

**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.**

a. 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.

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 additional lighting.

Parking. 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.

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 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.

Remarks: 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 standard is met.**

- 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.**

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;
Remarks: 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.**
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.
Remarks: 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.

b. 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