v. Town of Gilbert* determined that content-based regulation was unconstitutional, so revisions to potentially content-based regulations may be required.

## **Chapter 21 – Board of Zoning Appeals**

Chapter 21 establishes the Zoning Board of Appeals (ZBA), and outlines the ZBA's jurisdictions and powers, and variance criteria. While generally complete, this chapter should be expanded to more fully enumerate the responsibilities of the ZBA and establish any other obligations that are consistent or required by the MZEA.

## **Chapter 22 – Administration and Enforcement**

This section contains provisions that address the administration of the Zoning Ordinance. This chapter is relatively brief and should be expanded to address public hearing procedures, the creation of the Planning Commission, amendments, others. We have the following specific remarks regarding Chapter 22:

1. Section 22.01 contains language that creates the position of the Zoning Enforcement Officer. While this language is appropriate in this Section, it should be expanded to present the duties and limitations of the Zoning Enforcement Officer in greater detail.
2. Section 22.02 describes the requirements for when building permits and certificates of occupancy are required. I do not believe this language is appropriate in the Zoning Ordinance, since building permits and certificates of occupancy are issued by the building inspector pursuant to the City's adopted Building Code. It should be revised or removed.
3. There is no language in this section that sets forth or authorizes zoning permits. Zoning permits are generally required for most building activities so the Zoning Enforcement Officer can verify that the Zoning Ordinance is being followed. This language should be added to this section.
4. This chapter should be expanded to include language addressing the following topics:
  - a. Public hearing procedure, consistent with the MZEA.
  - b. Zoning amendment procedure, consistent with the MZEA and including criteria to assist the Planning Commission in determining whether an amendment (either a rezoning or text amendment) should be approved or not.
  - c. Fees and applicant escrow accounts.

### **Chapter 23 – Zoning Map Amendments; Description of Rezoned Properties**

This chapter serves to describe changes made to the official City Zoning Map by using legal descriptions to track the changes to the map. However, past practice for many years has been to track zoning changes by parcel address and/or permanent parcel number on the official Zoning Map. Therefore we believe this Chapter can be removed in its entirety.

### **Chapter 24 – Open Space Preservation**

This chapter is intended to address a requirement of the MZEA that requires a municipality to provide an "open space development option" in its Zoning Ordinance. Specifically, the MZEA requires that a municipality provide a developer the option to develop a property with the same number of units as would be provided under conventional zoning, but with some portion of the property set aside as permanent open space, and lot width and area requirements reduced commensurately. The language of this chapter seems a bit lengthy, and it could likely be moved to the general provisions chapter of the Ordinance.

### **Conclusion**

Our notes discussed above are intended as a place to begin discussion on revisions to the Zoning Ordinance. They are intended to generate thought as to creating effective, clear and purposeful regulations for City residents. At our next meeting, we will review the comments in

this memorandum and receive feedback from the Planning Commission on our critique. Additional matters of local importance should be discussed, as well, to provide us with a greater understanding of local issues. The Commission should use this information to discuss which (if any) chapters or provisions of the Ordinance should be revised this year.

As always, please feel free to call me with questions or comments.



# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** May 4, 2016  
**From:** Andy Moore, AICP  
**RE:** Dollar Tree – Requested Site Plan Amendment

Representatives from the Dollar Tree have submitted an application to amend their site plan that was approved by the Planning Commission in May 2013. Specifically, they are requesting that the Planning Commission eliminate a condition of approval that requires the existing access from the store to West Street be maintained (see condition 6 below):

The original conditions of Site Plan approval were as follows:

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. All outdoor lighting fixtures shall be downward facing, fully cut-off fixtures to the satisfaction of the Zoning Enforcement Officer.
4. The dumpster enclosure shall be comprised of masonry walls that are at least 6 feet in height and designed to fully screen the dumpster from neighboring properties and streets.
5. Details for wall signage shall be reviewed and approved by the Zoning Enforcement Officer prior to installation of signage.
6. The existing access from the subject property to West Street shall be maintained in either its present form or through an access easement for the proposed split parcel.

The applicant is asking that item 6 be removed entirely. The applicant is planning on dividing the property such that the portion of the site that faces West Street would be sold. The prospective purchaser of the West Street property does not want additional vehicular traffic flowing from Dollar Tree through their site to access West Street. Further, the applicant contends that very little traffic uses this access point as it constructed currently.

Cross-access easements within properties are frequently discussed by the Planning Commission during site plan review, particularly for sites located along Main Street. Such easements facilitate the movement of people from one site to another without having to utilize Main Street. This was discussed in our staff report on the Dollar Tree site in 2013:

*"As noted above, the existing parking area on the site appears to extend to S. West Street. As proposed, however, the parking area fronting on S. West Street would be closed off from the main portion of the site containing the retail store. The applicant has indicated that the property owner owns both parcels and has no immediate plans to connect the two sites. **The Planning Commission may find that to provide safe, convenient, and uncongested vehicular infrastructure, the linkage to S. West Street should be maintained in some form.***

*"Also as noted above, it appears possible to connect the subject site to the property to the east that fronts on Main Street. Providing such a cross-access connection will be a convenience to customers, because it allows a motorist to easily access the adjacent business establishment without needing to first venture into West Main Street traffic. In addition, vehicular interconnection among retail sites has been shown to improve traffic safety, extend roadway capacity and facilitate traffic flow.*

*"A potential solution short of requiring that the applicant provide the physical connections would be to stipulate as a condition of approval that the applicant establish cross-access easements on the subject property up to the east lot line, for both the lot to the east fronting on Main Street, and the existing parking lot that would be cut-off from the retail store. The Planning Commission has done this before. Such an easement would facilitate parking lot connections should adjacent lot owners also establish easements. In that event, the parking lot could be developed as designed but with the stipulation that when/if a complementing cross-access easement is established on a neighboring site, the necessary adjustments to the lot would be made."*

Since this is an amendment to an approved site plan, the Planning Commission should apply the review standards found in Section 18.06 of the Zoning Ordinance in its review. As it pertains to this request, items B and C are applicable. These standards are as follows:

- B. 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.
- C. 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.

As a general note, we are not particularly supportive of an amendment to a site plan that would decrease overall connectivity of a site with neighboring properties. With no additional connections to any other properties and no easements in place, all traffic would be funneled onto Main Street. Further, it seems unlikely that there will be another opportunity for connections on these parcels for the foreseeable future. However, we recognize the situation of the applicant and their desire to divide and sell their property, which would likely be developed.

If, after listening to comments from the applicant and the public, the Planning Commission feels that standards B and C above would still be met if the connection of West Street were removed, then they may approve the requested amendment. If it finds that those standards are not met, then the Commission may deny the request.

Please feel free to call me if there are questions or comments.

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



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

## APPLICATION FOR SITE PLAN REVIEW

- 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: 1120 West Main Street, Lowell, MI
2. Parcel Identification Number (Tax I.D. No.): #41-20-03-478-034
3. Applicant's Name: DJT Properties LLC Phone Number 616-456-7114 \_\_\_\_\_  
Address: 1971 E. Beltline Ave NE, Suite 240 Grand Rapids MI 49525 \_\_\_\_\_  
Street City State Zip  
Fax Number \_\_\_\_\_ Email Address mmuller@mullerrealty.com \_\_\_\_\_
4. Are You: ☐ Property Owner ☒ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: Chris Markham \_\_\_\_\_ Phone Number 616-336-6071 x22 \_\_\_\_\_  
Address: 1971 E. Beltline Ave NE, Suite 217, Grand Rapids, MI 49525 \_\_\_\_\_
6. Present Zoning of Parcel C-3 \_\_\_\_\_ Present Use of Parcel Business \_\_\_\_\_
7. Description of proposed development (attach additional materials if needed):

We are submitting for an Amendment to the previously approved site plan in order to remove the requirement for an easement to West Street. \_\_\_\_\_

-Site Plan approved May 28, 2013 \_\_\_\_\_

-Site Plan No. 13-01 \_\_\_\_\_

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

Signature: Chris Markham Date: 4.15.2016

Type or Print Your Name Here: CHRIS MARKHAM

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

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)                                                 | <u>CM</u>     |
| 2. A city locational sketch                                                                                                                                                     | <u>CM</u>     |
| 3. Legal description and City address of the subject property                                                                                                                   | <u>CM</u>     |
| 4. The size in acres or square feet of the subject property                                                                                                                     | <u>CM</u>     |
| 5. All lot and/or property lines with dimensions, including building setback lines                                                                                              | <u>CM</u>     |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary                                                                     | <u>CM</u>     |
| 7. The location and dimensions of all existing and proposed structures on the subject property                                                                                  | <u>CM</u>     |
| 8. The location and dimensions of all existing and proposed:                                                                                                                    |               |
| ▪ Drives                                                                                                                                                                        | <u>CM</u>     |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval)                                                          | <u>CM</u>     |
| ▪ sidewalks                                                                                                                                                                     | <u>CM</u>     |
| ▪ exterior lighting                                                                                                                                                             | <u>CM</u>     |
| ▪ curbing                                                                                                                                                                       | <u>CM</u>     |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space)                                                                | <u>CM</u>     |
| ▪ unloading areas                                                                                                                                                               | <u>CM</u>     |
| ▪ recreation areas                                                                                                                                                              | <u>      </u> |
| ▪ common use areas                                                                                                                                                              | <u>      </u> |
| ▪ areas to be conveyed for public use and purpose                                                                                                                               | <u>      </u> |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements                                                                                   | <u>CM</u>     |
| 10. The existing zoning of all properties abutting the subject project                                                                                                          | <u>CM</u>     |
| 11. The location of all existing and proposed:                                                                                                                                  |               |
| ▪ landscaping and vegetation                                                                                                                                                    | <u>CM</u>     |
| ▪ location, height and type of existing and proposed fences and walls                                                                                                           | <u>      </u> |
| 12. Proposed cost estimates of all site improvements                                                                                                                            | <u>      </u> |
| 13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems                                    | <u>      </u> |
| 14. The location and size of septic and drain fields                                                                                                                            | <u>      </u> |
| 15. Contour intervals shown at five (5) foot intervals                                                                                                                          | <u>      </u> |
| 16. <b>FOR RESIDENTIAL DEVELOPMENT</b> , 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> |



C/L M-21 (W. MAIN STREET)  
100' WIDE PUBLIC R.O.W.

APCA 171.58  
Main Street  
City of Lowell

### Resultant Parcel Property Descriptions

Panel A:  
That part of the Southeast 1/4 of Section 3, Town 8 North, Range 9 West, City of Lowell, Kent County, Michigan, described as: Beginning at a point on the East line of said Section; thence North 0°00' East 491.0 feet from the Southeast corner of said Section; thence North 0°00' East 294.15 feet parallel with the South line of said Section; thence North 0°00' East 294.15 feet; thence East 171.58 feet along the Southerly line of M-21 (100 feet wide) on a 2014.83 foot radius curve to the left, the chord of which bears North 82°19'34\"/>

Panel B:  
Lots 27 and 28, Sweet and Smith's Addition to the Village (now City) of Lowell, Kent County, Michigan, as recorded in Liber 7 of Plats, Page 13.

# PRELIMINARY

SCALE: 1" = 30'

### LEGEND

- = IRON STAKE FOUND
- = IRON STAKE SET
- ✱ = SET "X" IN CONC.
- ⊙ = MAG NAIL
- ⊕ = MONUMENT
- P = PLATTED DIMENSION
- D = DEEDED DIMENSION
- M = MEASURED DIMENSION
- = UTILITY POLE & CUY WIRE
- — — = FENCE LINE
- — — = OVERHEAD WIRES



### LAND DIVISION MAP

FOR: BEN MULLER REALTY  
ATTN: ERIKA GENZ  
1971 E. BELTLINE AVENUE NE, SUITE 240  
GRAND RAPIDS, MI 49525

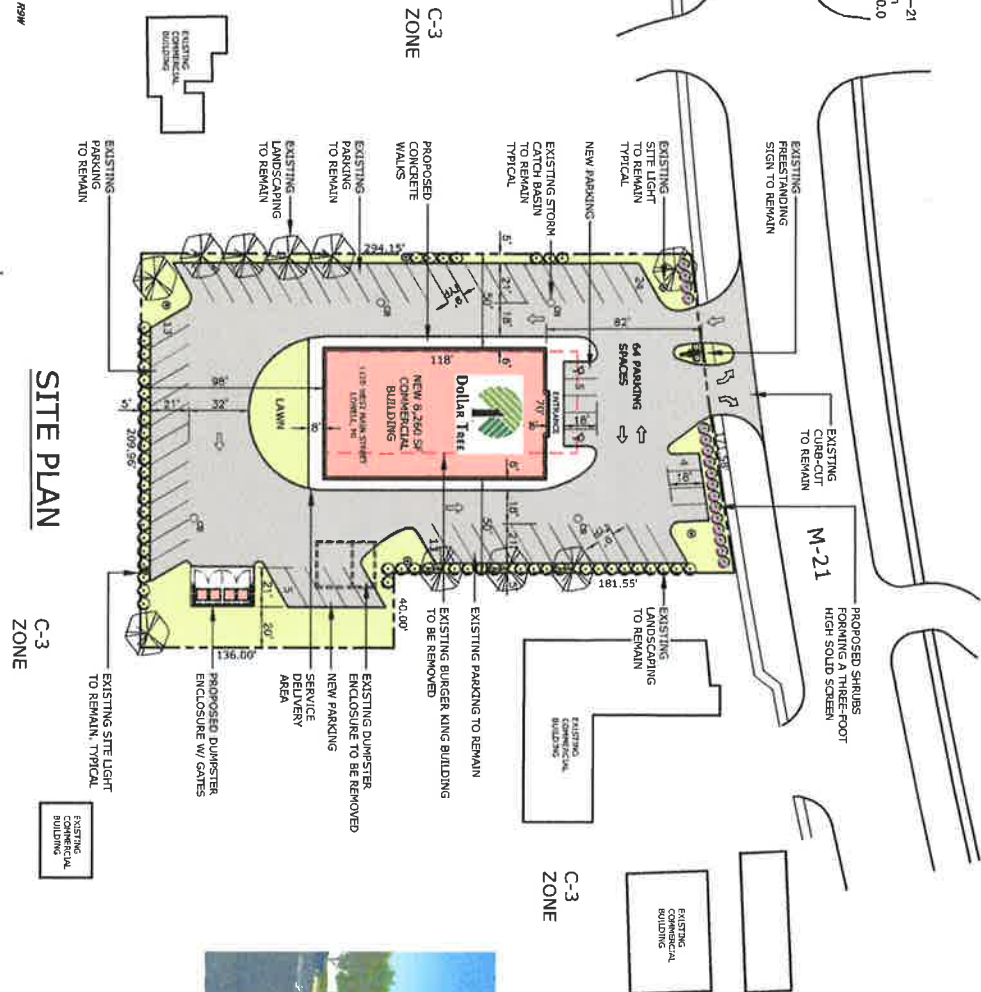
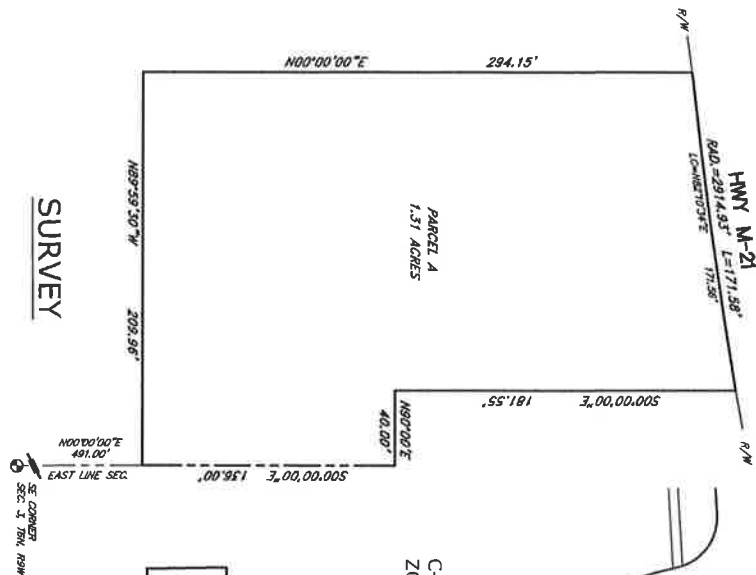
RE: 1120 W. MAIN STREET  
LOWELL, MI 49331

IN: PART OF THE SE 1/4, SECTION 3 & PART OF THE SW 1/4, SECTION 2,  
T8N, R9W, CITY OF LOWELL, KENT COUNTY, MICHIGAN

### REVISIONS

DATE	04/18/2018	SHEET	1	OF	1
DESIGNED BY	KLL	FILE NO.	516149		
CHECKED BY	KLL				
DATE	04/18/2018				
Excel Engineering, Inc. 5200 Chapel Park, S.W. Grand Rapids, MI 49508 Phone: (616) 531-5660 Fax: (616) 531-1271 www.excelengineering.com					

**LEGAL DESCRIPTION PARCEL "A":**  
 That part of the SE 1/4 of Section 3, T8N, R9W, City of Lowell, Kent County, Michigan, described as: Beginning at a point on the East line of said section; thence N00°00'00"E 491.0 feet to the SE corner of said section; thence N88°30'00"W 209.96 feet parallel with the South line of said section; thence N00°00'00"E 294.15 feet; thence E00°00'00"E 171.56 feet; thence S00°00'00"W 181.55 feet; thence S00°00'00"W 136.0 feet; thence S00°00'00"W 136.0 feet along said East line to the point of Beginning.



# **SITE DEVELOPMENT DATA:**

SITE AREA	1.31 ACRES
EXISTING ZONING	C-3 GENERAL BUSINESS DISTRICT
PROPOSED USE	8,240 SF RETAIL
PARKING	REQUIRED = 42 SPACES PROVIDED = 64 SPACES
SITE UTILITIES	USE OF EXISTING PUBLIC WATER AND SANITARY SEWER SERVICES WILL BE MAINTAINED
GRADING & DRAINAGE	EXISTING GRADES AND DRAINAGE SYSTEM WILL BE PRESERVED
SITE LIGHTING	EXISTING LIGHT POLES (SXL) WILL BE MAINTAINED TO MEET ORDINANCE SECTION 19.03, ITEM C.
SITE SIGNAGE	EXISTING FREESTANDING SIGN WILL BE PRESERVED AND RE-USED
LANDSCAPING	PERIMETER TREES AND SHRUBS WILL BE PRESERVED. NEW SHRUBS WILL BE PLACED ALONG THE M-21 FRONTAGE PER ORDINANCE 19.06, ITEM D. 1.3. TREES AND SHRUBS WILL BE TOPKILLED AND SEED
	EXISTING TREE
	EXISTING SHRUB
	PROPOSED SHRUB Juniperus chinensis 'Sea Green'



## Sue Ullery

---

**From:** chris m <clm-designs@sbcglobal.net>  
**Sent:** Tuesday, April 19, 2016 3:23 PM  
**To:** Sue Ullery  
**Subject:** Dollar Tree Lowell

Sue,

Here is a better explanation for the request.

1. The easement has never been used
2. The buyer who wants to buy the property does not want to have traffic flowing through the property.

Hope this helps

Chris Markham  
Sent from iPhone



## Sue Ullery

---

**From:** Moore, Andrew <Moore@williams-works.com>  
**Sent:** Thursday, May 05, 2016 12:02 PM  
**To:** Sue Ullery  
**Subject:** FW: Dollar\_Tree\_site.  
**Attachments:** West\_Street\_Plan.PNG

Prospective buyer's plans for the West Street parcel.

AM

---

**From:** Chris Markham [mailto:cmarkham@rjm-design.com]  
**Sent:** Thursday, May 05, 2016 11:48 AM  
**To:** Moore, Andrew <Moore@williams-works.com>  
**Subject:** FW: Dollar\_Tree\_site.

Not sure if you have seen this or not? Here is a sketch of the proposed plan for the property.

Thank you,

Chris Markham, LLA | Senior Landscape Architect

# RJM Design

Land Planning • Landscape Architecture  
1971 E BELTLINE AVE NE, STE 217 | GRAND RAPIDS, MI 49525  
(o) 616-336-6071 ext 22 | (f) 616-336-8991 | (m) 616-498-3081



|



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

EXISTING

FUTURE EXPANSION

EXISTING CURB/  
EDGE OF PARKING

35

35

25

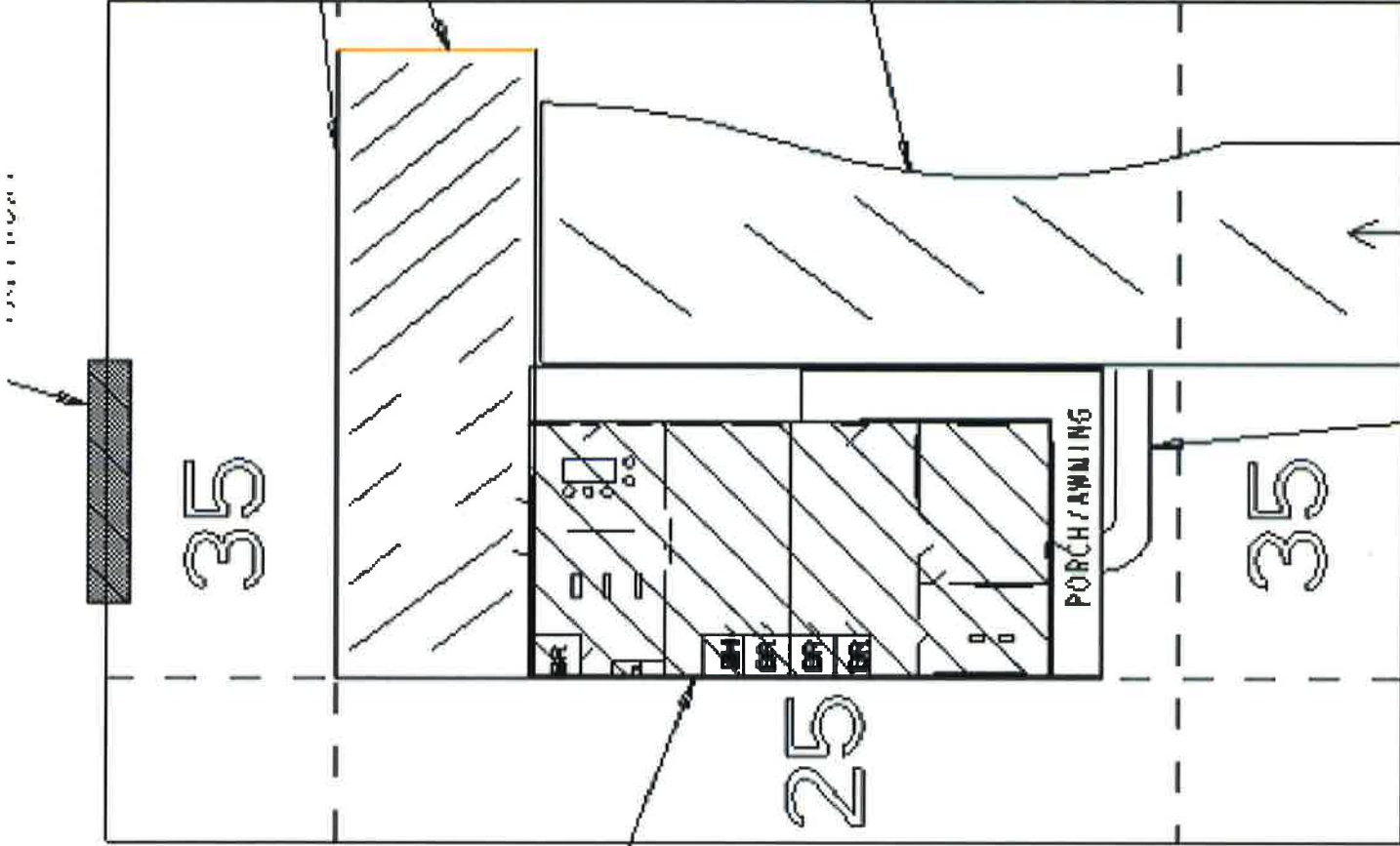
PROPOSED  
40X80  
BUILDING

PORCH/AWNING

WEST STREET

ON 1000' A

40' BY 80'  
BUILDING



## MEMORANDUM

**TO:** City of Lowell Planning Commission

**FROM:** Brian Wegener, AICP, PCP

**DATE:** May 6, 2013

**RE:** Site Plan Review: Dollar Tree – 1120 West Main Street

---

Mr. R. James Morgan, on behalf of DJT Properties, has submitted an application to establish a new Dollar Tree retail store at 1120 West Main Street. The 1.31-acre subject property is zoned C-3, General Business district, where retail stores are a use permitted by right. The applicant proposes to demolish a vacant Burger King structure currently on the site and build the 8,260-square foot retail store in essentially the same location as the restaurant. Other minor adjustments are proposed for the property, as well.

We have reviewed the site plan application along with the site plan dated April 26, 2013. This memo presents our review and evaluation of the proposal and, subject to the conditions outlined below, approval of the site plan is recommended.

### Site Plan Review.

1. Dimensional Requirements. The property exceeds minimum lot width and area requirements and minimum required setbacks would be met.
2. Building Height. Section 12.04 limits building height to 40 feet. The “building elevation exhibit” illustrates that the proposed building will be 40 feet.
3. Lot Coverage. Section 13.04 stipulates that lot coverage cannot exceed 60% of a lot, including building footprint and parking area. The current site is nonconforming in that over 60% of the site is impervious. According to the applicant, the existing Burger King development is 83% impervious, while the proposed Dollar Tree development would be 78% impervious, resulting in a reduction in the nonconformity. Even though the applicant is proposing to add 10 parking spaces that do not currently exist, the proposed spaces are situated on areas that are currently paved and therefore do not result in an increase in lot coverage. Because the modifications to the site do not result in an expansion of the nonconformity, we believe the lot coverage can be approved.
4. Landscaping. Section 12.04, B requires 1 canopy tree and 3 deciduous shrubs in the front yard per 20 feet of frontage, or 9 canopy trees and 27 shrubs for the approximately 172-foot wide lot. The applicant is proposing to utilize existing landscaping around the

perimeter of the parking area to count toward this requirement, and new shrubs will be planted along the site's frontage. Nine trees exist on the site and the number of required shrubs would be exceeded. While all of the plantings are not located in the front yard as required, the ordinance authorizes the Planning Commission to approve required landscaping in areas other than the front yard. Additionally, parking lot landscaping required by Section 19.06 does not apply to the site plan because the parking area exists and will not undergo a major change. Nevertheless, the 3-foot landscape screen required along the front lot line would be provided.

5. Lighting. Six light poles exist on the developed site and the applicant is requesting to maintain them, but a note on the site plan states that they would be modified as necessary to bring them into compliance with Section 4.24. Our understanding is that the existing light fixtures are angled to face the building. A condition of approval is recommended to stipulate that the fixtures must be turned down to comply with the ordinance. The submittal does not address the pole height limitation of 15 feet, but we assume the poles either conform or would be considered grandfathered if they do not conform. Nevertheless, staff recommends that all fixtures on the site be downward-facing, including building-mounted fixtures.
6. Parking. Section 19.07 requires 42 parking spaces for the proposed use and the applicant has proposed 64 spaces.

The Planning Commission may request that the applicant address the possibility for a vehicular connection to the east. Providing these connections can help to reduce the number of conflict points on West Main Street and is a convenience to customers patronizing adjacent businesses. It is recommended that the applicant explore a connection to the east; to the west, a green space and tree row might hinder short-term connections. Providing a linkage to the east might entail a reduction of 2-3 parking spaces, but the site would still meet the minimum parking requirement even with this reduction.

In addition, aerial photography available online illustrates that the existing Burger King parking area extends to S. West Street. This additional parking area to the east is not addressed in the site plan submittal and it would be cut-off from the main portion of the site by green space, parking and a dumpster enclosure. The applicant has indicated that the property owner owns both parcels and has no immediate plans to connect the two sites. The applicant should indicate the purpose of closing-off this parking area from the main site. Staff does not see a benefit in removing the linkage at this time.

7. Signage. The applicant has proposed to maintain the existing freestanding sign on the property. Details on the existing sign are not provided, but the sign face can be changed to advertise for the new establishment. An elevation rendering of the new building illustrates wall signage on the north face of the building, facing Main Street. Wall signs cannot exceed 20% of the wall area of the wall to which it is attached. Quickly scaling the elevation rendering indicates that the proposed sign is less than 20% of the wall surface,

but a condition of approval should require staff review of signage details, including dimensions.

8. Dumpster Enclosure. A dumpster is proposed, but details on the enclosure are not provided. In the past, the Planning Commission has requested 6-foot tall enclosure walls and we have suggested a condition of approval stipulating the same.

**Review Standards.** To approve a site plan, the Planning Commission should find that the standards listed in Section 18.06 would be met. Following are the standards and our comments on each:

- A. 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.

**Comment:** The proposed retail store use is consistent with surrounding uses and the proposed site configuration is very similar to the former fast-food restaurant use. Moreover, the retail store use is likely to generate less traffic impact than the former use and should not adversely affect the health, safety and welfare of the community. The use is permitted in the C-3 district and similar retailing is found in the vicinity.

- B. 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.

**Comment:** The existing curb-cut onto Main Street will not be modified.

As noted above, the existing parking area on the site appears to extend to S. West Street. As proposed, however, the parking area fronting on S. West Street would be closed off from the main portion of the site containing the retail store. The applicant has indicated that the property owner owns both parcels and has no immediate plans to connect the two sites. The Planning Commission may find that to provide safe, convenient, and uncongested vehicular infrastructure, the linkage to S. West Street should be maintained in some form.

Also as noted above, it appears possible to connect the subject site to the property to the east that fronts on Main Street. Providing such a cross-access connection will be a convenience to customers, because it allows a motorist to easily access the adjacent business establishment without needing to first venture into West Main Street traffic. In addition, vehicular interconnection among retail sites has been shown to improve traffic safety, extend roadway capacity and facilitate traffic flow.

A potential solution short of requiring that the applicant provide the physical connections would be to stipulate as a condition of approval that the applicant establish cross-access easements on the subject property up to the east lot line, for both the lot to the east

fronting on Main Street, and the existing parking lot that would be cut-off from the retail store. The Planning Commission has done this before. Such an easement would facilitate parking lot connections should adjacent lot owners also establish easements. In that event, the parking lot could be developed as designed but with the stipulation that when/if a complementing cross-access easement is established on a neighboring site, the necessary adjustments to the lot would be made.

- C. 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.

**Comment:** See comment above under paragraph B.

- D. 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.

**Comment:** This site does not include significant natural features and consists of existing development. Existing landscaping would be retained to meet landscaping requirements, and additional shrubs would be provided along the front lot line.

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

**Comment:** Subject to conditions of approval, it appears that this standard would be met.

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

**Comment:** The proposed use is permitted in the ordinance and the site plan represents redevelopment and reuse of a currently-defunct property. Overall, the proposal appears consistent with the City's planning policies.

**Recommendation.** It is recommended that the Planning Commission discuss the two parking lot connections with the applicant. Staff recommends site plan approval, subject to the following conditions and any others deemed appropriate 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. All outdoor lighting fixtures shall be downward facing, fully cut-off fixtures to the satisfaction of the Zoning Enforcement Officer.
4. The dumpster enclosure shall be comprised of opaque walls that are at least 6 feet in height or otherwise designed to fully screen the dumpster from neighboring properties and streets.

5. Details for wall signage shall be reviewed and approved by the Zoning Enforcement Officer prior to installation of signage.
6. To facilitate shared access, the applicant shall seek to establish connections between the parking area and those that flank the site on the east. Alternatively, the applicant shall establish cross-access easements on the subject property up to the east lot line and the physical connections may be deferred until complementing easements are established on the neighboring sites.

### 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
03/14/2016	03/14/2016	340 Donna	Scott Abboud	Fence
03/14/2016	03/14/2016	505 W. Main	Mark Tomasik	Nail Salon
03/03/2016	03/03/2016	1288 Highland Hills	Allen Edwin Homes	New Home
03/03/2016	03/16/2016	1294 Highland Hills	Allen Edwin Homes	New Home
03/22/2016	03/28/2016	316 Spring	Thomas Grimm	Roof
03/22/2016	03/22/2016	901 Heffron	Mr. Roof Grand Rapids	Roof
03/22/2016		135 S. Center St.	Steven Caverly	Fence
04/06/2016		419 N. Monroe St.	My Home Renovations	Roof
04/12/2016		796 Hunt St. SE	Dan Banks	Garden Shed
04/13/2016		1004 W. Main St.	Village Floral West	Temporary Sign
04/25/2016	04/26/2016	400 W. Main	Union Beer Co.	Brewery
04/25/2016	04/26/2016	725 Grindle	Frank/Cheryl Rusche	New Home
04/27/2016	04/29/2016	211 N. Washington	Church of Nazarene	Deck