

**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:

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Bruce Barker, Chair

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Susan Ullery, Lowell City Clerk