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Lowell, Michigan 49331
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**PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, NOVEMBER 11, 2019 AT 7:00 P.M.
AT THE
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET**

- 1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS**
 - a. October 14, 2019 – Regular Meeting**
- 4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.**

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

- 5. OLD BUSINESS**
 - a. Zoning Ordinance Amendments**
- 6. NEW BUSINESS**
 - a. Public Hearing - Site Plan/ Special Land Use – 2485 West Main/236 Alden Nash**
 - b. Public Hearing – Rezoning from C-3 General Commercial District to C-1 Neighborhood Commercial District**
- 7. STAFF REPORT**
- 8. COMMISSIONERS REMARKS**
- 9. ADJOURNMENT**

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, OCTOBER 14, 2019 AT 7:00 P.M.**

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

The Meeting was called to order at 7:00 p.m. by Chair Bruce Barker.

Present: Commissioners Tony Ellis, Colin Plank, Michael Gadula, Dave Cadwallader, Amanda Schrauben and Chair Bruce Barker.

Absent: Marty Chambers.

Also Present: Andy Moore with William & Works and Lowell City Clerk Sue Ullery.

2. APPROVAL OF ABSENCES.

IT WAS MOVED BY CADWALLADER and seconded by PLANK to excuse the absence of Commissioner Marty Chambers.

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

3. APPROVAL OF AGENDA.

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

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

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CADWALLADER and seconded by BARKER to approve the minutes of the September 09, 2019 Planning Commission regular meeting as written.

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

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

There were no comments.

6. OLD BUSINESS.

There was none.

7. NEW BUSINESS.

a. Nonconforming Single-Family Residential Options.

Andy Moore with Williams & Works explained tonight's discussion will be on options for the six non-conforming single-family residential properties located on Main Street between Smith and Amity. Some owners of the subject properties have indicated their desire to address the issue of non-conforming single-family structures in the C3, General Business district. Currently, if a single-family

dwelling located on one of the subject properties is completely destroyed, it cannot be rebuilt. This has caused an issue for property owners looking to sell as mortgage lenders will not guarantee a loan on a building which may not be rebuilt if it is destroyed. Moore then went through the following potential solutions based upon discussions with the City and our understanding of the issues:

1. Rezone the properties to C1, Neighborhood Business. The City of Lowell Zoning Ordinance includes a C1 zoning district which is currently not utilized on the zoning map. According to the Zoning Ordinance, this district is “intended to permit local retail business and service uses which are desirable to serve the residential areas of the city. These areas are intended to serve the residents within the city’s neighborhoods.” Generally, this is a less intense commercial district which permits a variety of service and retail uses at a smaller scale than what is permitted along west Main Street. Currently, this district does not permit residential uses; however, the Planning Commission could add single-family residential or other residential uses by right or special land use. This flexibility in commercial and residential zoning is fairly common in neighborhood business districts found in other zoning ordinances. The Planning Commission could then subsequently rezone these parcels to C1, making them conforming uses. This option could reasonably align with the future land use map of the Master Plan, which envisions some of these properties as downtown with a “mixture of residential, office, and commercial uses in traditional ‘main street’ style buildings.” The Planning Commission should consider the intent of the future land use description and the Master Plan’s vision in regard to this area. Further, modifying the C1 district to add residential uses would also have no impact on other areas of the city, as it is currently unmapped.
2. Permit residential uses in C3, General Business. This option would involve adding residential uses to the C3 district by right or special land use. Since the subject properties are already zoned C3, the Planning Commission would not be required to rezone them. According to the Zoning Ordinance, the C3 district is compatible with the Mixed Use Future Land Use Category of the Master Plan, is intended to permit a mixture of residential, office and commercial land uses but not necessarily in downtown style buildings.” While a mix of residential, office, and commercial land uses is intended in the district, the Planning Commission should consider the impact of permitting residential uses in the entirety of the C3 district, which largely fronts along Main Street between the westernmost city limits and downtown and contains primarily “highway” commercial uses and sites. Further, the Planning Commission should consider the future vision for this block as outlined in the Master Plan.
3. Rezone the properties to R2, Single or Two Family Residential. This option would involve the Planning Commission rezoning the subject properties from C3 to R2. The R2 district is “intended for residential uses, and related non-residential uses.” While rezoning to R2 would solve the non-conforming issue of the existing single-family dwellings, the Planning Commission should discuss the long-term viability or desire for the subject properties to be residential. If this option is pursued, the Planning Commission should also discuss alignment with the City’s Master Plan and whether or not the Master Plan should be amended. As indicated earlier, the future land use category envisions a “wide range of retail, commercial, office, and residential land uses.” However, it goes on to indicate that ‘residential land uses should only be located on the first floor.’ Further, the Industrial future land use designation does not envision residential uses. Therefore, it may be difficult to implement this option while remaining consistent with the Master Plan.
4. Amend nonconforming residential use provisions. This option would amend Section 4.13, Nonconformities, of the Zoning Ordinance to provide flexibility so that nonconforming single-

family dwelling or residential uses may be rebuilt if they are damaged or destroyed, regardless of restoration or repair cost. This would allow the existing single-family dwellings on the subject properties to be rebuilt in conformance with the Zoning Ordinance, and make no change to the underlying zoning district; the properties would remain zoned C3. While the buildings would remain nonconforming in this option, the amendment would permit the property owners to rebuild if their dwellings were destroyed, and will also presumably allow for the sale of those dwellings and allow property owners to secure mortgages.

Ryan Dodgson who resides at 12275 McPherson stated he is in favor of the C-1 option.

David Steffen who resides in Alto asked if the tax implications vary depending on what zoning decision is made and then are there building or business limitations between C1 and C2 and C3. Another words, would there be limitations on what type of business could be put in a store depending on the zoning that is decided.

The Planning Commissioners discussed at length and it was a general consensus by all to rezone these properties to C1 as well as amend the nonconforming residential use provisions section (see #4 above).

Andy Moore with Williams & Works will rework and bring back to the next meeting for the Planning Commissioners approval and to send to Council. We will then schedule the November meeting to be the public hearing for C1 zoning change and then schedule the December meeting for the Public Hearing to amend nonconforming residential use provisions section change (see #4 above).

b. Training Presentation.

Andy Moore with William & Works gave a PowerPoint presentation on Planning & Zoning procedures for the Planning Commissioners to better understand their roles on the board.

Chair Barker asked Moore to bring the Planning Commissioners up to date with where we are on the amendments to the Zoning Ordinance review and set up a schedule of what still needs to be completed.

8. **STAFF REPORT.**

There were no reports.

9. **COMMISSIONERS REMARKS.**

Commissioner Schrauben stated the joint meeting with the townships was very informative.

Chair Barker agreed with Schrauben on the joint meeting with the townships and asked City Clerk Sue Ullery to plan the meeting for next year as it is our turn to hold the meeting, preferably some time the first of October. Barker also stated in December we needed to approve the dates for Planning Commission meetings for the year 2020.

Andy Moore with Williams & Works suggested at the January Planning Commission meeting that we circulate a copy of the Planning Commission By-Laws to each commissioner and go over them.

10. **AJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by GADULA to adjourn at 8:44 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: November 7, 2019
From: Andy Moore, AICP
RE: **Zoning Ordinance Amendments**

At the October planning commission meeting, it was requested that we suggest some additional sections of the zoning ordinance that are in need of revision. Based on the audit we prepared in 2016 and the work completed to date, we offer the following suggestions for zoning amendments for the Commission's consideration:

1. Non-residential district Standards (Chapters 10-13, 16, and 16A). In these districts, the Planning Commission could review setbacks, lot coverage requirements, permitted and special land uses, and other standards. As noted in the audit, some lot coverage standards are ambiguous and in some cases, unrealistic and overly restrictive.

It is suggested that these chapters be reviewed in sections so the Commission is not overwhelmed with work. For example, the Commission could focus first on residential districts (Chapters 5-9), followed by non-residential districts (Chapters 10-13 and 16), and finally Planned Unit Developments (Chapter 15).

2. Site Plan Review. The Planning Commission can also review Chapter 18 pertaining to site plan review. This chapter does not need many amendments, however, so this chapter will not likely take much time to complete.
3. Definitions. Following completed amendments of the above-noted chapters, the Commission should thoroughly review the definitions to ensure that all land uses and other key terms are clearly defined.

I look forward to discussing potential amendments with you at the next planning commission meeting. As always, please feel free to contact me if there are any questions.

williams&works

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MEMORANDUM

To: City of Lowell Planning Commission
Date: November 1, 2019
From: Andy Moore, AICP
Bradley S. Kotrba, AICP-Candidate
RE: **West Main, LLC – Special Land Use and Site Plan Review**

Mr. Dean Lonick, on behalf of West Main, LLC (D&D Truck and Trailer), has submitted an application for special land use and site plan review for the construction of a staging area for mobile shipping containers, located at 236 Alden Nash Avenue SE. The purpose of this memorandum is to review the request pursuant to Chapter 17 and Chapter 18 of the City of Lowell Zoning Ordinance.

Background

The subject property has an area of approximately 4.1 acres and is located at 236 Alden Nash Avenue, at the northeast corner of Alden Nash and Main Street. The applicant is seeking to establish a shipping container staging area of approximately 200 feet by 110 feet (22,000 sf) to handle containers on site and use an existing ingress/egress route onto Alden Nash Avenue. The applicant has proposed to store about 12 such containers on the site. The proposed staging area would lie at the edge of the property line adjoining D&D Truck and Trailer's other parcel located on 2485 West Main Street. Both parcels are zoned I, General Industrial, where operations involving outdoor storage are permitted by Special Land Use. The manner and use of the facility will not change on site. The property is currently used as an accessory site for day to day operations at the business.

Site Plan Review

A sketch plan of the site with the proposed staging area was submitted with the application. Because no new construction, grading, or other site improvements are proposed, a detailed site plan is not needed. Therefore, the plan submitted may be considered complete for review.

Dimensional Requirements. The proposed structures meet the setback and dimensional requirements as specified in Section 12A.04.

Lighting. The site plan indicates no existing lighting on the property and the applicant has not proposed adding additional lighting.

Parking. The applicant does not intend to construct any new structure in addition to what is currently present on the adjoining parcel. Therefore, no additional parking is required for the facility.

Landscaping. No additional landscaping is being proposed with this project. The site currently contains a wooded perimeter that currently and will continue to screen the applicant's proposal from surrounding neighbors. The Planning Commission may consider this standard met.

Signage. The applicant is not proposing any additional signage on site.

Site Plan Review Standards

Section 18.09 of the Zoning Ordinance sets forth six standards that must be utilized by the Planning Commission in reviewing site plans. Those standards, along with our remarks, are below:

- 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.

Remarks: The proposed use of a staging area is generally compatible with the general industrial use that currently takes place on site. The parcels abutting to the South, and East are also zoned General Industrial; to the south is Mercantile Bank and to the south and east is the other parcel currently used by D&D Truck & Trailer. To the west across Alden Nash Avenue is Harold Ziegler Ford, which lies in Lowell Charter Township and is zoned General Commercial. To the north, single-family residential sits in the Suburban Residential District. The commercial and residential uses surrounding the site are well screened from on-site land-uses. Subject to any concerns from neighboring property owners, the Planning Commission may find that this standard is met.

- 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.

Remarks: The applicant is proposing to utilize one point of ingress and egress off Alden Nash Avenue. An existing sidewalk is present at Mercantile Bank, however, there is no sidewalk present along Alden Nash Avenue in front of the subject property. It is suggested that the applicant only utilize the Alden Nash driveway for ingress/egress purposes, and this is addressed as a condition of approval.

- 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.

Remarks: The applicant is proposing one point of ingress and egress off of Alden Nash Avenue. The Planning Commission may find that this standard is met.

- 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.

Remarks: The area in which the storage would occur does not contain any significant natural features and is not within the 100-year floodplain. Continuous maintenance of landscaped areas can be required as a condition of approval.

- 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.

Remarks: This may be addressed as a condition of approval.

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

Remarks: The Master Plan outlines this area as functionally industrial and this proposal meets those intentions. The Planning Commission may find that this standard is met.

Special Land Use Standards

Section 17.03, A, of the Zoning Ordinance sets forth four standards that must be utilized by the Planning Commission in reviewing special land use applications. Those standards, along with our remarks, are below:

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 being proposed;

Remarks: The applicant is not proposing additional structures except for the storage area, which will not generally be visible from adjacent properties. The Planning Commission may consider this standard met.

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;

Remarks: No additional access to water, sewer, electricity, etc. is necessary for this proposal. However, the subject property is served by public water, sewer, stormwater, and has frontage on a public street. The site is served by the City of Lowell Police and Fire Departments. Subject to review and approval by the Fire Department and Department of Public Works, the Planning Commission may find that this standard is met.

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

Remarks: The proposed staging area and storage of containers will not create any foreseeable strain or additional requirements towards investment in public services or facilities. The Planning Commission may find that this standard is met.

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.

Remarks: The proposed facility is not anticipated to involve uses which would be detrimental to persons, property, or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, or odors; however, the Planning Commission may wish to discuss noise with the applicant in regard to truck traffic along Alden Nash Avenue.

Recommendation

At the November 12, 2019 meeting, the Planning Commission should discuss the site and consider comments from the applicant and public, if any. It is our recommendation that the Planning Commission approve the request, subject to the following conditions, along with any others deemed necessary:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency vehicle access to the site.
5. The applicant shall store no more than 15 containers on site, and all containers shall be stored within the area so specified on the site plan.
6. Truck traffic shall utilize the ingress/egress located on Alden Nash Avenue

As always, please feel free to contact me if there are additional questions or comments.

Request Number: _____

Filing Fee: _____

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

Special Land use.
\$250-app. fee
\$1500. escrow



Site plan.
\$100. app. fee
\$1,000. escrow

APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than four weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 2485 WEST MAIN / 236 ALDEN NASH
2. Parcel Identification Number (Tax I.D. No.): #41-20- 03-301-023 & 03-301-011
3. Applicant's Name: WEST MAIN LLC Phone Number 616-897-6080
Address: 2485 WEST MAIN ST. LOWELL MI 49331
Street City State Zip
Fax Number 616-897-5011 Email Address dlonick@michiganwire.com
4. Are You: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: DEAN LONICK Phone Number 616-897-540-8897
Address: _____
6. Present Zoning of Parcel INDUSTRIAL Present Use of Parcel INDUSTRIAL
7. Description of proposed development (attach additional materials if needed):
NO DEVELOPMENT - WANT TO USE FOR STAGING & TRANSFER
OF MOBILE SHIPPING CONTAINERS, APPROX. 8' HIGH
ANTICIPATED QUAN. 12 TO 15; w/ PRIMARY INGRESS/EGRESS
OFF OF ALDEN NASH

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

Signature: [Signature] Date: 10-11-19

Type or Print Your Name Here: DEAN LONICK

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. WEST MAIN LLC, DEAN LONICK - MEMBER 10-11-19
Owner Date

The following 16 points make up the **CHECKLIST** of required information needed on the drawing for final plan approval (unless specifically waived by the Planning Commission). Please go over this **CHECKLIST** with the City Manager and Zoning Administrator before presenting to the Planning Commission.

- | | |
|---|-------------------------|
| 1. Date, north arrow and scale (not more than 1" = 100', supplementary site plans at a 1" = 50' or larger scale are encouraged) | INITIAL
_____ |
| 2. A city locational sketch | _____ |
| 3. Legal description and City address of the subject property | _____ |
| 4. The size in acres or square feet of the subject property | _____ |
| 5. All lot and/or property lines with dimensions, including building setback lines | _____ |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary | _____ |
| 7. The location and dimensions of all existing and proposed structures on the subject property | _____ |
| 8. The location and dimensions of all existing and proposed: | |
| ▪ Drives | _____ |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval) | _____ |
| ▪ sidewalks | _____ |
| ▪ exterior lighting | _____ |
| ▪ curbing | _____ |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space) | _____ |
| ▪ unloading areas | _____ |
| ▪ recreation areas | _____ |
| ▪ common use areas | _____ |
| ▪ areas to be conveyed for public use and purpose | _____ |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements | _____ |
| 10. The existing zoning of all properties abutting the subject project | _____ |
| 11. The location of all existing and proposed: | |
| ▪ landscaping and vegetation | _____ |
| ▪ location, height and type of existing and proposed fences and walls | _____ |
| 12. Proposed cost estimates of all site improvements | |
| 13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems | _____ |
| 14. The location and size of septic and drain fields | _____ |
| 15. Contour intervals shown at five (5) foot intervals | _____ |
| 16. FOR RESIDENTIAL DEVELOPMENT , the following information is required (affixed to the drawing): | |
| ▪ Net developable area, in acres or in square feet, defined as all areas that could be developed subtracted by lands used or dedicated for existing easements and rights of way | _____ |
| ▪ the number of dwelling units proposed (by type), including typical floor plans for each type of dwelling | _____ |
| ▪ the number and location of efficiency and one or more bedroom units | _____ |
| ▪ typical elevation views of the front, side and rear of each type of building | _____ |
| ▪ Dwelling unit density of the site (total number of dwellings / net developable area) | _____ |

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;

NO PLANNED CHANGES

- 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;

REQUIREMENTS FOR SERVICES LESS THAN HISTORICAL

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

NO ADDITIONAL REQUIREMENTS

- 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.

WILL NOT CAUSE PROBLEMS

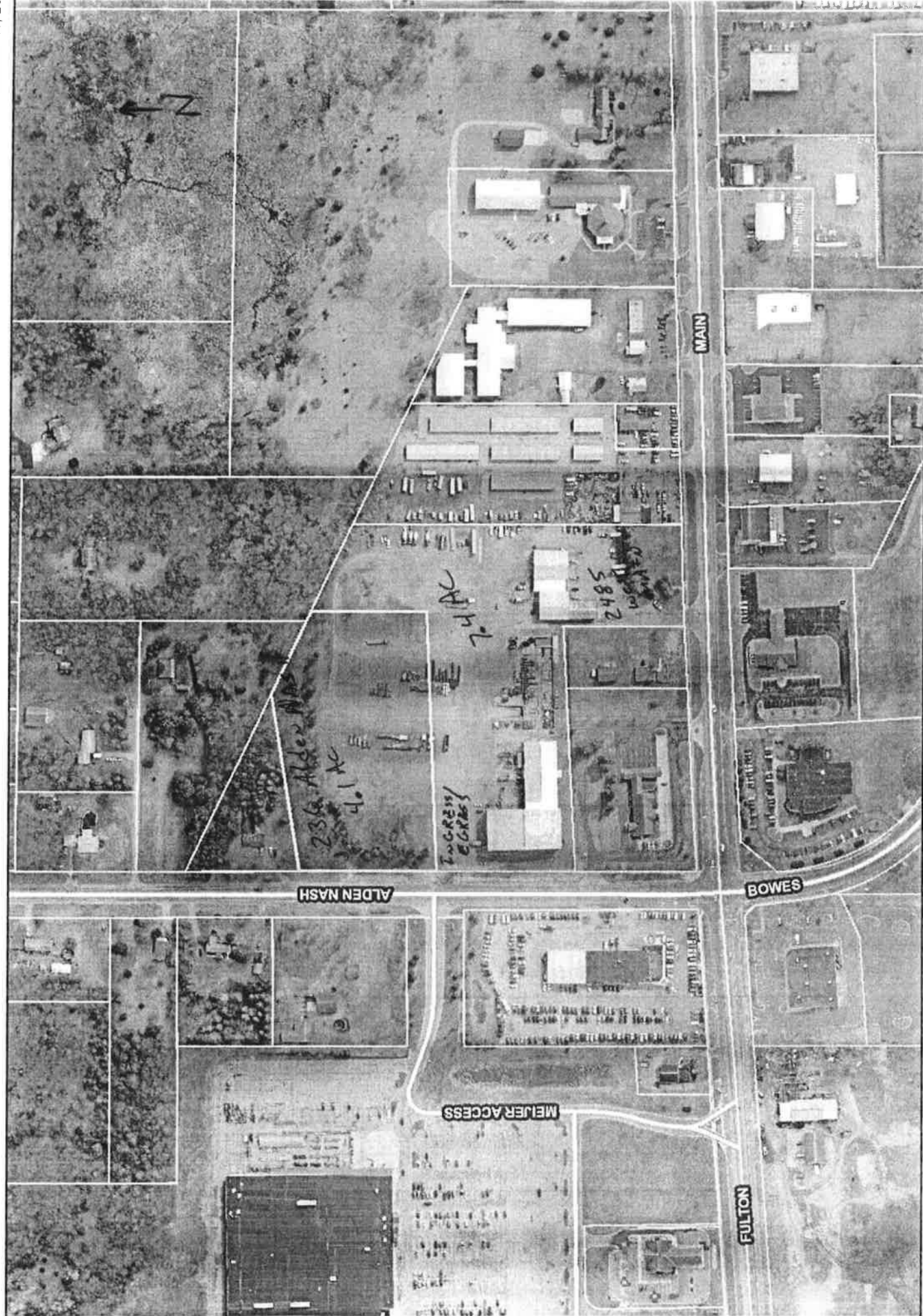
Section 17.04 of the City of Lowell Zoning Ordinance lists specific standards pertaining to special land uses that must be met. Please respond to those standards below as it pertains to the proposed project, describing how the standards would be met by this proposal:

USE WILL NOT BE DIFFERENT THAN HISTORICAL INDUSTRIAL USE

Viewer Map

2019

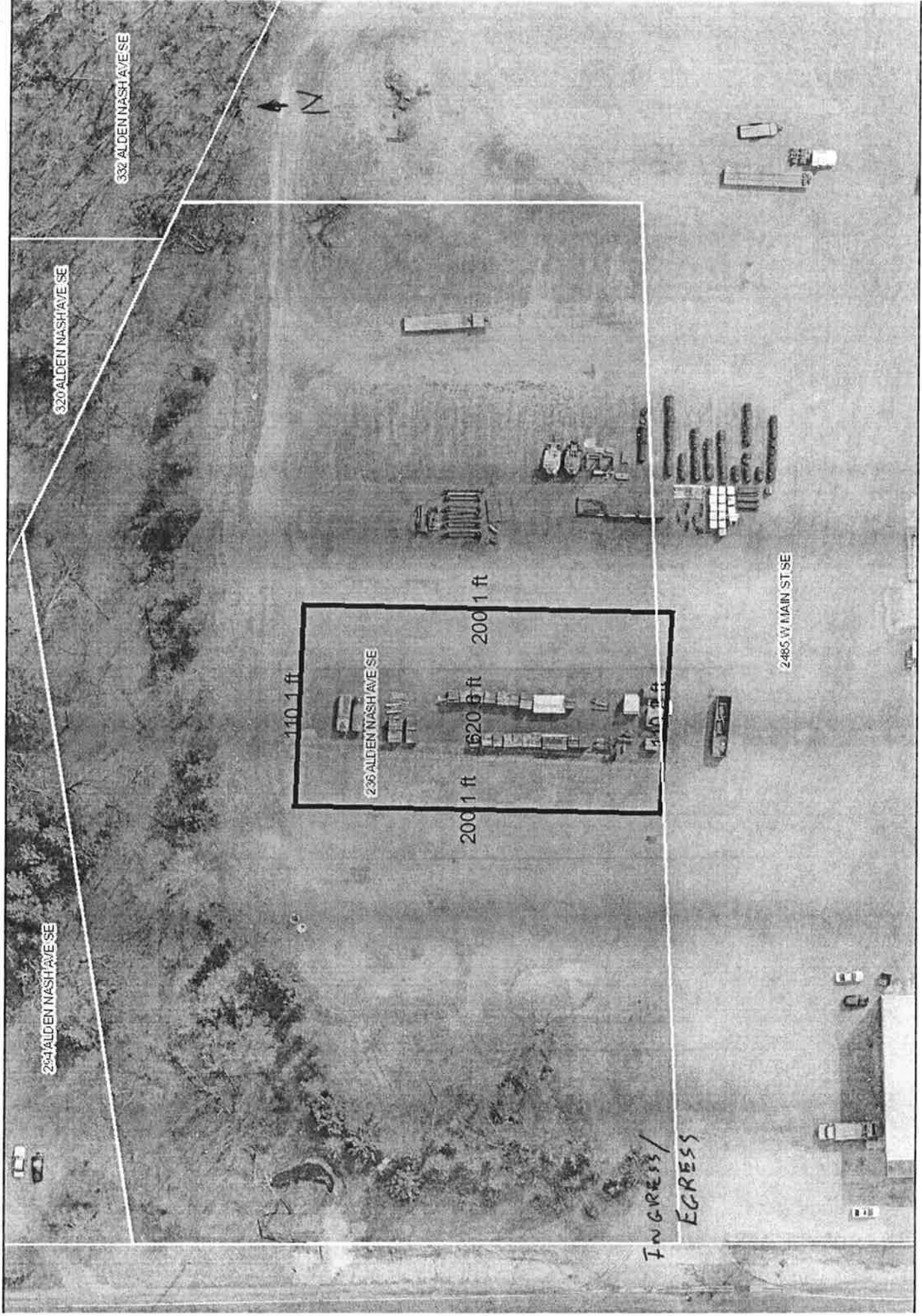
October 11, 20



Viewer Map Proposed Use AREA +/-

2019

October 11, 20



williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: November 7, 2019
From: Andy Moore, AICP
Bradley S. Kotrba AICP - Candidate
RE: **C-1 Neighborhood Business District Rezoning**

Included with this memorandum is an ordinance that would rezone six non-conforming single-family residential properties located on Main Street between Smith and Amity (see below) from C-3 General Business to C-1 Neighborhood Business District. Currently, if a single-family dwelling located on one of the subject properties is completely destroyed, it cannot be rebuilt under the terms of the zoning ordinance. This has caused an issue for property owners looking to sell, as mortgage lenders will not guarantee a loan for the purchaser on a building which may not be rebuilt if it is destroyed. As we discussed last month, the best way forward is (1) to rezone the parcels to C-1 to ensure consistency with the Master Plan, and (2) to permit single-family and two-family residences by right into the C-1 Neighborhood Business District, making the use of the properties conforming.



In the coming months we will also prepare additional revisions to the nonconforming provisions of the ordinance to prevent similar issues with nonconformities in the future, as agreed upon during the October meeting.

We look forward to reviewing this amendment with you at the next planning commission meeting. As always, please feel free to contact us if there are any questions.

CHAPTER 10. – C-1 – NEIGHBORHOOD BUSINESS DISTRICT

SECTION 10.01. – DESCRIPTION AND PURPOSE.

This district is intended to permit local retail business and service uses which are desirable to serve the residential areas of the city. These areas are intended to serve the residents within the city's neighborhoods. Generally, neighborhood commercial uses should not exceed five thousand (5,000) to ten thousand (10,000) square feet of building area.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 10.02. – USES PERMITTED BY RIGHT.

Land and/or buildings in the C-1 District may be used for the following purposes as uses permitted by right, subject to the approval of a site plan, in accordance with the requirements of Chapter 18:

- A. Office buildings for any of the following occupations:
 - 1. Executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the zoning enforcement officer.
 - 2. Medical and dental offices and clinics.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the zoning enforcement officer, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the zoning enforcement officer.
- D. Retail stores.
- E. Drug stores and pharmacies.
- F. Private clubs, fraternal organizations, and lodge halls.
- G. Commercial child care centers.
- H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- I. Accessory buildings, structures, and uses customarily incidental to any of the above uses permitted by right, or special land uses.
- J. Outdoor merchandise display.
- K. Single-family dwellings.
- L. Two-family dwellings.

(Ord. No. 95-06, § 1, 12-27-95; Ord. No. 00-2, §§ 1, 2, 4-24-00)

SECTION 10.03. – SPECIAL LAND USES.

Land and/or buildings in the C-1 District may be used for the following purposes following review by the Planning Commission as a special land uses as regulated by Chapter 17:

- A. Commercial greenhouses and nurseries.
- B. Funeral homes and mortuary establishments.
- C. Veterinary hospitals, animal clinics, and kennels.

SECTION 10.04. – SITE DEVELOPMENT REQUIREMENTS.

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

- A. The outdoor storage or display of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.
- B. Landscaping shall be provided as required in Section 4.26.
- C. Entrance driveways shall be located as far as possible from any street intersection and from any other driveways.

Front Yard	25 feet
Side Yard	Side abutting Residential Districts or Uses – 25 feet Side abutting other Districts – 0- or 10-feet street side of a corner lot – 35 feet
Rear Yard	35 feet
Maximum Lot Coverage	60%
Building Height	35 feet or 2 ½ stories
Minimum Lot Area	8,200 for single and two-family dwellings 15,000 square feet for all other uses
Minimum Lot Width	66 feet for single and two family dwellings 80 feet for all other uses

2019					
Open Date	Close Date	Address	Name/Business	Subject	
01/30/2019	02/05/2019	911 Grindle	Robert & Janet Arbogast	Finish Basement	
03/05/2019		901 Bowes	Compass Rose Developments, LLC	New Home	
02/06/2019		1400 W. Main	Burger King-Roger Franz with Net Lease Development	Restaurant	
03/15/2019	03/15/2019	180 S. Center	Sara Beach	Property improvement- Updating siding on garage, replacing boards on deck and fence	
03/18/2019	03/18/2019	268 Elizabeth Dean	Lou Ann Cole- Nephew doing work John Arnst	New garage	
04/04/2019	04/04/2019	1401 Sibley St	Andrea Catapano	Updating fence, adding gate, cement & 7x7 rubbermaid shed	
04/08/2019		830 N. Washington	Brandon Gessler	Shed	
04/04/2019	04/15/2019	2111 W. Main	Fit Body Boot Camp	Sign	
04/12/2019	04/12/2019	292 Donna Drive	Donna Tyler	Shed	
04/16/2019	04/16/2019	329 N Jefferson	Michael & Jessica Chessen	Fence	
04/12/2019	05/01/2019	206 N. Jackson	Tony Ellis	Pole Barn	
04/29/2019		219 & 238 High Street	Unity School Investors, LLC	Redevelopment of buildings and property	
05/03/2019	05/07/2019	199 Smith Street	Optec Inc.	Fence	
05/15.2019		1219 Laurie Gail	Sarah Kelly-Hometown Builders	Fence	
05/14/2019	05/20/2019	1371 Highland Hill	Rochel Gridley	Deck	
05/14/2019	05/20/2019	1410 W. Main	Midwest Sign-C. Cleaner	Sign	

05/20/2019	05/21/2019	2111 W. main	Inside Renovation	Retail
05/22/2019	05/22/2019	177 S. West	Allen Reynolds	Inside Renovation
5/24/2019	05/28/2019	723 Lincoln Lake SE	Cory Brown	Fence
6/10/2019	06/03/2019	942 Sibley	Jarrold Cardis /Crystal Null	Fence
6/13/2019	06/12/2019	604 Lafayette	Sarah Kelly-Hometown Builders	Fence
6/14/2019		517 Lincoln Lake	Kris Luttermoser	Garage
6/14/2019		1400 W Main	Burger King	Sign
6/24/2019	06/24/2019	230 S Hudson	Ashley Stone	Fence
06/14/2019	06/25/2019	400 N. Washington	Brian Elias	Siding
07/08/2019	07/08/2019	268 Elizabeth Dean	John Austin	Deck
07/16/2019	07/16/2019	219 High	Unity School	Fence
07/22/2019	08/01/2019	429 N. Jefferson	Heidi Lynne	Fence
07/24/2019	07/25/2019	2531 W. Main		Demo
07/29/2019	07/31/2019	823 High	Home Repair Services/Lorna Franks	Access Ramp
07/24/2019	08/01/2019	2111 W. Main	Icon Sign/Mel Trotter Thrift	Sign
08/06/2019	08/06/2019	2420 Gee Drive	Lori Gerard	Freestanding Carport
08/06/2019	10/21/2019	206 N. Jackson	Tony Ellis	Pole Barn
08/12/2019	09/24/2019	1300 W. Main	McDonalds	Addition
08/16/2019	09/10/2019	261 Jane Ellen	Michael Grimminck	Fence
08/22/2019	08/26/2019	403 N. Jackson	Scott Laslo	Fence
09/03/2019		805 N Hudson	Don Kelly	Fence
09/23/2019	10/01/2019	320 Amity	Signworks/LAS	Sign
10/08/2019	10/10/2019	518 Spring	Anriana Baez	Roof
10/08/2019	10/10/2019	74 Grindle	Tammy Palmer	Shed
10/07/2019	10/14/2019	925 Grindle	Randy Johnson	Pole Barn
10/16/2019		523 Amity	Serveforce- Amanda	Fence

10/21/2019	10/30/2019	731 High	Richard Anderson	New House
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