

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, SEPTEMBER 11, 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, Schrauben, Cadwallader, Plank and Chair Barker.

Absent: None.

Also Present: Andy Moore with William & Works, Lowell City Clerk Sue Ullery, City Attorney Jessica Woods, City Manager Michael Burns, Aman Pannu with William & Works.

2. **APPROVAL OF AGENDA.**

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

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

NO: None. ABSENT: None. MOTION CARRIED.

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

IT WAS MOVED BY ELLIS and seconded by CHAMBERS to approve minutes of the August 14, 2023 regular meeting as written.

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

NO: None. ABSENT: None. MOTION CARRIED.

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

There were no comments.

5. **OLD BUSINESS.**

a) Site Plan Review – 805-825 E Main & 112 Horatio.

Andy Moore with Williams & Works provided background and explained CopperRock Construction is seeking site plan approval for a mixed-use project located on 805 & 825 E Main St and 112 Horatio St. At the July meeting, the Planning Commission recommended approval of rezoning the property to the MU Mixed Use district to the City Council and postponed action on the site plan until the September meeting. The purpose of this memorandum is to review the request pursuant to Chapters 16A and 18 of the Lowell Zoning Ordinance. The applicant is proposing a mixed-use building that will consist of 44 apartment units and approximately 3,800 square feet of commercial space. The proposal includes a layout of 12 units per floor spread across three floors. The commercial space will be located on the first floor, specifically on the west side of the building, while the second and third floors will house the multi-family units.

Greg Taylor with CopperRock. then spoke stating Paul Henderson from Roosien & Associates and Chip Clark from Dixon Architechs are present to answer any detailed questions. Taylor stated CopperRock has followed

through on suggestions offered at the last meeting. They are trying to improve the gateway to City and believe everything has been done per ordinance and masterplan. Traffic concerns and speed have been investigated and over the last three years, it has been steady traffic; they are open to other conversations for vehicular safety and the lots will be policed by them. They did meet with neighbors and are adding a sidewalk along Avery based on the feedback. They do have an area for snow and there will be a fence along the west side for the neighbors. Also, considered ideas for parking along Main Street, some parking does calm traffic speed. Feels the project doesn't work if changed. Taylor noted he has asked several times to neighbors what they want and nothing viable comes up. Other operational items could be installing blinds in windows, a quiet enjoyment clause. 24/7 maintenance & property management functioning. Taylor asked that all consider these good faith gestures.

Chair Barker then opened up the public comments.

John Sterly who resides at 711 Avery spoke and noted he was not in favor of the proposed site plan.

Trudy Cahoon who resides at 2599 Gee Drive spoke and noted she is not in favor of the proposed site plan.

Joseph Phillips who resides at 721 E. Main St spoke and noted he is not in favor of the proposed site plan.

Shelby Phillips who resides at 721 E. Main St spoke and noted she is not in favor of the proposed site plan.

Madalyn LaPonsie who resides at 717 E. Main spoke and noted she is not in favor of the proposed site plan.

Donald LaPonsie who resides at 717 E. Main spoke and noted he is not in favor of the proposed site plan.

Craig Fonger who resides at 827 N. Washington suggested maybe parking underneath for more green space, asked the planning commission to table this for CopperRock to consider more ideas.

Kelly Bishop who resides at 123 N. Division spoke and noted he is not in favor of the proposed site plan.

Loretta Riley who resides at 818 E. Main spoke and noted she is not in favor of the proposed site plan.

John Layer who resides at 524 E. Main spoke and noted he is not in favor of the proposed site plan.

Tyler Kent who resides at 280 Jane Ellen spoke and noted he is not in favor of the proposed site plan, thinks perhaps it should be tabled.

Eric Bartkus who resides at 215 W. Main spoke about his bedroom right on Main Street and it being very loud near and it will be loud for the residents that choose these units to live in.

Maryalene LaPonsie who resides at 775 Alden Nash spoke and noted she is not in favor of the proposed site plan, doesn't believe it follows the Masterplan.

Bob Rawley who resides at 804 E. Main spoke and noted he is not in favor of the proposed site plan.

Patrick Bailey who resides at 823 Avery spoke and noted he is not in favor of the proposed site plan.

Rachel Rowley who resides at 804 E. Main spoke and noted she is not in favor of the proposed site plan.

Pam Rowley who resides at 804 E. Main spoke and noted she is not in favor of the proposed site plan.

Chair Barker thanked everyone for their comments and asked Mike Burns to address the water and sewer issue and also the parking on Main Street.

City Manager Michael Burns spoke and stated we operate our plant on daily consumption and we did a

calculation of the restaurant's in town and calculated the water use for a four month period, then we also did calculations based on our average residential units water usage and it varies anywhere between 4 to 5 units per month (each unit meaning 1,000 gallons). So we took those amounts and ran averages, we were looking at our average daily water usage for a restaurant is anywhere between 0.65 units to 1.25 units and we also took into account 44 units with the four and five units calculations and they range anywhere from just under six units per day to just over seven units per day. Those numbers themselves, when it comes to the issue with the 1.5 million gallons per day our water treatment plant and the restrictions, that's nominal and going to have no effect to our current situation. There is a bigger issue and that issue is going to resolve itself, one way or another. In regards to the water utility, Burns has heard a lot of concerns about the lines, there are two water mains, the water main that goes north off Division and there is a water main that goes off of Grove. There is no water main on Avery. The residents on Avery connect off of Division. There is adequate flow of the mains, the problem is the laterals are all intertwined and those are the homeowners responsibility. There is also the water main that goes down Main Street which has adequate flow and is not the issue. The sewer runs off of Avery, and it runs up to Main Street up to a certain point just before Horatio but all the residents that live on Avery already connect to the sewer off Avery but they got to go to Division. If the project did come through, we would look at repaving Division and Avery and looping a new water main down Avery to improve the flow. Parking restriction on Main is between 2 pm and 6 am from November 1, 2023 to April 1, we have that restriction and we would require that, so there would be no overnight parking on Main Street during the winter months. We may have to clean up the ordinance a little bit. Otherwise, the City Ordinance allows on street parking the rest of the time in a mixed use zone.

City Clerk Sue Ullery read into record a letter from Sara Mehdi from Arrow Veterinary Clinic and was noted that she is in favor of the proposed site plan.

Chair Barker then closed the Public Hearing.

Andy then reviewed the site plan up to the standards starting with stating the proposed development is considered a "Mixed Use Development" which is permitted in the MU district by Section 16A.02 (A) of the Zoning Ordinance. A "Mixed Use Development" is defined as "A development consisting of one (1) or more buildings that contain a mix of commercial, office, retail, residential, recreational or similar land uses, or any combination of such uses. Dimensional requirements for the MU district are found in Section 16A.04. All dimensional requirements of the MU district are met. Minimum setbacks are encouraged and parking in the rear. There are Landscaping requirements in Section 4.26 E of the zoning ordinance. Typically when we apply the Landscaping standards, we are doing so when we are evaluating a parking lot or zoning ordinance. In this case because the building is pulled up to Main Street, there are not even landscaping requirements along Main Street. There are Landscaping requirements for the parking lot in the rear, most notably that they would need to add a couple of landscape islands within that existing parking lot where the entrances are off of Avery. The 6' fence proposed along the western border of the property cannot be any taller, or it would require a variance. The Landscaping on the north side of the parking lot between Avery and the lot there, would have to be 5' wide with a three foot fence or screen and that is what is being proposed. Headlight glare could be prevented by fencing. Parking is the big question. As the applicant mentioned, they are proposing new spaces per unit for the two bedroom units and one space per unit for the one bedroom units so that gets them to 70 month spaces but is required by the zoning ordinances two spaces for each unit. The restaurant requires about 37, which gets you about 125 spaces required by the zoning ordinance using the strict standards not looking at any sort of offsets. They have provided public as well to reach. 135 spaces are provided using Main Street parking.

Moore than asked Greg Taylor what the lighting was going to be, trash disposal, snow removal, ADA standards, and headlight glare shining to the north side of Avery or south side of Main facing north.

Greg Taylor wasn't sure on final lighting but would have security lighting and lighting levels would be followed. Trash would be based on experience and there would be dual entry. Noted there is zero interest in using the entire 1st floor for retail, they have intent for a restaurant but waiting on building approval before set in stone. Also washers and dryers will be in each unit. ADA standards will be met. Seasonal outdoor dining has been discussed but it would be a small area, nothing beyond the footprint of the building. Snow removal plan is to

have a specialized curb at the east end of the large parking lot so there is adequate area there to push and pile on our site rather than it not able to support any snow. They are planning to do different type of sidewalk system that we could push over in the kind of mid-site so we could store portions of the snow from both parking lots there. Also, there are areas in their commercial parking lot where we can push into our green areas to hold that snow. In an extraordinary snow event, we would export it. As far as the headlight glare, the fence on the Avery side of the property should help and the headlights that would be coming from southbound, most of those would be hitting the building, with the exception of those people that would be turning to the West and there will be a six foot fence along the entire property lines that should minimize any glare and we have shrubs and landscaping that we can strategically place and are still willing to take any suggestions and recommendations.

Moore then explained why the Planning Commissioners was not invited to the meeting that CopperRock held for the Lowell City residents as it could have been an open meetings act violation. Wanted to make sure this was a conversation between CopperRock developers and the neighbors. To give and get feedback what they want and don't want. Did not want the Commissioners to give impression that they are supporting one side or the other.

Chair Barker then opened it up to the Commissioners to ask questions or make comments.

Commissioner Schrauben asked if there was visitor parking.

Taylor said on-street parking for short visits, long-term stays would get a little more complicated but there are many variables. Parking will be enforced with parking sticker system or fob that hangs from your rear view mirror, and we can issue temporary permits and they can be enforced as well.

Commissioner Plank then wanted to confirm that the water issue we currently have could handle the additional housing units and restaurant that this proposed site plan would present.

City Manager Michael Burns confirmed that and said that the water issue will be resolved.

Chair Barker said also putting a main water line down Avery Street would be great if this was approved.

Commissioner Ellis thanked CopperRock for taking into consideration the neighbors' concerns and comments and appreciates them incorporating some of those into their design.

Commissioner Schrauben is not opposed to the development but is concerned with the traffic safety.

Moore explained if the Planning Commission were to approve this site plan, vacating Horatio would be listed as one of the conditions contingent for approval.

Chair Barker's concern is also traffic and putting that many on Avery, could there be some realignment with the restaurant, maybe a few less apartments and some kind of access off Main Street to drive into the development.

Moore then suggested the Planning Commission tell the developers what you would like before they go through all the Standards.

The Planning Commissioners continued talking about parking and the street safety at length.

City Attorney Jessica Wood stated we need to either table or go through the Standards.

IT WAS MOVED BY CHAMBERS and seconded by ELLIS that the Planning Commission Review the Standards A-F.

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

NO: None. ABSENT: None. MOTION CARRIED.

Chair Barker stated the Commissioners are to vote on each standard as they go through them.

Andy Moore than review the site plan standards A-F.

IT WAS MOVED BY BARKER and seconded by CHAMBERS that Standard A has been met.

YES: Commissioner Cadwallader, Commissioner Ellis, Commissioner Chambers, Commissioner Gadula.

NO: Commissioner Schrauben, Commissioner Plank, and Chair Barker. 4-3 MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by GADULA that Standard B has not been met, and to deny.

YES: Commissioner Cadwallader, Commissioner Plank, Chair Barker, Commissioner Schrauben, Commissioner Gadula.

NO: Commissioner Chambers, Commissioner Ellis. 5-2 Motion to Deny Carried.

IT WAS MOVED BY BARKER and seconded by CADWALLADER that Standard C has not been met, and to deny.

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

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CADWALLADER that Standard D has been met.

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

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CADWALLADER that Standard E has been met.

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

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY BARKER and seconded by CADWALLADER that Standard F has been met.

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

NO: None. ABSENT: None. MOTION CARRIED.

Chair Barker then stated that B & C Standards are not met so they will table the request for CopperRock to make adjustments to their plan.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to table the site plan approval until October meeting.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b.) Master Plan Update.

Andrew Moore stated Williams & Works staff is working on the public survey. They attended the summer concert series on Thursday 8-17-23 but had tornado weather interrupt so they are looking for another event to attend to get the survey out to residents.

Commissioner Chambers suggested Market on Main Street, which will be the second Saturday in October.

6. **NEW BUSINESS**

There was none.

7. **STAFF REPORT.**

There was none.

8. **COMMISSIONERS REMARKS.**

Moore thanked everyone for your patience for the long meeting.

Greg Taylor asked given the relatively short length of Grove Street, when Moore talks to M-DOT, could he also ask about the Grove Street curb cut given the proximity to Main.

Tyler Kent 280 Jane Ellen commented on the Master Plan and the elements being put into that plan.

9. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to adjourn at 9:36 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan Ullery, Lowell City Clerk