

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, JULY 10, 2023 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 Gadula, Ellis, Chambers and Chair Barker.

Absent: Commissioner Plank, Cadwallader and Schrauben.

Also Present: Mayor DeVore, Andy Moore with William & Works, Lowell City Clerk Sue Ullery, Leah Groves, City Attorney Jessica Wood, City Manager Michael Burns, and LL&P General Manager Charlie West.

2. EXCUSE OF ABSENCE.

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to excuse the absence of Commissioners Plank, Schrauben and Cadwallader.

YES: Commissioner Chambers, Commissioner Gadula, Commissioner Ellis, and Chair Barker.

NO: None. ABSENT: Commissioner Plank, Schrauben & Cadwallader. MOTION CARRIED.

3. APPROVAL OF AGENDA.

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

YES: Commissioner Gadula, Commissioner Ellis, Commissioner Chambers and Chair Barker.

NO: None. ABSENT: Commissioner Plank, Schrauben & Cadwallader. MOTION CARRIED.

4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to approve minutes of the June 12, 2023 regular meeting as written.

YES: Commissioner Ellis, Commissioner Gadula, Commissioner Chambers and Chair Barker.

NO: None. ABSENT: Commissioner Plank, Schrauben & Cadwallader. MOTION CARRIED.

5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.

There were no comments.

6. OLD BUSINESS.

a) Sign Ordinance.

Andy Moore with Williams & Works explained that at the previous meeting they had reviewed the current sign ordinance and that they revised the ordinance based upon court ruling, anything addressing content was removed.

Chair Barker then open up the Public Hearing for the Sign Ordinance.

Patti Elzinga who resides at 221.5 Amity stated she has had a great experience working with CopperRock, but she had a horrible experience working with Todd Schaal.

Eric Bartkus who resides at 215 ½ W Main, asked for Andrew Moore to clarify the 60-day temporary sign ordinance as he will be campaigning for Council with the City of Lowell soon.

Moore then explained the 60-day temporary sign ordinance.

Chair Barker then closed the Public Hearing for the sign ordinance.

IT WAS MOVED BY ELLIS and seconded by CHAMBERS that the City of Lowell Planning Commissioners recommend the sign ordinance to City Council for approval.

YES: Commissioners Cadwallader, Chambers, Gadula and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

b.) Site Plan Review – WMAX Temporary Use – 2153 W. Main – Tabled from June 12, 2023 meeting.

Andrew Moore with Williams & Works explained the request. A tent car sale in the Tractor Supply parking lot. This occurred previously but on a different property. Public Hearing was held at the last meeting and was tabled for further discussion. Moore suggested the Public Hearing be re-opened.

Chair Barker re-opened the Public Hearing.

Perry Beachum who resides at 924 Riverside Dr, spoke stating if this meets all the criteria requirements for the site plan review standards and the special land use review standards, then the requirements should be changed. Not in favor of approval.

Mike DeVore who resides at 424 Elm, spoke in regards to the brick and mortar dealerships in the community, how they truly give to our community and always support all the events in town. We should support them. Devore feels these car tent dealerships that sweep into town, mass mail our community and then leave town, hurt our brick and mortar dealerships who end up fixing and dealing with these cars. Spoke of standards that are not being met and feels this special land use should not be granted.

Craig Fonger who resides at 827 N. Washington stated that approval of this would do nothing for the community or for other anything that we do not already have. Is not in favor of approval.

Representative Jason Miller from West Michigan Auto Exchange located at 4822 South Division, stated they have been in business over a year now, have a google rating of 4.5 and stand behind the cars they sells and take care of the customer after the sale, there is never an issue. Stated there are dealerships in town that have used the same advertising. Would like the City not to make their decision based on opinions. You are allowed to operate in the same County that you have a business in.

Charlie Jeffrey who is the General Manager at Betten Baker stated his employees work extremely hard and Betten Baker invests in this community. He does not have a problem with competition; he does have a problem with a company that comes to town, sets up and then is gone in 10 days. And the dealerships in town have to deal with the people who purchased cars, not understanding their paperwork and seeing that the cars are way overpriced. Then he looks like the bad guy and he doesn't make a penny.

Jason Curtis who represents Zeigler/Ford agrees with Charlie and he as well, supports this community. Feels that Charlie Jeffrey did a great job explaining what occurred last year with this company coming to town and why it is not a benefit to our community or to our residents.

Event Coordinator Renee Pieper from Maineville, OH, representing the West Michigan Auto Exchange, stated she cannot attend all the meetings for the special events, the advertising is valid and understands that the local dealerships do not like the competition. Believes they have every right to be there as they were last year under the same standards.

Gordon Cook who resides at 108 Sconcewood, is in the service department at Zeigler, and had a few cars that came in last year from these sales and the purchasers demanded he do service on the cars. It was not their car dealerships cars, so they were not covered. His daughter went to the sale and felt it was a very sketchy set up.

City Attorney Jessica Wood suggested they go through the Site Plan Review Standards A through F.

Moore then reviewed the Site Plan Review Standards A through F.

Chair Barker then closed the Public Hearing.

Commissioner Chambers questioned under Standard A (public health and safety), that there is nothing under the prints they gave us to show how pedestrians and traffic can get around in there. The health and safety part of the people trying to go to the other businesses; seems like they are going to be jeopardized. Also, you are going to have a great big tent, its not very harmonious with our downtown. A big temporary tent with a bunch of cars outside suggest a level of intensity that doesn't make it real harmonious. Definitely not having a plan for how pedestrians are going to get around in that parking lot safely for their business or others, doesn't seem like public health and safety is met.

Commissioner Ellis stated he doesn't feel it supports the welfare of the people in this community. It doesn't help out the town.

Chair Barker asked how many flyers are sent out.

Jason Miller stated somewhere between 50,000-60,000 flyers are sent out. He did not attend last year.

Renee Pieper stated she was not able to attend last year either but there were about 700 cars that came last year over the course of the 10 days.

Chair Barker stated any given day, this area is dangerous. Barker believes that this affects standard A at the particular site.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that the site plan review standard 18.06A does not meet the standard based on the health, safety and welfare of our citizens.

YES: Commissioner Chambers, Commissioner Ellis, Commissioner Gadula and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

Andrew Moore then reviewed the Special Land Use Standard A through F. And then stated, based on your previous discussion of the site plan standards, I would highlight that Standard A and E would be potentially be concerning for the Planning Commission.

Chambers stated Standard E hits on what they discussed already.

IT WAS MOVED BY BARKER and seconded by ELLIS that the Planning Commission deny the Special Land Use Review Standard E in Section 17.03 for the reason traffic and general welfare.

YES: Commissioner Chambers, Commissioner Ellis, Commissioner Gadualala and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

c.) Master Plan Update.

Andrew Moore with Williams & Works introduced the Master Plan Process and how it will work and how long the update will take to re-write. At the August meeting, they will talk about survey questions send out and returned by residents and the community.

Mike DeVore who resides at 424 Elm thanked the Planning Commission for undertaking this and suggested the festivals at Fallsburg would be a great place to get input from people and also the Charity softball game would be a good place to get input from people as well.

Joan Hill who resides at 1464 Centerhill mentioned talking about the river and ways to use it, suggest we look at other towns to get some ideas. (for example: areas in a river lit up on the weekend, that made the town look really nice in Providence, Rhode Island)

Rita Lundstrum who resides at 220 King Street asked if there is a time period on approved site plan completion. Referring to the Riverview Flats that they live in and the old school building that has not been turned into a condominium yet. It is an eye sore and it does not seem safe anymore. Windows are broken out of it and animals are living in their now.

Moore stated that it has to begin the year it was approved and they want to see consistent progress on it. But there are extension processes built in.

7. **NEW BUSINESS**

a.) Public Hearing – Site Plan/Special Land Use – Todd Schaal – 115 Riverside.

Todd Schaal who resides at 220. Grant St, Hopkins, MI stated he would like to put in 3 story, including 4 family units with parking underneath.

Moore then reviewed the Site plan and gave a history of the building. He then went through the Site plan review standards A through F.

Commissioner Chambers asked if he could work with the Sabor Mexicana Restaurant next store to create a green space in-between the buildings.

Chair Barker asked the timeline if approved.

Todd Schaal said yes on the greenspace between buildings and timeline would be next summer. Current building would come down this year.

Chair Barker then opened it up to the Public.

Beryl Bartkiss who resides at 215 ½ W Main asked what the parking spaces are underneath, it that 8 total spaces.

Schaal said that is correct.

Bartkiss asked what is the height, and is there a deck on top as well?

Moore stated that the height is less than 40 feet and no deck. Meets with the requirements.

Bartkiss asked if there are windows on all sides?

Moore said there are windows on all sides.

Bartkiss also mentioned the concern of people accelerating after they pass Sabor Mexicana restaurant, is concerned for safety.

City Manager will address the speed issue, along with a few other streets; possible speed bumps or stop signs.

Mike DeVore who resides at 424 Elm thinks speed bumps are a good idea and is in favor of this development.

Chair Barker then closed the Public Hearing.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS that the Planning Commission approve the Site Plan Review Standards A through F.

YES: Commissioner Chamber, Commissioner Gadula, Commissioner Ellis and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

Moore then reviewed the Special Land Use Standards 1 through 6.

Chair Barker then opened the Public Hearing.

Perry Beachum who resides at 924 Riverside asked if carts would be placed in the garage.

Schaal said they would.

Carl Neron who resides at 960 Parnell asked if there would be room for a fire trucks, EMS services, etc. through there.

Chair Barker stated that is part of the conditions, that the Fire Department approve the building site plan.

Chair Barker closed the Public Hearing.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS that the Planning Commission approve the Special Land Use Standards 1 through 6.

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

NO: None. ABSENT: Commissioner Plank. MOTION CARRIED.

Then Moore reviewed the Floodplain Overlay District Standards.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to approve the 115 Riverside Site Plan Review and Special Land Use with the conditions listed below.

YES: Commissioner Chamber, Commissioner Gadula, Commissioner Ellis and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

b.) Site Plan Review – 414 E Main.

Moore explained that the shed has already been built, provided background but the applicant was not present to answer questions.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to table the site plan review for 414 E. Main, so they can ask questions to the applicant.

YES: Commissioner Chamber, Commissioner Gadula, Commissioner Ellis and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

c.) Public Hearing – Rezoning – 805 and 825 E Main and 112 Horatio.

Moore provided background stating this was the previous Roll Away building and they would like to rezone and if approved, then a site plan review be approved. Moore continued, stating there is a lot to this site plan, including vacating the street Horatio. Today the public hearing is for the rezoning.

Greg Taylor 6467 Fieldview Drive, spoke on behalf of CopperRock Construction, explaining what they would like to do. Putting commercial space on the first floor of the space including a restaurant with the second and third floors being for housing mutli-family units.

Kent Dixon with Dixon Architecture who resides at 523 Ada Drive then explained the architecture of the building.

Chair Barker then opened up to the Public Hearing.

City Clerk Sue Ullery then read into record a letter from Maryalene LaPonsie who is not in support of rezoning of 112 Horatio, but is in support of rezoning 805 and 825 E. Main street to the mixed-use district. Also not in favor of the CopperRock project at these addresses.

John Sterly who resides at 711 Avery St, spoke concerned with the properties being re-zoned to mixed-use. Would like the water and sewer lines addressed on Horatio and Avery.

Brienne Cornish who resides at 212 N Division is concerned with the amount of so many new residents, and that this site plan seems so established and worried about safety for her son.

Alexis Winger who resides at 112 Horatio is not in favor of the CopperRock project, concerned about safety of pedestrians and feels it doesn't fit the vibe of Lowell City.

Loretta Riley who resides at 818 East Main Street spoke of concern for safety with this project.

Paula Patterson who resides at 906 E Main Street is not in favor of the rezone and CopperRock project and is also concerned for safety.

City Clerk Sue Ullery read into record a letter from Patrick Bailey who resides at 823 Avery St and is not in favor of the CopperRock Project.

Craig Fonger who resides at 827 N Washington stated he is in favor of the CopperRock project.

Perry Beachum who resides at 924 Riverside, is happy that the area is getting cleaned up but he is concerned with on-street parking.

Clarke Jahnke who resides at 905 E Main is in favor of the CopperRock project but concerned with parking.

John Layer who resides at 524 E. Main inquired what the cost of the units would be.

Chair Barker closed the Public Hearing and opened it up to the Commissioners for questions.

Commissioner Ellis asked if we have any control over the speed limit on the M-21 State Highway.

City Manager Michael Burns stated we have no control over the speed limit.

Commissioner Chambers then explained we have to fight with M-Dot every year to keep the speed limit at 25 through the downtown.

IT WAS MOVED BY BARKER and seconded by ELLIS to recommend to City Council to approve the rezoning of 805 and 825 E. Main and 112 Horatio to MU (mixed-use).

YES: Commissioner Chamber, Commissioner Gadula, Commissioner Ellis and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

d.) Site Plan Review – 805 and 825 E. Main and 112 Horatio.

Chair Barker suggested that we table this until the September Planning Commission Meeting to give the developers a chance to look at their plans again after hearing all the concerns today. As well as give City Council a change to re-zone it.

IT WAS MOVED BY BARKER and seconded by ELLIS to table the Site Plan Review for 805 and 825 E. Main and 112 Horatio until the September Planning Commission Meeting.

YES: Commissioner Chamber, Commissioner Gadula, Commissioner Ellis and Chair Barker.

NO: None. ABSENT: Commissioners Schrauben, Plank and Cadwallader. MOTION CARRIED.

8. **STAFF REPORT.**

There were no reports.

9. **COMMISSIONERS REMARKS.**

There were no remarks.

10. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by ELLIS to adjourn at 9:38 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk