

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, JUNE 14, 2021 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, Marty Chambers, Amanda Schrauben, Collin Plank, Michael Gadula, Dave Cadwallader and Chair Bruce Barker.

Absent: None.

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

2. **APPROVAL OF AGENDA.**

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

YES: 7. NO: None. ABSENT: None MOTION CARRIED.

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

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the minutes of the April 12, 2021 Planning Commission regular meeting as written.

YES: 7. NO: None. ABSENT: None. MOTION CARRIED.

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

There were no comments.

5. **OLD BUSINESS.**

There was none.

6. **NEW BUSINESS.**

a.) **Public Hearing – 746 & 728 W. Main – Betten Baker – Rezoning Request.**

Chair Barker asked person/persons representing Betten Baker to introduce themselves and tell us what you would like to do.

Kyle Visger who is the architect for the Betten Baker project explained their intent and explained the project, including clean up the zoning, and a special land use to take the building that is there down and construct a new 15,000 square foot building for a new car dealership with some landscaping.

Charlie Jeffrey who is the general manager of the dealership explained the project and stated they wish to stay in Lowell, as Lowell has been very supportive of the dealership for over 30 years, replace the old building with a nicer facility. Goal is to have current body shop and used cars on the North side of the street and new cars on the South side.

Andy Moore with Williams & Works then reviewed his memo stating Bryan Betten, on behalf of Betten Baker, has applied for rezoning, site plan review, and special land use approval to redevelop and expand the car dealership located at 746 and 728 W. Main Street (PPN 41-20-02-376-017 & 41-20-02-376-018). Together, these properties comprise 3.2 acres. A car dealership with repair facilities is currently located at 746 W. Main Street, while 728 W. Main Street is a vacant parcel. The applicant is proposing to develop the site while retaining the same use. A car dealership with accessory repair facilities is proposed on both properties, including a 15,700 square foot building and new parking/display lot. Currently there are three zoning districts split between the two parcels. The parcel at 746 w Main Street contains the C3 General Business district and R2 Single or Two Family Residential District. The parcel at 728 W. Main Street is located in the I General Industrial district. The applicant is requesting that both properties be rezoned so that they are all completely within the C3 General Business district because this is the only district in which open air businesses (e.g. car dealerships) are permitted by special land use (Section 12.03 G).

Moore then reviewed the zoning standards 22.05 A (6).

Chair Barker then opened the public hearing.

Bobby Yeary, who resides at 204 Brook Street, stated he is concerned with the light pollution coming across the properties and what is the plan for the run-off??

Commissioner Chambers stated that the first project Betten Baker completed, these concerns were addressed and they did a great job. This project will have the same concerns addressed as well.

All the Commissioners and Moore found that all three zoning standards are met.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve both properties to be rezoned within the C3 General Business district with the standards 22.05 A (6) being met.

YES: Commissioner Ellis, Commissioner Chambers, Commissioner Schraubens, Commissioner Plank, Commissioner Gadula, Commissioner Cadwalladeer and Chair Barker.

NO: None.

ABSENT: None.

MOTION CARRIED.

b.) Public Hearing – 746 & 728 W. Main – Betten Baker – Site Plan and Special Land Use.

Chair Barker opened the public hearing.

Moore then reviewed memo and the Site Plan Review Standards A- F.

Chris Miller who resides at 210 Maple and is President at Grand Rapids Amateur Astronomical Association, stated he is concerned about the bright lighting and can it be similar to that of their 930 W. Main dealership.

Commissioners discussed fencing, lighting and keeping as many trees as possible, also maybe adding some more trees in certain areas.

Moore and the Commissioners found that all the Site Plan Review Standards A- F have been met.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to accept that the Site Plan Review Standards have been met.

YES: Commissioner Ellis, Commissioner Chambers, Commissioner Schraubens, Commissioner Plank, Commissioner Gadula, Commissioner Cadwallader and Chair Barker.

NO: None.

ABSENT: None.

MOTION CARRIED.

Moore then went through the Special Land Use Review Standards A- F.

Moore and the Commissioners found that all the Special Land Use Review Standards A- F have been met.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to accept that the Special Land Use Review Standard have been met.

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

NO: None. ABSENT: None. MOTION CARRIED.

Moore then reviewed the Open Air Business Special Land Use Standards A-I.

Moore and the Commissioners found that all the Open Air Business Special Land Use Standards A-I have been met.

Chair Barker commented on dumpster enclosure, 6-foot fence on 3 sides.

IT WAS MOVED BY ELLIS and seconded by SCHRAUBEN to accept that all the Open Air Business Special Land Use Standards A-I have been met.

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

NO: None. ABSENT: None. MOTION CARRIED.

Moore then went through the conditions.

Based on the foregoing review and finding of fact, the proposed special land use and site plan is subject to the following conditions:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the Lowell Area Fire Department, City's Department of Public Works, City Engineer, Kent County Drain Commissioner, or other approving agencies.
3. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
4. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
5. The applicant shall submit all missing site plan items of Section 18.04 B and identified under completeness of Submission, above, unless specially waived by the zoning enforcement officer.
6. The applicant shall submit building elevations depicting building materials and confirming that the building shall be less than 40 feet in height, in accordance with Section 12.04 of the Zoning Ordinance.

7. The applicant shall receive approval from and comply with any stipulations from MDOT regarding curb cut closures on Main Street. A copy of any permits shall be submitted to the City.
8. The applicant shall comply with the landscape requirements of Section 4.26, including front yard landscaping and interior landscape islands, unless specifically modified by the Planning Commission.
9. Exterior lighting shall not exceed 0.5 foot candles on adjacent private property, in accordance with Section 4.24 of the Zoning Ordinance.
10. All parking spaces shall comply with the dimensional standards of Section 19.06 of the Zoning Ordinance and ADA standards. A loading/unloading space shall be shown on the site plan and comply with the requirements of Section 19.08 of the Zoning Ordinance.
11. Any signage shall comply with Chapter 20 of the Zoning Ordinance.
12. The applicant shall provide screening around the dumpster in accordance with Section 17.04 W (3).
13. The open air business shall comply with all applicable city and county regulations regarding sanitation and general health conditions.
14. Landscaping, buffers and/or greenbelts shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
15. The applicant shall install a 6' privacy fence along the southern property line starting at a point 30' east of the pleasant street ROW, along the northerly side lot line of 131 Pleasant and continuing along the southern boundary of the property. Every effort will be made to maintain existing trees along the southern and eastern boundary of the property.
16. Add a 6' enclosure with a lockable gate around the dumpster.
17. The site plan and SLU approval is contingent upon the rezoning of the subject property to C3 becoming effective.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the Special Land Use for Betten Baker at 746 and 728 West Main Street with the above conditions as listed.

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

NO: None. ABSENT: None. MOTION CARRIED.

c.) Public Hearing – Amendment to Section 17.04 FF(5)(b) of the City’s Zoning Ordinance - Ordinance 21-04.

Moore provided a brief overview stating this is an amendment that would amend Section 17.03 (FF) of the City’s Zoning Ordinance related to adult use marihuana establishments. If adopted, the proposed amendment would prohibit the establishment of any adult use marihuana establishment on property located east of the Flat River. The impetus behind this change is the closure of a child care facility at the Lowell United Methodist Church. When this facility was in operation, the 1,000’ isolation radius required for day care facilities served to prohibit adult use marihuana establishments on two of the three commercial properties located on East Main Street, east of downtown. The closure of the day care means that these parcels would be eligible for adult use marihuana establishments. Given that these commercially zoned parcels are completely surrounded by single-family residential homes, it is the opinion of staff that these areas would not be suitable locations for adult use marihuana facilities and their associated traffic, parking, and similar concerns. Thus an amendment is proposed that would prohibit the establishment of any adult use marihuana establishment on any property

east of the Flat River.

Chair Barker opened the public hearing.

Chair Barker closed the public hearing.

IT WAS MOVED BY PLANK and seconded by CHAMBERS to recommend to City Council the approval of Amendment to Section 17.04 FF (5)(b) of the City's Zoning Ordinance – Ordinance 21-04.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

7. **STAFF REPORT.**

City Manager Michael Burns stated he received another application for an adult use marihuana facility.

8. **COMMISSIONERS REMARKS.**

Commissioner Gadula stated it was good to be back in person.

Commissioner Chambers was happy to review Betten Bakers new facilities.

Commissioner Ellis asked about the aquatic area near the river and how do we go about getting it cleaned up.

City Manager Michael Burns stated that would be EGLE who would be in charge of the water-ways. He will talk to the DPW Director Dan Czarnecki.

Chair Barker also stated it was nice to have everyone back and please have a good summer. We have a special meeting, June 28, 2021 at 7:00 p.m. for Culver's.

9. **ADJOURNMENT.**

IT WAS MOVED BY GADULA and seconded by CHAMBERS to adjourn at 8:35 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk