

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, AUGUST 12, 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, Marty Chambers, Dave Cadwallader, Amanda Schrauben and Chair Bruce Barker.

Absent: None.

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

2. **APPROVAL OF AGENDA.**

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

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

3. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the minutes of the July 8, 2019 Planning Commission regular meeting as amended.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

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

There were no comments.

5. **OLD BUSINESS.**

Riverview Flats – PUD Review.

Andy Moore with William & Works provided background information regarding the Riverview Flats PUD stating at the previous meeting, the Planning Commission held its preliminary review of the Riverview Flats and Moore then explained the next steps. The Planning Commission will come to some determination one way or another on the proposed PUD, then they will make recommendations to the City Council either to approve or not approve prior to the City Council meeting. The City Council will then hold a Public Hearing. If it is approved that will rezone the property and will memorialize all of the site plan conditions, statements and everything that is shown on their parking, landscaping, buildings, etc. Following that, the applicants will come back for a site plan review by staff.

Moore continued explaining after the last meeting, the Planning Commission had him check into a number of items. There were a few modest adjustments to the site plan, primarily driveways to the parking lot in front of phase 2 and some sidewalk adjustments. Applicants pretty quickly made those adjustments to the

site plan. Moore also verified that this is not in the city's historic district. A few engineering comments have now been provided by Dave Austin also with William's & Works. Moore then reviewed the parking. Still short by approximately 21 spaces, but can count the public parking that is nearby. Planning Commission has a few options to consider.

The Planning Commissioners discussed at length. Chair Barker stated he believes the applicants and the City Council need to have a conversation regarding parking and also regarding High Street.

James Zandstra verified the 18 spaces are their spaces and also stated the boat launch is a big priority of the project.

Todd Schaal stated in real world requirements, and based on his applicants and the cliental with interest, he feels there is more than enough parking.

Justin St. John who resides at 305 High St stated he is in favor of the project and feels this is the best thing for the City of Lowell.

James Zandstra gave a letter to the City Clerk from Greg Gilmore in support of the project.

Moore then reviewed the resolution that would recommend approval on the project to the City Council.

After careful consideration, the Planning Commission went on to recommend approval of the PUD plan and rezoning subject to the following conditions:

- a. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
- b. The Proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations, including, but not limited to, all applicable requirements pertaining to barrier-free access and the Americans with Disabilities Act ADA).
- c. The applicant shall comply with all applicable requirements from the City's Department of Public Works, City Engineer, Fire Department, Board of Light & Power, and other City officials.
- d. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources and/or Department of Energy, Great Lakes, and Energy (EGLE) under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- e. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.
- f. The applicant shall submit evidence that the requirements of Chapter 14, Floodplain Overlay District of the Zoning Ordinance are or will be satisfied.

- g. If it is determined that the work involved would require a compensating cut pursuant to EGLE requirements, such compensating cut shall occur at a location approved by the City and shall be subject to reasonable regulation and oversight by the City of Lowell.
- h. Consistent with Note 9 or Sheet C 2.0 stating that “as the site is riparian and within a floodplain, stormwater management goals of the project focus on providing stormwater quality improvements and maintaining onsite grading characteristics to provide storage for impending flood conditions.” Since the site has a direct discharge to the Flat River, the applicant shall submit evidence to the City Engineer’s satisfaction that demonstrates specific stormwater quality Best Management Practices (BMPs).
- i. Site Plan review by the Planning Commission for phases 2 and 3 shall be required.
- j. Eighteen spaces located on 238 High Street as shown on the site plan shall be dedicated to parking for the proposed PUD. The applicant shall submit a copy of a restrictive covenant or similar instrument acceptable to the City Attorney confirming the common ownership and prohibiting the separate conveyance by way of sale or lease of either lot and confirming that the 18 parking spaces are for the exclusive use of Riverview Flats. Evidence of the recording with the Kent County Register of Deeds shall be provided to the City.
- k. The Applicant shall work cooperatively with the Lowell City on the affected High Street area.

IT WAS MOVED BY BARKER and seconded by CHAMBERS recommending Approval to the Lowell City Council of the Request for Planned Unit Development Approval by Unity School Investors LLC for a Condominium Development Located at 219 High Street, City of Lowell, Kent County, Michigan with the conditions a-k.

YES: Councilmember Chambers, Councilmember Ellis, Councilmember Plank, Commissioner Cadwallader Commissioner Gadula, Chair Barker

NO: Amanda Schrauben

ABSENT: None.

MOTION CARRIED.

6. **NEW BUSINESS.**

There was none.

7. **STAFF REPORT.**

There were no reports.

8. **COMMISSIONERS REMARKS.**

Chair Barker stated the Lowell Area Historical Museum has their major fundraising event this Friday, August 16, 2019, he has ten tickets available at \$40 a ticket, please see him if you would like to purchase.

9. **AJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by PLANK to adjourn at 8:11 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk