



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, SEPTEMBER 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. **August 12, 2019 – Regular Meeting**
 - b. **August 19, 2019 – Committee of the Whole 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. **McDonald's Expansion – Site Plan Review**
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, 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

CITY OF LOWELL PLANNING COMMISSION

KENT COUNTY, MI

RESOLUTION # 01-19

At a regular meeting of the City of Lowell Planning Commission, Kent County, Michigan, held at the Lowell City Hall on August 12, 2019 at 7:00 PM the following resolution was offered by Commissioner Barker and supported by Commissioner Chambers:

A RESOLUTION 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.

WHEREAS, Unity School Investors, LLC has submitted an application for a planned unit development (PUD) located at 219 High Street (PPN 41-20-02-260-003) for approval of a condominium project located in the Mixed Use zoning district; and

WHEREAS, the applicant has requested approval of the PUD plan and rezoning pursuant to applicable provisions in the City of Lowell Zoning Ordinance; and

WHEREAS, the Planning Commission has determined that the proposed PUD plan satisfies the requirements of the Zoning Ordinance, if certain conditions are met, as specified herein.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. **Findings.** The Planning Commission makes the following findings with respect to the proposed PUD:
 - a. The Planning Commission finds, after careful review, and based on the memoranda by Williams & Works dated July 3, 2019 and August 6, 2019, and all other pertinent materials

on the record for this matter, that the proposed PUD satisfies the standards contained in Section 15.02 (A) of the City of Lowell Zoning Ordinance pertaining to the objectives applicable to all PUDs based on the following findings:

1. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where included in the plan, other support facilities in a generally central location within reasonable distance of all dwelling units.

Findings: The proposed development includes the redevelopment of the former Unity School building and bus garage. Preservation of these old structures aligns with the City's value of preserving historic buildings. Additionally, the applicant has included designated open space areas in the plan. This open space includes all areas that do not have structural development. Further, recreational activities may be encouraged by the development's proximity to a boat launch on High Street and other City parks, services, and the Riverwalk. The Planning Commission finds that this standard is met.

2. To encourage developers to use a more creative and imaginative approach in the development of property

Findings: The applicant has approached this development with the objective of preserving the existing buildings. In order to renovate these buildings, a creative design is required that appears to be somewhat limited through the strict application of the current Mixed Use zoning district standards, specifically the adherence to minimum building frontage standards in primary and secondary front yards and the prohibition of off-street parking in front yards. Thus, through PUD rezoning, a more creative approach is possible that may not have been otherwise feasible if the requirements of

the underlying zoning district were applied. The Planning Commission finds that this standard is met.

3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.

Findings: The proposed development site is located in downtown Lowell, along the Flat River and adjacent to residential neighborhoods, public facilities, and services. Adequate infrastructure is already in place and accessible at the subject property, so the property is well-positioned as an ideal infill site where relatively dense residential densities are appropriate. The Planning Commission finds that this standard is met.

4. To facilitate economic development through the creation of a mix of uses and/or building types.

Findings: The applicant has indicated in the project narrative that the project “will generate new real estate tax revenue for the City” as well as “new economic benefits for local businesses with the redevelopment of multiple buildings.” The combination of redevelopment and new construction appears to provide a variety of building types that could lead to a successful development. The location of the development near the downtown area can also be expected to contribute positively to economic development in the City. The Planning Commission finds that this standard is met.

5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.

Findings: The proposed development is located near the Lowell riverwalk. This walkway is already connected to sidewalks surrounding the proposed development and will facilitate pedestrian traffic between residential neighborhoods and the downtown

area. The applicant has also proposed sidewalks within the development. The Planning Commission finds that this standard is met.

6. To provide for the adaptive re-use of significant or historic buildings;

Findings: The applicant has proposed to reuse the former Unity School building and bus garage. This will retain some local cultural and historic characteristics, as many of Lowell's residents attended the school over the years prior to its closure. The Planning Commission finds that this standard is met.

7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

Findings: The applicant has proposed a phased development with a total of three phases. Each phase will be required to secure site plan approval from the Planning Commission, who will need to verify that the phase, when presented, is consistent with the original PUD rezoning approval. The Planning Commission finds that this standard is met.

8. To promote flexibility in design and to permit planned diversification in the location of structures.

Findings: The proposed development is designed so as to utilize the existing buildings on the site. Therefore, it appears that rezoning to PUD would allow for diversification in the location of structures, since the development is already somewhat limited by utilizing existing buildings. The Planning Commission finds that this standard is met.

9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.

Findings: Because two buildings already exist on the subject property, utilities are readily available for redevelopment. Redevelopment of existing buildings also contributes to the conservation and efficient use of building materials. Therefore, the proposed development would offer an efficient arrangement of buildings and utilities. Additionally, vehicular circulation is efficiently designed to facilitate traffic between different buildings and to the City's street network. Internal sidewalks provide logical connections to existing sidewalks bordering the subject property. The Planning Commission finds that this standard is met.

10. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;

Findings: Internal vehicular access is proposed through a private drive with two curb cuts: one on King Street and one on Monroe Street. This design would not likely adversely impact traffic. Pedestrian circulation includes connections to existing sidewalks bordering the subject property and includes internal sidewalk connections. The Planning Commission finds that this standard is met.

11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;

Findings: The former Unity School building and bus garage are vacant buildings and have begun to fall into disrepair. The proposed PUD plan would redevelop these buildings and restore them to a useful state. The Planning Commission finds that this standard is met.

12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD; and

Findings: The exteriors of existing buildings are consistent with each other. The applicant has indicated in the project narrative that new materials will coordinate and complement the architectural styles and building forms that currently exist. The applicant has submitted building elevations for the phase 1 development and some renderings of this phase are found on the project website, which indicate coordination between buildings. The Planning Commission finds that this standard is met.

13. To ensure a quality of construction commensurate with other developments within the city.

Findings: In the applicant's narrative, it is stated that the "quality of construction will meet or exceed that of other buildings in and around the City." Preliminary indications are that the materials would be of an acceptable quality. The Planning Commission finds that this standard is met.

- b. The Planning Commission finds, after careful review, and based on memoranda by Williams & Works dated July 3, 2019 and August 6, 2019, and all other pertinent materials on the record for this matter, that the proposed PUD satisfies the standards contained in Section 15.02 (B) of the City of Lowell Zoning Ordinance pertaining to the qualifying conditions applicable to all PUDs based on the following findings:

1. **Ownership.** The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties.

Findings: The former Unity School building extends into the High Street right-of-way. However, the applicant has indicated on the site plan that the portion extending into the right-of-way will be removed to the property line. Therefore, there are no owners of

affected properties associated with this development and the PUD application is in one ownership. The Planning Commission finds that this standard is met.

2. **Conditions.** To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:

- (a) The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
- (b) The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
- (c) The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space.
- (d) The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.

Findings: The PUD Plan fulfills letter (d), as it proposes to redevelop two existing buildings and construct two new buildings on a property that is presently underutilized. Conventional development that complies fully with the underlying Mixed Use zoning regulation may be infeasible unless the buildings are razed. Due to the intent to preserve their historic and cultural character, this PUD plan would constitute a significant redevelopment of the vacant property. The Planning Commission finds that this standard is met.

3. **Master Plan.** The applicant shall demonstrate that the proposed PUD is consistent with the adopted master plan.

Findings: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development aligns well with the Plan's Mixed Use future land use category. The Planning Commission finds that this standard is met.

- c. The Planning Commission finds, after careful review, and based on the memorandums by Williams & Works dated July 3, 2019 and August 6, 2019, and all other pertinent materials on the record for this matter, that the proposed special land use satisfies the standards contained in Section 15.10 of the City of Lowell Zoning Ordinance pertaining to PUD plan and rezoning applicable to all PUDs based on the following findings:

1. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

Findings: The proposed PUD complies with the purpose and qualifying sections of 15.01 and 15.02, as described above. The Planning Commission finds that this standard is met.

- b. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

Findings: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended

development aligns well with the Mixed Use category. The Master Plan does not consider PUDs on the future land use map.

The PUD plan is also supported through the Master Plan's goals and objectives. The Master Plan's goal for Community Image promotes Lowell's image as a historic community with natural resources such as the Flat River. Objectives include measures to improve access and views to the Flat River and restoration of buildings to their original style. Encouraging river access and views may include "demolition of view blocking buildings and structures, building of paths, construction of view overlooks, and others." The proposed PUD plan does not propose additional buildings along the riverfront and the residential units in the former bus garage would allow those owners to have river views.

The Community Image goal also includes an objective to encourage the restoration of building fronts to their original style. By preserving the existing buildings on the site, the applicant may retain their original style. Based on building elevations for phase 1, the new construction would not significantly diminish the original historic character of the site.

The Master Plan also lists a Land Use goal to "promote a walkable community with stable neighborhoods, and conveniently located public, commercial, and service uses." Objectives include improved pedestrian access to the Flat River, a land use pattern to facilitate walking to and within the downtown area safer and easier, and encouragement of new development in and around the downtown area. The PUD plan aligns well with the objective for encouraging new development in and around the downtown area. The

placement of residential units at this location supports this objective of building off of the downtown as the heart of Lowell.

Lastly, the Master Plan defines Housing goals, desiring a variety of housing opportunities on a range of lot sizes to provide affordable housing. The primary housing types in the surrounding area are single-family residential homes, and some residential-over-retail dwellings along Main Street. The presence of attached condo units may provide diversity in the housing market through different types of units and lot size, as there are few attached condos in the City at present.

The Planning Commission finds that this standard is met.

3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

Findings: The proposed PUD is residential in nature and the surrounding uses are predominately residential or public areas. The PUD plan depicts a higher density than that allowed in the neighboring residential uses. However, because the subject property is also adjacent to the Public Facilities district and the riverfront walkway, the increased density is more compatible and appropriate at this site, and offers a transition between the lower-intensity neighborhoods to the north and the more intense uses in downtown Lowell.

The subject property contains minimal natural features and adequate public services and facilities. The landscape plan submitted by the applicant indicates an increase in overall vegetative density on the site as a result of the development. Because this site

was the former location of Unity School, public facilities and services are already available for use and the capacity of public services and facilities will support the intended development. Therefore, the PUD development would remain harmonious in relation to natural features and the capacity of public services and facilities. The Planning Commission finds that this standard is met.

4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

Findings: The proposed PUD is residential in nature and therefore not expected to involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, fumes, or glare. The development is likely to have some impact on traffic in the area, as 44 new housing units would eventually be created. Because the development can be accessed via King Street, Monroe Street, and High Street, traffic will be distributed throughout the surrounding streets so as not to overload one particular area. Further, many of the future residents may walk to destinations in downtown Lowell, reducing the number of vehicle trips needed. The Planning Commission finds that this standard is met.

5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

Findings: The proposed PUD proposes a total of 44 dwelling units. The proposed use will not likely generate demands on public facilities that are more than current or anticipated future capacity. The Planning Commission finds that this standard is met.

6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and regulations.

Findings: This is addressed as a condition of approval.

- d. The Planning Commission finds, after careful review, and based on the memoranda by Williams & Works dated July 3, 2019 and August 6, 2019, and all other pertinent materials on the record for this matter, that the proposed site plan satisfies the standards contained in Section 14.04 of the City of Lowell Zoning Ordinance pertaining to the floodplain overlay district standards based on the following findings:

1. Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district shall not occur except in accordance with the requirements of this ordinance and the following standards:

- (a) The requirements of this chapter shall be met.

Findings: This is addressed as a condition of approval.

- (b) The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;

Findings: The applicant's conformance to the applicable standards for PUD approval fulfill the requirements of this standard.

- (c) 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 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.

Findings: The proposed project may require a Part 31 permit from the Michigan Department of Environmental Quality (DEQ). This is addressed as a condition of approval.

- (d) The proposed use and/or structure(s) shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

Findings: Portions of the site are within the 100-year floodplain, and these areas contain existing buildings that would be renovated to accommodate the proposed condominiums. Additions are not planned within the 100-year floodplains, and those portions of the site that are proposed for new construction are not within the 100-year floodplain. The Planning Commission finds that this standard is met.

- (e) Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

Findings: The buildings proposed to be constructed during Phase III are completely within the 100-year floodplain, as is a portion of the former bus garage. Additions are not planned within the 100-year floodplains, and those

portions of the site that are proposed for new construction are not within the 100-year floodplain.

2. Specific base flood elevation standards:

- (a) On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.

Findings: This is addressed as a condition of approval.

- (b) The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

Findings: This is addressed as a condition of approval.

e. **Conditions of Approval.** This PUD plan and rezoning approval is subject to the following conditions and regulations:

- 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 applicable local, state and federal laws, rules and regulations including the requirements of the City's Code of Ordinances, promulgated rules, regulations and policies of the City's Department of Public Works, the City Engineer and Department of Light and Power, and promulgated rules, regulations and policies of the Lowell Area Fire Authority.
- 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 Environment, 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.

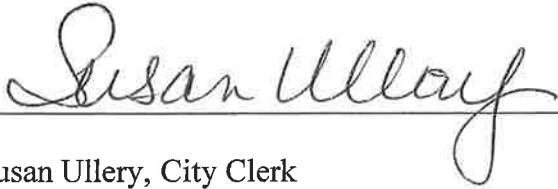
- f. The applicant shall submit evidence that the requirements of Chapter 14, Floodplain Overlay District of the Zoning Ordinance are or will be satisfied.
- g. If it is determined that the work involved would require a compensating cut pursuant to EGGLE requirements, such compensating cut shall occur 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 of 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 with cooperatively with the Lowell City on the affected High Street area.

YEAS: Commissioners Chambers, Ellis, Plank, Cadwallader, Gadula and Chair Barker

NAYS: Commissioner Schrauben

ABSENT/ABSTAIN: None

RESOLUTION DECLARED ADOPTED.



Susan Ullery, City Clerk

**PROCEEDINGS
OF
THE COMMITTEE OF THE WHOLE
OF THE
CITY OF LOWELL & LOWELL PLANNING COMMISSION
MONDAY, AUGUST 19, 2019, 5:30 P.M.**

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.

The Meeting was called to order at 5:30 p.m. by Mayor Mike DeVore.

Present City Council: Councilmembers Canfield, Chambers, Salzwedel, Councilmember Yankovich and Mayor DeVore.

Absent: None.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery and Police Chief Steve Bukala, DPW Director Dan Czarnecki, Andy Williams from Williams & Works, Jessica Wood from Dickinson Wright.

The Meeting was call to order at 5:30 p.m.by Commissioner Chambers.

Present Planning Commission: Councilmembers Ellis, Commissioner Chambers, Commissioner Gadula

It was moved by Commissioner Chambers and seconded by Commissioner Gadula to excuse the absence of Commissioner Schrauben, Commissioner Plank, Commissioner Ellis and Chair Barker.

YES: 3 NO: None. ABSENT: 4 MOTION CARRIED.

2. MOTION TO APPROVE THE AGENDA.

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to approve the agenda.

YES: Councilmember Canfield, Councilmember Chambers, Councilmember Salzwedel, Councilmember Yankovich and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED.

3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA.

David Overhall who resides at 4716 S. Derby Sydney, MI thanked the Councilmembers and Commissioners for their hard work and service.

Lowell City Clerk Susan Ullery read a letter into record from Greg Pratt of Lowell Area School stating that he does not wish to see the setbacks established any less than the current setbacks for any marijuana establishments.

4. REGULATORY AND ZONING ORDINANCE FOR RECREATIONAL MARIHUANA.

City Manager Mike Burns stated that tonight you are being presented the first draft of the regulatory ordinance along with the recommended zoning ordinance by the Planning Commission. Both ordinances have been modified to comply with the emergency rules established by the Michigan Marihuana Act Agency. Jessica Wood from Dickinson Wright walked through the Regulatory Ordinance with the

City Council and Planning Commissioners very thoroughly to cover everything and discussed some of the hot issues as well as explain that if our City's Ordinance is silent on an issue, the State will most likely allow it as far as what the applicants are asking for. Discussing was held regarding how applications would be received, should there be a buffer between establishments and should we put a cap on the number of establishments as well. Woods went on to explain the process would include each applicant submitting a special land use application as well as paying \$5,000 which is on top of the zoning ordinance fees. Once the application is submitted, the applicant must receive two approvals from the State and two approvals from the City. Burns referred to our potential owner who requested the Council consider such establishments being less than 1,000 square feet from schools and pre-schools. Upon further discussion, the Council did not want anything less than 1,000 feet.

Michael Hooper who owns Hooper Printing located at 2125 Bowes St SE in Lowell, believes that this would displace many businesses. He had many concerns regarding these establishments coming into the City of Lowell.

Brad Closner who resides in Greenville with Closner Farms stated he is looking at property in Lowell for such an establishment and is the one who requested closer distance for an establishment near a church or school because of the location they are interested in.

Ryan Closner, Brads brother, who resides in Lowell Twp. wanted the City Council and Planning Commission to reconsider establishments being closer than 1,000 feet to churches and schools again because of the location they are looking at for their establishment.

Chief of Police Steve Bukala agreed with the 1,000-foot guidelines as it is in line with other State guidelines such as the sex offender list. If you are going to lower it, you may open yourself up to a whole bunch of problems.

Dave Overhall who resides at 4716 S. Derby Sydney, MI went over a few points that they talked about in the planning section.

Andy Moore with Williams and Works reviewed the Zoning Ordinance and the guidelines that have been established by the Planning Commission.

Jessica Wood with Dickinson Wright noted she would provide a copy of a point system and examples of a checklist for candidates.

It was the general consensus of the City Council and Planning Commission that establishments maintain a 1,000-foot setback from schools, pre-schools and daycares.

5. ADJOURNMENT.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to adjourn at 7:24.

YES: 5. NO: 0. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by Ellis to adjourn the meeting at 7:24.

YES: 3. NO: 0. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk

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: 1300 W. Main St.
2. Parcel Identification Number (Tax I.D. No.): #41-20- 03-478-010
3. Applicant's Name: Progressive AE Phone Number 616-988-4848
Address: 1811 4 Mile Road NE Grand Rapids MI 49525
Street City State Zip
Fax Number _____ Email Address Gonzaleza@progressiveae.com
4. Are You: ☐ Property Owner ☒ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: Arley Gonzalez Phone Number 616-988-4848
Address: 1811 4 Mile Road NE Grand Rapids MI 49525
6. Present Zoning of Parcel No Change Present Use of Parcel No Change
7. Description of proposed development (attach additional materials if needed):
McDonald's Remodel, and building addition.

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

Signature: Arley Gonzalez Date: 8/12/19

Type or Print Your Name Here: McDonald's Remodel, and building addition.

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.

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
<u>AG</u> |
| 2. A city locational sketch | <u>AG</u> |
| 3. Legal description and City address of the subject property | <u>AG</u> |
| 4. The size in acres or square feet of the subject property | <u>AG</u> |
| 5. All lot and/or property lines with dimensions, including building setback lines | <u>AG</u> |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary | <u>AG</u> |
| 7. The location and dimensions of all existing and proposed structures on the subject property | <u>AG</u> |
| 8. The location and dimensions of all existing and proposed: | |
| ▪ Drives | <u>AG</u> |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval) | <u>AG</u> |
| ▪ sidewalks | <u>AG</u> |
| ▪ exterior lighting | <u>AG</u> |
| ▪ curbing | <u>AG</u> |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space) | <u>AG</u> |
| ▪ unloading areas | <u>AG</u> |
| ▪ recreation areas | <u>AG</u> |
| ▪ common use areas | <u>AG</u> |
| ▪ areas to be conveyed for public use and purpose | <u>AG</u> |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements | <u>AG</u> |
| 10. The existing zoning of all properties abutting the subject project | <u>AG</u> |
| 11. The location of all existing and proposed: | |
| ▪ landscaping and vegetation | <u>AG</u> |
| ▪ location, height and type of existing and proposed fences and walls | <u>AG</u> |
| 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 | <u> </u> |
| 14. The location and size of septic and drain fields | <u> </u> |
| 15. Contour intervals shown at five (5) foot intervals | <u> </u> |
| 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 | <u> </u> |
| ▪ The number of dwelling units proposed (by type), including typical floor plans for each type of dwelling | <u> </u> |
| ▪ The number and location of efficiency and one or more bedroom units | <u> </u> |
| ▪ Typical elevation views of the front, side and rear of each type of building | <u> </u> |
| ▪ Dwelling unit density of the site (total number of dwellings / net developable area) | <u> </u> |

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: September 5, 2019
From: Andy Moore, AICP
Whitney Newberry
RE: McDonald's Expansion

McDonald's has submitted an application for site plan review to expand their existing drive-through facility located at 1300 W. Main Street. The purpose of this memorandum is to review the application pursuant to Chapter 18 of the City's Zoning Ordinance.

Background. The applicant is proposing a building expansion of the McDonald's restaurant located at 1300 W. Main Street (PN 41-20-03-478-010). The subject property is located in the C-3, General Business district and has existed for many years. Restaurants with drive-through facilities are permitted with special land use approval in the C-3 district. According to Section 17.02 G of the Ordinance, amendments to a special land use must be handled in the same manner as the initial special land use application, unless the change is minor and non-substantive. The proposed changes will not significantly alter the character of the use, so in our opinion a new special land use permit is not needed.



The applicant is proposing to expand the building from its current size of approximately 4,500 square feet with an addition of 799 square feet (an increase of approximately 18%) in order to expand the back of house area and the dining area. Alterations to a site plan that result in a building expansion greater than 5% require review from the Planning Commission. The site plan indicates a building expansion, extension of an existing sidewalk, and general maintenance improvements, such as painting and replacing the existing guard rail.

Completeness of Submittal. The applicant has submitted a site plan for review. The site plan is missing several features that are required as part of a site plan review; however, because the site has previously been approved and the applicant is proposing a small amendment to the

building, we find that many of these features are not necessary for review of the expansion. Therefore, we find that the site plan is generally complete for review.

Dimensional Requirements. The applicant's site plan does not list lot dimensions. However, the expansion does not greatly impact the building's proximity to side lot lines and will continue to meet the dimensional requirements of the C-3 district.

Lighting. The applicant has submitted building elevations with lighting details. All new lighting features are downward facing. A photometric plan was not submitted with the application and the Ordinance requires that not more than 0.5 footcandles of light be cast onto adjoining properties. It is expected that the proposed lighting will meet this standard; however, the Planning Commission may discuss this with the applicant to ensure compliance and may address this as a condition of approval.

Parking. The applicant is proposing one additional parking space on the subject property, increasing from 65 to 66 spaces. Section 19.07 of the Ordinance requires 1 space per 100 square feet of gross floor area. An increase in 799 square feet requires an addition 8 parking spaces than what was previously approved. Because the applicant is proposing one additional space, the site plan indicates 7 fewer spaces than is required by Section 19.07. According to Section 19.04 M, the Planning Commission may authorize a decrease in off-street parking if the applicant demonstrates that demand is expected to be lower than the requirements of Section 19.07. The Planning Commission may discuss this with the applicant.

Landscaping. The applicant is not proposing any changes to landscaping.

Signage. The applicant has indicated on the site plan that all new and existing site signage will be addressed under a separate permit. Any new or modified signage on the site will need to comply with the requirements of Chapter 20 of the Zoning Ordinance and be approved by City staff.

Review Standards. To approve a special land use, the Planning Commission must find that the use satisfies the standards of Section 18.06 for site plan reviews. Following are the standards and our remarks on each.

- 1. 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: It is not expected that the proposed use would cause detrimental impacts on public health, safety, or welfare, as the applicant is proposing a small expansion to an existing use. The subject property's use has already been approved through a site plan review and is located in the C-3, General Business district. As such, the proposed expansion would remain consistent with the surrounding uses.

The proposed expansion would not greatly impact the topography of the site, as the subject property is relatively flat and the expansion would extend into a concrete portion of the site. The site is easily able to accommodate the proposed expansion. The Planning Commission may find this standard met.

2. *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 has indicated vehicular rights-of-way within the site and has proposed to re-paint the drive-through pavement markings to ensure orderly flow of traffic. Because the applicant is only proposing one additional parking space, the previously approved parking would not be significantly altered.

There is an existing sidewalk to facilitate movement from parking spaces to the building. Additionally, the applicant is proposing to extend the sidewalk so that it connects with the existing sidewalk along the property frontage on W. Main Street. This would provide a safer connection between pedestrians walking along W. Main Street to the McDonald's building and improve connectivity on the site and would include a barrier-free crosswalk with striping. Further, the applicant has proposed to provide new barrier-free ramps and landings near the building to improve accessibility. Therefore, the Planning Commission may find this standard met.

3. *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 to extend an existing sidewalk to better facilitate pedestrian connections between McDonald's and the existing sidewalk along W. Main Street. This includes an ADA accessible crosswalk within the site. The applicant is not proposing any changes to vehicular ingress or egress on the site. The Planning Commission may find this standard met.

4. *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 applicant is not proposing any changes to natural features on the site. The Planning Commission may find this standard met.

5. *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.

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

Remarks: The Ordinance is intended to insure that uses of land are situated in appropriate locations and relationships, and to promote the health, safety, and welfare of the public. The proposed changes would not alter the general character or use of the subject property as previously approved. Additionally, the applicant is proposing changes that would improve accessibility and the aesthetic quality of the building. The proposed expansion on the subject property would also support the Master Plan's goals of increased walkability, accessibility, and pedestrian safety. Therefore, the Planning Commission may find this standard met.

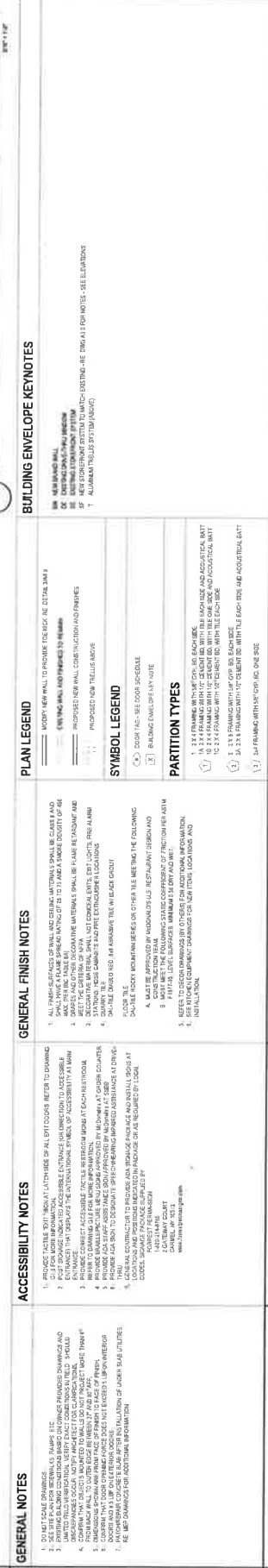
Recommendation. At the September 9 meeting, the Planning Commission should carefully listen to any comments from the applicant or the public. Subject to those comments, the Planning Commission may approve the proposed amended site plan, subject to the following conditions, along with any others deemed necessary by the Planning Commission:

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 access to the expanded structure.
5. All lighting will comply with Ordinance standards and not more than 0.5 footcandles of light will be cast onto adjoining properties.
6. The Planning Commission may authorize a decrease in off-street parking if the applicant demonstrates that demand is expected to be lower than the requirements of Section 19.07.
7. Any modifications to signage on the property shall comply with Chapter 20 of the Zoning Ordinance.

As always, please contact me if there are further questions.

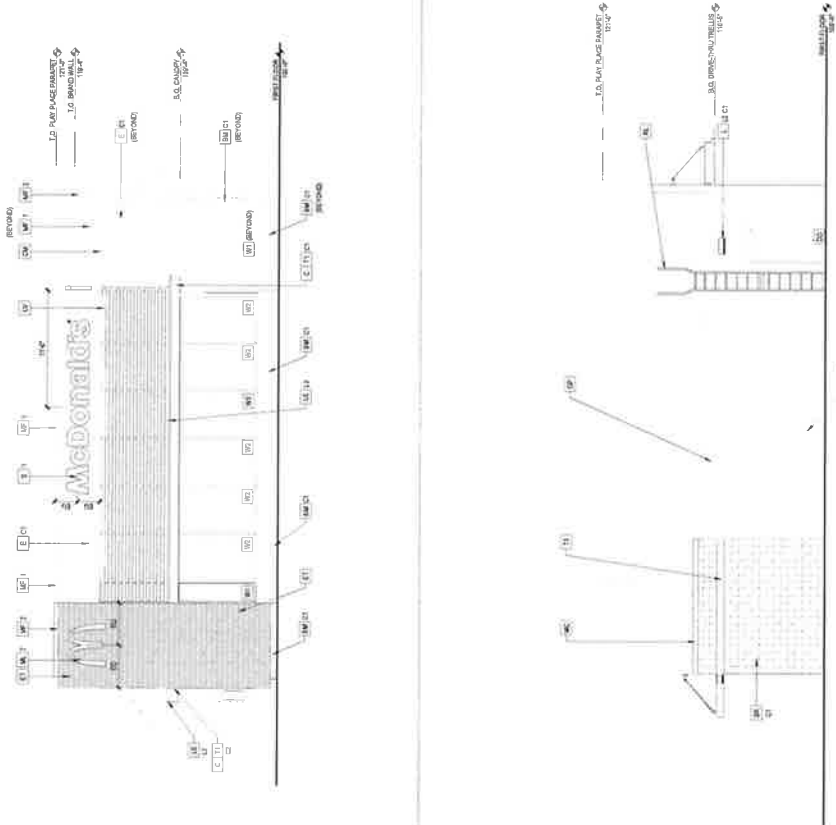
2019					
Open Date	Close Date	Address	Name/Business	Subject	
01/30/2019	02/05/2019	911 Grindle	Robert & Janet Arbogast	Finish Basement	
03/05/2019		901 Bowes	Compass Rose Developments, LLC	New Home	
02/06/2019		1400 W. Main	Burger King-Roger Franz with Net Lease Development	Restaurant	
03/15/2019	03/15/2019	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
08/12/2019		1300 W. Main	McDonalds	Addition
08/16/2019		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



[illegible]

2 REAR ELEVATION



COLOR SCHEME: CRAFTSMAN SCHEME

[illegible][illegible]