

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, APRIL 9, 2018 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 Commissioner Chair Bruce Barker.

Present: Commissioners David Cadwallader, Marty Chambers, Tony Ellis, Amanda Schrauben and Chair Bruce Barker.

Absent: Commissioner Colin Plank.

Also Present: City Clerk Susan Ullery and City Manager Mike Burns.

2. **APPROVAL OF ABSENCES.**

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to excuse the absence of Commissioner Plank.

YES: 5. NO: 0. ABSENT: 1. MOTION CARRIED.

3. **APPROVAL OF AGENDA.**

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

YES: 5. NO: 0. ABSENT: 1. MOTION CARRIED.

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

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the minutes of the March 12, 2018 regular meeting as written.

YES: 5. NO: 0. ABSENT: 1. MOTION CARRIED.

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

There were none.

6. **OLD BUSINESS.**

There was none.

7. **NEW BUSINESS.**

a. Public Hearing – Eric Bartkus-Special Land Use-215 W. Main Street

Erik Bartkus who owns the building at 215 W. Main spoke regarding the two apartments upstairs, that he and his wife would like to restore. The ten year vacant apartments are currently in a state of disrepair. They would like to restore them much like they used to be and for the purpose of renting out or possibly living in one. Bartkus wanted to mention he found that renovating a historic building requires certain rehabilitation codes, which many architects are not familiar with but building inspectors are very strict with, so that has been a bit of a struggle for them as well as expensive. Bartkus wishes there was an easier process.

Chair Bruce Barker thanked him for his advice.

Andy Moore with William & works explained the Bartkus's are requesting to have residential use on the upper floor of a building with commercial activity so the City Zoning Ordinance requires them to request a special land use. Moore went on to review the special land use application pursuant to Chapter 17 of the City's Zoning Ordinance and the Sections that are applicable.

Special Land Use Review Standards requires the Planning Commission must find that the use satisfies the general standards of Section 17.03 applying to all special land uses.

1. The proposed special land use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

Remarks: All the Commission agreed these standards are met.

2. The proposed special land use shall be generally consistent with the City of Lowell Master plan.

Remarks: All the Commission agreed these standards are met.

3. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities.

Remarks: All the Commission agreed these standards are met with conditions, once approved, double check all the different departments sign off on it.

4. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services.

Remarks: All the Commission agreed these standards are met.

5. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or

the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

Remarks: All the Commission agreed these standards are met.

6. 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.

Remarks: All the Commission agreed these standards are met.

Special Land Use Review Standards requires the Planning Commission must find that the use satisfies the general standards of Section 17.07, R applying to this special land use. Following are the standards:

1. All commercial uses, excluding storage, shall not be located on the same story of the building as the dwelling unit.
2. Dwelling units shall comply with the applicable requirements of the R-3 District for multiple-family dwellings.

Remarks: All the Commission agreed these standards are met with the condition the square footage requirements are met for each apartment.

At the April 9 public hearing, Andy Moore with Williams & Works recommends the approval of the Special Land Use request with five special conditions which are as follows:

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 new structure.
5. The applicant shall indicate the total area of each unit on the site plan. (1,100 sq. ft. for each unit).

By general consensus all the Commission agreed that all the requirements had been met.

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to approve the special land use at 215 W. Main as presented with the stated five special conditions.

ROLL CALL: COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS,
COMMISSIONER ELLIS, COMMISSIONER SCHRAUBEN, CHAIR BARKER.

YES: 5. NO: NONE. ABSENT: 1. MOTION CARRIED.

b. Public Hearing – Betten Baker Auto Group- Special Land Use- 930 W. Main

Mike Bowman from Pioneer Construction represented Betten Baker stating their intent is to revitalize the property they purchased with the proposed plan to demolish the three existing old buildings on site and build a new building that would include a new car facility for Chrysler, Dodge, Jeep and Ram, a pre-owned sales facility and a service facility. Revamping the site includes improvement to the access drives and landscaping.

Pete Ricards who resides at 322 N. Washington spoke in favor of the special land use site plan review.

Sue Ullery read email from Melissa Spino who resides at 131 S. Center St. who is not in favor of the special land use site plan review.

Kelly Taylor who resides at 142 South Center St., is not in favor of the special land use site plan review.

Mike Taylor who also resides at 142 South Center St., is not in favor of the special land use site plan review.

Andy Moore with Williams & works reviewed the site plan with the following comments: Applicant submitted a complete and sufficiently detailed site plan and special land use review application.

The proposed building meets the setback and dimensional requirements as specified in Section 12.04 with the exception of lot coverage which permits a maximum of 60% including building and parking areas. However, the site plan indicates that the existing lot coverage is 87%, and the proposed lot coverage is 85%, so the proposed lot coverage will be more conforming than the current configuration. Past practice has been to allow such nonconformities to continue so long as the new site is more conforming than the previous site, so this may be approved.

The applicant has stated in the application materials that all site lighting is proposed to be fully cut-off and directed at the ground away from residential areas, and a photometric plan has been submitted. Section 4.24. E of the Zoning Ordinance sets forth standards for site lighting, including a standard that requires that lighting be confined to the subject property “by screening, shielding, landscaping, or other measures such that no lighting in excess of one-half foot candle is cast on adjoining private property.” The photometric plan appears to be well in excess of this requirement.

Commissioner Schrauben spoke regarding the lighting after hours of operation and possibly camera’s to alleviate the need for bright lights.

Mike Bowman from Pioneer Construction stated that the lights are on all night to deter vandalism but the proposed building will shield much of the proposed lighting. Bowman agreed to look at lighting on the back side near the residential area.

The applicant is proposing 232 parking spaces on the subject property, though most of this is reserved for vehicle inventory. Section 19.07 of the Zoning Ordinance requires that open air businesses provide one parking space per 800 square feet of lot area used for said business. The total lot area of the site is 140,263 square feet; thus, 175 parking spaces are required.

Chair Barker suggested that the City should take into consideration the parking on Center Street. Section 4.26 of the Zoning Ordinance outlines requirements related to parking lot landscaping. Parking

lots which abut or face a public street are required to have frontage landscaping between the parking area and the street right-of-way that consists of a strip of land at least ten feet in width containing at least one canopy tree for each 30 feet of lot width.

Chair Barker suggested a fence to go from West Main Street to Center Street and referenced a fence behind trees.

The applicant is proposing nine wall signs attached to the principal building on the subject property, including seven facing West Main Street, one facing Center Street, and one facing West Avenue. Ordinarily, one wall sign per building wall facing a public street is permitted in the C-3 District per Section 20.08, D; however, the applicant has noted that the business model of their car dealership is such that each car brand being sold is operated separately in a “salon” within the primary building. As such, our interpretation of this provision is that the proposed use, as it relates to signage, may be treated as a multiple tenant building subject to the sign requirements in Section 20.05, E. Thus, each tenant of a salon is permitted one wall sign subject to the standards that apply to the C-3 District, which is 20% of the wall surface or 50 square feet, whichever is less. Provided that all of the proposed wall signs have an area of 50 square feet or less, the proposed signage may be permitted, subject to obtaining sign permits from the City.

Section 18.06 of the Zoning Ordinance sets forth six standards that must be utilized by the Planning Commission when they review site plans. Those standards along with remarks are as follows:

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: All the Commission agreed these standards are met and will make improvements.

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: All the Commission agreed these standards are 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: All the Commission agreed these standards are 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: All the Commission agreed these standards are 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: All the Commission agreed these standards are met.

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

Remarks: All the Commission agreed these standards are met.

Sections 17.03, of the Zoning Ordinance sets forth six standards that must be utilized by the Planning Commission in reviewing special land use applications. Those standards, along with our remarks are as follows:

1. The proposed special land use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

Remarks: All the Commission agreed these standards are met.

2. The proposed special land use shall be generally consistent with the City of Lowell Master plan.

Remarks: All the Commission agreed these standards are met.

3. The proposed special land use shall be served adequately by essential public facilities and service such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities.

Remarks: All the Commission agreed these standards are met.

4. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services.

Remarks: All the Commission agreed these standards are met.

5. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

Remarks: All the Commission agreed these standards are met with conditions which include lighting and dumpsters.

6. 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.

Remarks: All the Commission agreed these standards are met.

Section 17.04, W - Site Design Standards for Open Air Businesses. The proposed open air business complies with applicable standards of Section 17.04, W of the Zoning Ordinance.

Remarks: All the Commission agreed these standards are met.

At the April 9 public hearing, Andy Moore with William & works recommends the approval of the Special Land Use request, subject to the following conditions:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the new structure.
5. The applicant shall comply with the stipulations of the City's Department of Public Works and City Engineer.
6. Wall signs shall not exceed fifty square feet and the applicant shall obtain a sign permit from the City prior to installing any signage on the site.
7. No outside Public Address system.
8. Use of car alarms or panic devices by the personnel is prohibited.
9. Privacy fence from West Street to Center Street and West Street toward Main Street to connect to the existing bushes is required to be approved by staff.
10. Dumpster to be located on the southwest corner.
11. Sidewalk standards shall follow the City Ordinances for sidewalks.

By general consensus, all the Commission agreed that all the requirements had been met.

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the special land use at 930 W. Main as presented with the above stated special conditions.

ROLL CALL: COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS,
COMMISSIONER ELLIS, COMMISSIONER SCHRAUBEN, CHAIR BARKER.

YES: 5. NO: 0. ABSENT: 1. MOTION CARRIED.

c. Public Hearing – John Baar – Short Term Rental – Special Land Use- 2179 Gee Drive

Herb Vanderbilt who resides at 2204 Gee Drive spoke not in favor of the special land use for 2179 Gee Drive.

City Clerk Sue Ullery read an email from Bob & Mary Ollis who resides at 2177 stating they are not in favor of the special land use for 2179 Gee Drive.

Mary Bruce who resides at 2195 Gee Drive spoke not in favor of the special land use for 2179 Gee Drive.

Commissioner Chambers suggested postponing the special land use request until the next meeting stating the owner or a representative should be in attendance for this to be addressed. Chair Bruce Barker agreed and recommended City Clerk Sue Ullery to put on the agenda for the May 14, 2018 Planning Commission meeting under new business.

Eric Bartkus spoke regarding the process of allowing this for one neighbor and what that could lead to.

8. **STAFF REPORT.**

Commissioner Chambers stated that April 18 is Lineman Appreciation Day so if you see a Lowell Light & Power worker that day, please thank them and let them know they are appreciated.

No other reports were given.

9. **COMMISSIONERS REMARKS.**

Chair Barker thanked every one of the Commissioners on their hard work and the decisions they had made.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 9:00 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan S. Ullery, City Clerk