

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

## PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE CITY OF LOWELL, MICHIGAN AGENDA

### FOR THE REGULAR MEETING OF MONDAY, DECEMBER 9, 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. November 11, 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
- 6. NEW BUSINESS
  - a. Approve 2020 Meeting Dates
  - b. Site Plan Review 312 E. Main Street Superior Lofts
  - c. Review Non-Residential Districts
- 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, NOVEMBER 11, 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, Amanda Schrauben, Marty Chambers and

Chair Bruce Barker.

Absent: Commissioners Michael Gadula and Dave Cadwallader.

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

#### 2. APPROVAL OF ABSENCES.

IT WAS MOVED BY CHAMBERS and seconded by SCHRAUBEN to excuse the absence of Commissioners Michael Gadula and Dave Cadwallader.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

#### 3. APPROVAL OF AGENDA.

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

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

#### 4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY PLANK and seconded by ELLIS to approve the minutes of the October 14, 2019 Planning Commission regular meeting as written.

YES: 5. NO: 0. ABSENT: 2. MOTION CARRIED.

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

There were no comments.

#### 6. **OLD BUSINESS.**

#### a. Zoning Ordinance Amendments.

Andy Moore with Williams & Works reviewed the memo outlining the districts that still need to be reviewed: Nonresidential Districts, Site Plan Review & Definitions.

Chair Barker suggested the Commission review the nonresidential districts at the December meeting, then site plan review and definitions at the next January meeting, bringing all three to the Council at the same time.

#### 7. **NEW BUSINESS**.

Public Hearing – Site Plan/ Special Land Use – 2485 West Main/236 Alden Nash.

Chair Barker opened the Public Hearing.

Andy Moore with Williams & Works went through the West Main, LLC site plan review where 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 adjoining D&D Truck and the 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. A sketch plan of the site with the proposed staging area was submitted with the application and because there is no new construction, grading or other site improvements proposed, a detailed site plan is not needed.

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

<u>Lighting</u>. The site plan indicates no existing lighting on the property and the applicant has not proposed additional lighting.

<u>Parking</u>. The applicant does not intent 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. <u>Landscaping</u>. No additional landscaping is being proposed with this project. The site currently contains a wooded perimeter that currently and will continue to screen the applicants' proposal from surrounding neighbors.

Dean Lonick, the applicant, addressed the commissioners requesting to have the shipping containers on the property, explained they will be empty but will be cycled in and out on a regular basis as they are leased out to other business owners in the area.

Chair Barker opened it up for the Public to ask questions.

Paula Balzeski who resides at 320 Alden Nash is concerned about later down the road making sure it would not become a junk yard and that the property is kept up.

Danny Balzeski who resides at 320 Alden Nash asked the zoning requirements and setbacks for this property and how do they determine the difference between industrial and residential.

Moore then reviewed the site plan standards.

#### 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 as follows:

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 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. All the Commission agreed 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 sites. 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 in front of the subject property. Adding the following condition of approval, that the applicant only utilizes the Alden Nash driveway for ingress/egress purposes. All the Commission agreed that this standard is met.

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.

<u>Remarks</u>: The applicant is proposing one point of ingress and egress off of Alden Nash Avenue. All the Commission agreed 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. All the Commission agreed that this
- 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. Adding as a condition of approval that all containers are empty and not stacked.

  Remarks: All the Commission agreed that this standard is met.
- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

Remarks: All the Commission agreed that this standard is met.

standard is met.

Andy Moore with Williams & Works then went through the Special Land Use Standards.

#### 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 remarks are as follows:

- 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. All the Commission agreed that this standard is 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; <a href="Remarks"><u>Remarks</u>: No additional access to water, sewer, electricity, etc. is necessary for this proposal. However, the subject property is served by a public water, sewer, storm water, 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. All the Commission agreed that this standard is met.</a>
- 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. All the Commission agreed 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.
  <u>Remarks</u>: The proposed facility is not anticipated to involve uses which would be detrimental to persons, property, or to the general welfare by reason of excessive production of traffic, smoke, fumes, glare, or odors. All the Commission agreed that this standard is met.

Chair Barker closed the Public hearing.

After careful consideration, the Planning Commission went on to recommend approval of the Special Land Use for West Main LLC subject to the following conditions:

- 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.
- 7. No Stacking of containers and containers shall be empty.
- 8. Hours of operations -7:00 a.m. to 7:00 p.m.
- 9. Fencing and vegetation to the North shall be maintained.

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to recommend approval to City Council of the Special Land Use for West Main LLC with the conditions listed above.

YES: Commissioner Chambers, Commissioner Ellis, Commissioner Plank, Commissioner Schrauben, and Chair Barker.

NO: None. ABSENT: Commissioner Cadwallader and Commissioner Gadula. MOTION CARRIED.

#### Public Hearing – Rezoning from C-3 General Commercial District to C-1 Neighborhood Commercial District.

Chair Barker opened the Public Hearing.

Andy Moore with William & Works explained there are six non-conforming single-family residential properties located on Main Street between Smith & Amity that are being considered to be rezoned 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. 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.

Chair Barker then opened it up to the general public.

David Steffen who resides in Alto, asked what the timeframe is for this to be passed. Andy Moore explained if the planning commission recommends approval tonight, it will go to City Council at the next meeting. If Council approves it then they have to publish a notice in the paper to make it effective, so less than a month before it is completely effective. David Steffen then asked if any of these houses currently meet the 60% lot area and if so will you be making changes so they are going to be not conforming. Moore said he doesn't believe so, none of these houses currently meet 60% of the lot area and he will be changing the parking portion of the ordinance to not be included in the maximum lot coverage.

Chair Barker then closed the Public Hearing.

IT WAS MOVED BY SCHRAUBEN and seconded by CHAMBERS to approve the neighborhood business district rezoning to C-1 with the changes listed above.

YES: Commissioner Chambers, Commissioner Ellis, Commissioner Plank, Commissioner Schrauben and Chair Barker.

NO: None. ABSENT: Commissioner Gadula and Commissioner Cadwallader. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to recommend Chapter 10 as edited. YES: 5 NO: None. ABSENT: 2 MOTION CARRIED.

#### 8. **STAFF REPORT**.

There were no reports.

#### 9. **COMMISSIONERS REMARKS.**

Commissioner Chambers thanked everyone for coming out to vote, it was a good turnout.

Commissioner Ellis requested to see the budget at the Planning Commission meeting. Ellis also asked the status on the condo development.

Chair Barker congratulated Marty Chambers on his re-election.

#### 10. ADJOURNMENT.

IT WAS MOVED BY SCHRAUBEN and seconded by CHAMBERS to adjourn at 8:04 p.m.

DATE:	APPROVED:
Bruce Barker, Chair	Susan Ullery, Lowell City Clerk





## 2020 PLANNING-CITIZEN ADVISORY COMMISSION MEETING DATES 7:00 P.M. CITY COUNCIL CHAMBERS – SECOND FLOOR

January	13	July	13
February	10	August	10
March	9	September	14
April	13	October	12
May	11	November	9
June	8	December	14 (Work Session)



#### **MEMORANDUM**

To: | City of Lowell Planning Commission

Date: December 6, 2019 From: | Andy Moore, AICP

RE: | Superior Lofts - Site Plan Review (312 East Main Street)

Mr. Brent Slagell has submitted an application for site plan review to add twelve apartment units to the second floor of the Mi Hometown Furniture building located at 312 E Main Street between Washington Street and Monroe Street. The site is within the MU Mixed Use zoning district. The purpose of this memorandum is to review the site plan pursuant to applicable standards of the City of Lowell Zoning Ordinance.

Background. The subject property is the old Superior Furniture Building. The easterly portion of the building is on a separate parcel (318 E Main) used as a restaurant (Big Boiler Brewing). The west portion of the building (312 E Main) contains Mi Hometown Furniture on the ground floor only. The applicant has proposed to add twelve apartments units on second floor of 312 E Main. This would change the use of the property from retail to Mixed Use. Both of these uses are permitted by right in the Mixed Use district.

#### Site Plan Review

Setbacks and Dimensional Requirements. Section 16A.04 of the Zoning Ordinance requires no setbacks, and no changes to the building footprint are proposed. Other dimensional requirements are met.

Landscaping. Since there are no changes proposed to the site, no landscaping is required other than parking lot landscaping, which is addressed below.

Lighting. Three parking lot lights are proposed on 12' tall poles in the islands adjacent to Kent Street, which is acceptable. Fixtures must be downward facing and fully cut-off in compliance with the Zoning Ordinance. This can be addressed as a condition of approval.

Parking/Circulation. The applicant is proposing to add numerous spaces along the south side of the property (along Kent Street). The site contains 37 spaces to the east of the building that serve Big Boiler Brewing. There is an additional parking/loading area and loading docks behind the buildings, and two old outbuildings exist along Kent Street, just east of the Lowell Granite property. The applicant is proposing to demolish these two buildings and expand the parking area, behind both the subject property and Big Boiler's property.

The Ordinance requires two spaces per unit, which equates to 24 spaces required. The applicant has proposed to add 39 spaces, which exceeds the minimum for the apartments. It is likely that the lot will be shared by residents, Mi Hometown Furniture, and Big Boiler. Within the mixed use district, the applicant can count public spaces within 400 feet of the site toward the minimum as well. There are numerous spaces within 400 feet of the site, so the Planning Commission may accept that parking layout as proposed. Due to the fact that there are multiple parcels involved, it may be prudent to have the property owner draft a shared parking agreement between the two properties in the event that the parcels are separately owned in the future. This can be addressed as a condition of approval, if desired.

The applicant has also proposed one landscape island and additional trees planted along Kent Street. The Zoning Ordinance requires one island per each 20 spaces, so only one island is required. The landscaping plan for the parking lot is sufficient.

The Ordinance also requires that drive aisles be at least 24 feet wide, and the northerly two drive aisles are only 22 feet. This should be revised. Further, it appears that two of the drive aisles would be used as loading areas, which would create conflicts between parked vehicles and delivery trucks for both Mi Hometown Furniture and Big Boiler Brewing. This should be discussed with the applicant.

<u>Signage</u>. One wall sign is proposed on Main Street that would "match the old Superior Furniture building sign." The signage proposed appears to be acceptable, but will be reviewed in greater detail once a sign permit is reviewed. This can be addressed as a condition of approval.

Stormwater. Most of the site is impervious presently. A small area on the east side of the parking lot (measuring 13'x116') that is presently grass would be paved, and this impervious area would be offset somewhat by the additional landscape islands that are proposed. The amount of impervious surface will increase only slightly. The applicant has not submitted stormwater calculations, and it is likely that any issues related to stormwater will be limited to this property only. The applicant should ensure with his design engineer that the proposed parking area would be adequately drained.

<u>Refuse</u>: One dumpster is proposed along Kent Street in the southwest corner of the site, adjacent to Lowell Granite's property and directly adjacent to the sidewalk. It is proposed to be enclosed with a 5' tall chain link fence with privacy slats. The Zoning Ordinance does not contain standards for dumpster enclosures, although fences around dumpsters are often 6' tall wood privacy fences or masonry enclosures. The Planning Commission may require a greater enclosure height and specific materials for the enclosure, if desired. Further, it may be prudent to move the enclosure 1-2 feet away from the sidewalk as proposed, as there is little room for pedestrians on the sidewalk between the enclosure and the edge of pavement on Kent Street.

#### Site Plan Review Standards

In order 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 remarks 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.

<u>Remarks</u>: The new use as a mixed-use development is permitted in the MU district. The building is already in existence and would not impede the development of adjacent properties. The Planning Commission may therefore 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 property is serviced by a sidewalk along Main Street and the applicant has proposed a sidewalk along Kent Street as well. Pedestrian access from surrounding uses and side yard parking facilities is sufficient, and the site plan illustrates an overall improvement to this block. The layout of the site is functional and is consistent with the character of the downtown. The Planning Commission may find that this standard is met.

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: A sidewalk services the site along Main Street and Kent Street, which connects to adjacent properties, and the site is well connected to the City's transportation network. 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.

<u>Remarks</u>: The property is developed, and the applicant is proposing additional street trees on the inside of the sidewalk along Kent Street.

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: The proposed development represents the continued improvement and reuse of an existing historic building. Approval from the Historic District Commission may be required. A condition of approval can stipulate continual compliance with applicable codes and ordinances.

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

Remarks: The Mixed Use district was developed in recent years upon recommendation from the City Master Plan. The zoning language was written to permit and encourage reuse of existing buildings that contribute to the charm of downtown Lowell. This site is zoned for mixed uses, and the proposed use is consistent with the character of nearby properties. The development of twelve apartments would be a welcome addition to downtown Lowell and will help increase the supply of housing options and strengthen the viability of other downtown retail and service activities. The Planning Commission may find that this standard is met.

#### Recommendation

At the December 9 meeting, the Planning Commission should carefully consider the comments from the applicant regarding the proposed use. Subject to those comments, we believe the Planning Commission can approve the proposed permitted use as presented with the conditions noted below. The motion for approval should incorporate the standards of Section 18.06 and the remarks in this memorandum may be used as a basis for such approval. Suggested conditions include the following, 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 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. All drive aisles in the parking lot shall be at least 24' wide.
- 6. Lighting fixtures shall be submitted for review to the Zoning Administrator prior to installation.
- 7. The Planning Commission may establish delivery/loading hours to minimize potential conflicts with delivery vehicles.
- 8. The Planning Commission may require the applicant to develop a shared parking agreement for 312 and 316 E Main Street.
- 9. The Planning Commission may require a greater enclosure height, and specific materials and location for the dumpster enclosure.

As always, feel free to contact us if there are any questions.

Request Number:	
Filing Fee:	

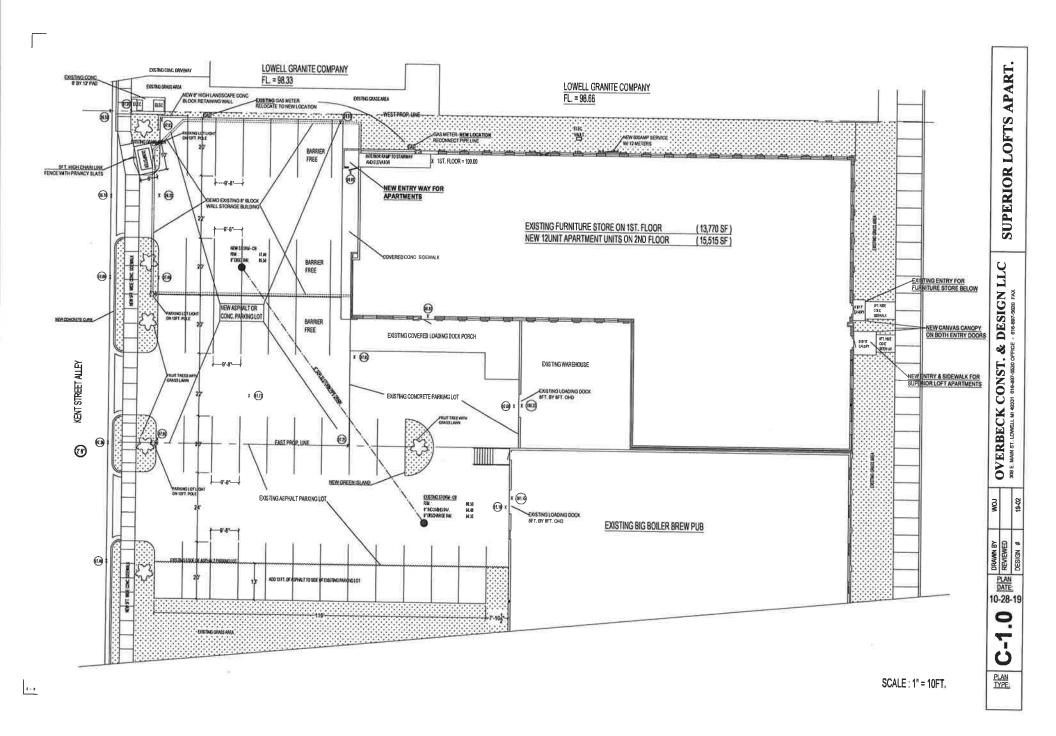


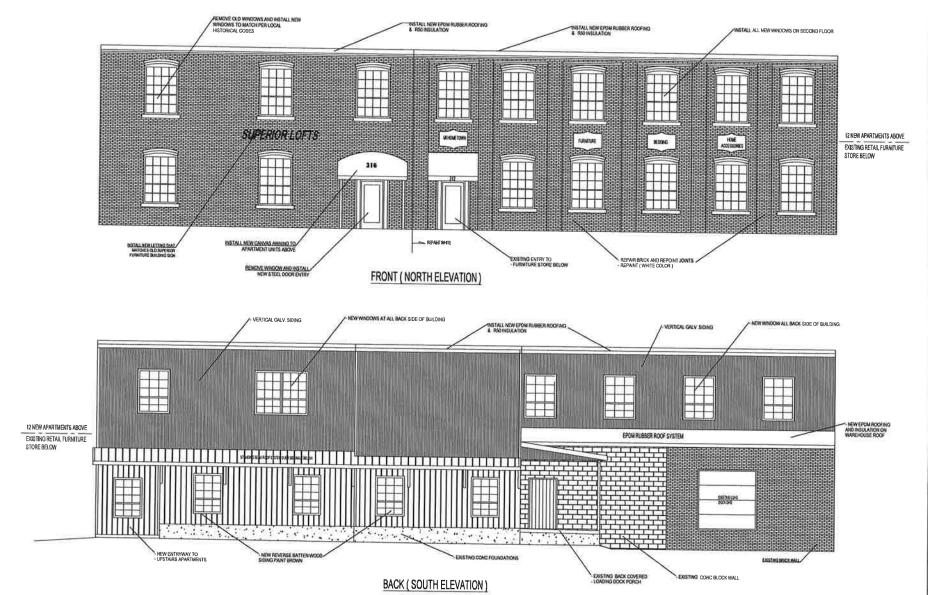
301 East Main Street Lowell, Michigan 49331 Phone (616) 897-8457 Fax (616) 897-4085

#### **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: 312 E. Main 51.
2.	Parcel Identification Number (Tax I.D. No.): #41-20
3.	Applicant's Name: ZPS Investments LLCPhone Number 616-581-8554
	Address: 318 F. Main Sufe B Lowell M1 49331 Street A City State Zip
	Fax Number Email Address brents light of let brewing cor
4.	Are You: Property Owner   Owner's Agent  Contract Purchaser  Option Holder
5.	Applicant is being represented by: Rvent Slage   Phone Number 616-581-8554
	Address: 318 E. Mainst Suite B Lowell, M149331
6.	Present Zoning of Parcel Mited USE Present Use of Parcel Commercial / Furniture Store
7.	Description of proposed development (attach additional materials if needed):
	Rehab 2nd Floor into 12 Residential Units
The	facts presented above are true and correct to the best of my knowledge.
	William II II II II
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decis	erty Owner Approval: As owner I hereby authorize the support of this application and agree to abide by any sion made in response to it.





#### 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.

#### 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.

#### **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 use 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 any 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.

Minimum sront yard	25 feet
Minimum 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
Minimum Rear yard	35 feet
Maximum lot coverage	60%
Maximum building height	35 feet or 2½ 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

#### **CHAPTER 11. - C-2 CENTRAL BUSINESS DISTRICT**

#### SECTION 11.01. - INTENT.

This district is intended to accommodate uses which can provide office, personal services, convenience (day-to-day), and comparison commercial goods for visitors to and residents of Lowell. Development in this district should be pedestrian-oriented and consistent with the established historic development pattern of downtown Lowell in terms of both building design and land use.

#### SECTION 11.02. - USES PERMITTED BY RIGHT.

Land and/or buildings in the C-2 District may be used for the following purposes as uses permitted by right:

- 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, exclusive of 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. Residential dwellings, in the same building with commercial uses.
- E. Mixed use developments
- F. Art galleries and museums
- G. Retail stores.
- H. Drug stores and pharmacies.
- I. Restaurants, without drive-through facilities.
- J. Private clubs, fraternal organizations, and lodge halls.
- K. Indoor recreational facilities, excluding bowling alleys.
- L. Child care centers.
- M. Accessory buildings, structures, and uses.
- N. Outdoor merchandise display.

#### SECTION 11.03. - SPECIAL LAND USES.

Land and/or buildings in the C-2 District may be used for the following purposes following review by the planning commission as a special land use as regulated by Chapter 17:

- A. Funeral homes and mortuary establishments.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the zoning enforcement officer, with drive-through facilities.
- C. Hotels and motels.
- Theaters, concert halls, or similar places of public assembly, as determined by the zoning enforcement officer.
- E. Multiple-family dwellings
- F. .
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Off-street parking lots.
- Short-term rentals

#### SECTION 11.04. - SITE DEVELOPMENT REQUIREMENTS.

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

- A. There shall be no off-street parking located in the front yard of a lot; parking shall be located in the rear or side yard, or as otherwise permitted in Chapter 19.
- B. Buildings must have the primary entrance facing a public sidewalk.

Minimum front yard	None	
Minimum side yard	Side abutting Residential Districts or Uses - 5 feet	
	Side abutting other Districts - 0 or 10 feet	
Minimum rear yard	Abutting Residential Districts or uses - 25 feet	
	Abutting other Districts - None	
Maximum lot coverage	100%	
Maximum building height	40 feet	
Minimum lot area	None	
Minimum lot width	None	

#### **SECTION 11.05. - OUTDOOR MERCHANDISE DISPLAY.**

Outdoor merchandise displays shall meet the following requirements:

A. No merchandise and related displays and fixtures shall be located closer than eight (8) feet from the curb line of a public street or a tree.

- B. No merchandise and related displays and fixtures shall be located so as to obstruct the visibility of vehicles on the public street.
- C. No merchandise and related displays shall be located so as to obstruct the sidewalk or otherwise impair the flow of pedestrians.
- D. All merchandise and related displays and fixtures shall be removed and stored indoors at all times when the related business is closed to the public.

# E. THE AREA USED FOR AN OUTDOOR MERCHANDISE DISPLAY SHALL BE MAINTAINED IN A SAFE, CLEAN, AND SANITARY MANNERCHAPTER 12. - C-3 - GENERAL BUSINESS DISTRICT

#### **SECTION 12.01. - DESCRIPTION AND PURPOSE.**

This district, 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. This district is intended to accommodate users which can provide office, personal services, and commercial goods for visitors to and residents of the city including automobile related uses which would ordinarily be incompatible with the character of residential districts. These uses are principally intended to serve the community and M-21 traffic. Areas proposed for this district will be reviewed with consideration toward traffic, impact on adjacent areas, size and access to the lot, and whether or not the proposed area helps prevent strip commercial development.

#### SECTION 12.02. - USES PERMITTED BY RIGHT.

Land and/or buildings in the C-3 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. Restaurants, exclusive of drive-through facilities.

- G. Private clubs, fraternal organizations, and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Indoor recreational facilities, including bowling alleys.
- J. Commercial child care centers.
- K. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- L. Accessory buildings, structures, and uses customarily incidental to any of the above uses permitted by right, or special land uses.
- M. Outdoor merchandise display.

#### SECTION 12.03. - SPECIAL LAND USES.

Land and/or buildings in the C-3 District may be used for the following purposes following review by the planning commission as a special land use as regulated by Chapter 17:

- A. Boarding houses or lodging houses.
- B. Commercial greenhouses and nurseries.
- C. Commercial kennels.
- D. Commercial storage warehouses.
- E. Funeral homes and mortuary establishments.
- F. Hotels and motels.
- G. Open air business.
- H. Theaters or similar places of public assembly as determined by the zoning enforcement officer.
- I. Restaurants and drive-through facilities.
- J. Retail business supplies.
- K. Sexually oriented businesses (as further regulated by Chapter 17A).
- L. Vehicle repair facilities, including body shops.
- M. Vehicle service stations, excluding body shops.
- N. Vehicle towing service.
- O. Vehicle wash establishments, either self-service or automatic.
- P. Veterinary hospitals and animal clinics.
- Q. Brewery/Winery
- R. Adult use marihuana establishments

#### SECTION 12.04. - SITE DEVELOPMENT REQUIREMENTS.

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

- A. Landscaping shall be provided as required in Section 4.26.
- B. Entrance driveways shall be located as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection or from any other driveway.
- C. Only one (1) driveway per principal use, or collective principal use, per street shall be permitted. A second driveway may be permitted provided that such drive is constructed and permitted to share access with an abutting or adjacent principal use or existing lot. The planning commission may permit additional driveways, if justified by a professional traffic study indicating the need for such additional driveways.

Minimum front yard	35 feet	
Minimum 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	
Minimum rear yard	35 feet	
Maximum lot coverage	60%	
Maximum building height	40 feet or 3 stories	
Minimum lot area	20,000 square feet	
Minimum lot width	100 feet	

#### SECTION 12.05. - OUTDOOR MERCHANDISE DISPLAY.

Outdoor merchandise displays shall meet the following requirements:

- 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. No merchandise and related displays and fixtures shall be located so as to obstruct the movement of pedestrians along a sidewalk or obstruct the visibility of vehicles on the public street.
- C. The area used for an outdoor merchandise display shall be maintained in a safe, clean, and sanitary manner.

#### CHAPTER 12A. - I-L LIGHT INDUSTRIAL DISTRICT

#### SECTION 12A.01. - DESCRIPTION AND PURPOSE.

This district is intended to permit light industrial and related uses which are desirable to serve the employment needs of the city, but which are lower intensity uses than those permitted in the I-Industrial district. The uses permitted in this district vary in intensity of use, but in no case is it intended that these uses negatively affect residential and other uses in the city. Rather, it is intended to allow these uses to operate as freely as possible while insuring that the natural and residential areas of the city are protected. This district may act as a buffer between an I-Industrial District and less intensive uses. As such, this district permits the compounding, assembling, or treatment of articles or materials, but does not permit heavy manufacturing or the processing of raw materials. This district also provides for certain other services and uses that are compatible with light industrial uses.

#### SECTION 12A.02. - USES PERMITTED BY RIGHT.

Land and/or buildings in the I-L Light Industrial 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. The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
- D. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
- E. Vehicle service stations.
- F. Bulk printing shops with or without retail outlets.
- G. Warehouses and storage, including commercial storage warehouses.
- H. Wholesale sales outlets.
- Off-street parking lots.

- J. Utility and public services buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- K. Accessory buildings, structures, and uses customarily incidental to any of the above uses permitted by right, or special land uses.
- L. Off-site parking lots not associated with another principal use.

#### SECTION 12A.03. - SPECIAL LAND USES.

Land and/or building in the I-L District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by chapter 17:

- A. Radio and television transmitting buildings and towers.
- B. Retail building supplies, including outside storage yards.
- C. Dismantling or disassembling of used motor vehicles or parts thereof.
- D. Machine shops.
- E. Other light industrial uses not included in section 12A.02 that involved the compounding, assembly, treatment of goods, articles, or materials, but which do not involve heavy manufacturing or the processing of raw materials, provided any environmental effects such as noise, smoke, dust, vibration, odor or other similar effects shall not be substantially greater than that from the uses permitted in this district.
- F. Vehicle repair facilities, excluding body shops.
- G. Vehicle service stations, excluding body shops.
- H. Accessory buildings not meeting the requirements of section 4.08.J.
- I. Adult use marihuana establishments

#### SECTION 12A.04. - SITE DEVELOPMENT REQUIREMENTS.

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

- A. Permitted and special land uses in this chapter shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in height; provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.
- B. The outdoor storage of goods or materials shall be prohibited in the required front yard or within any yard abutting a residential district or use.
- C. Landscaping shall be provided as required in Section 4.26.
- D. Any side yard or rear yard adjoining any lot or parcel of land abutting a residential district or residential use shall be screened by a compact hedge of deciduous or evergreen trees,

- having such minimum height as determined by the planning commission in its review and approval of the site plan under the terms of Chapter 18.
- E. No use permitted in this chapter shall create or cause to be created fire and explosion hazards, smoke, fumes, odors, gases, dust, liquid or solid waste, vibration, noise, or glare which shall affect adjoining properties adversely.
- F. Refuse and service areas shall be designed and used so as to maximize motor vehicle and pedestrian safety and convenience, promote ease of traffic flow and to minimize the effects, if any, of smoke, noise, dust, vibration, or odor on adjacent or nearby lands.

Minimum front yard	50 feet
Minimum side yard	Side abutting Residential Districts or Uses - 50 feet
	Side abutting other Districts - 20 feet
	Street side of a corner lot- 50 feet
Minimum rear yard	Side abutting a Residential Districts or uses- 50 feet
	Side abutting other Districts- 25 feet
Maximum lot coverage	60%
Maximum building height	40 feet
Minimum lot area	20,000 square feet
Minimum lot width	100 feet

#### CHAPTER 13. - I - INDUSTRIAL DISTRICT

#### SECTION 13.01. - DESCRIPTION AND PURPOSE.

This district is intended to permit industrial and related uses which are desirable to serve the employment needs for the residents of the city. The uses permitted in this district vary in intensity of use, but in no case is it intended that these uses negatively affect residential and other uses in the city. Rather it is intended to allow these uses to operate as freely as possible while ensuring that the natural and residential areas of the city are protected.

#### SECTION 13.02. - USES PERMITTED BY RIGHT.

Land and/or buildings in the I-Industrial 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.
  - 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. The manufacture, compounding, assembly or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products except the rendering or refining of fats and oils.
- D. The manufacture, compounding, assembly or treatment of articles from the previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
- E. Vehicle repair facilities, including body shops, provided, if a body shop includes a towing or wrecker service, the site design standards of section 17.04.CC. must be met.
- F. Vehicle service stations.
- G. Bulk printing shops without retail outlets.
- H. Warehouse and storage, including commercial storage warehouses.
- I. Wholesale sales outlets.
- J. Off-street parking lots.
- K. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- L. Vehicle towing service.

- M. Accessory buildings, structures, and uses customarily incidental to any of the above uses permitted by right; or special land uses.
- N. Brewery/Winery

#### SECTION 13.03. - SPECIAL LAND USES.

Land and/or buildings in the I District may be used for the following purposes following review by the planning commission as a special land use as regulated by Chapter 17:

- A. Landing and take-off areas for rotocraft, and airports.
- B. Petroleum storage located at least five hundred (500) feet from any residentially zoned property.
- C. Radio and television transmitting buildings and towers.
- D. Retail building supplies including outside storage yards.
- E. Commercial wireless communication towers.
- F. Accessory buildings not meeting the requirements of subsection 4.08.J.
- G. Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources.
- H. Adult use marihuana establishments

#### **SECTION 13.04. - SITE DEVELOPMENT REQUIREMENTS.**

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

- A. Permitted and special land uses in this chapter shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height; provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.
- B. The outdoor storage of goods or materials shall be prohibited in the required front yard or within any yard abutting a residential district or use.
- C. Any side yard or rear yard adjoining any lot or parcel of land abutting a residential district or residential use shall be screened by a compact hedge of deciduous or evergreen trees, having such minimum height as determined by the planning commission in its review and approval of the site plan under the terms of Chapter 18.
- D. Landscaping shall be provided as required in Section 4.26.
- E. No use permitted in this chapter shall create or cause to be created fire and explosion hazards, smoke, fumes, odors, gases, dust, fumes, liquid or solid waste, vibration, noise, or glare shall exist to affect adjoining residential properties adversely.

Minimum front yard	50 feet	
Minimum side yard	Side abutting Residential Districts or Uses - 50 feet	
	Side abutting other Districts - 20 feet	
	Street side of a corner lot- 50 feet	
Minimum rear yard	Side abutting Residential Districts or uses- 50 feet	
	Side abutting other Districts- 25 feet	
Maximum lot coverage	60%	
Maximum building height	40 feet	
Minimum lot area	20,000 square feet	
Minimum lot width	100 feet	

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	Jarrod 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