



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 SPECIAL MEETING OF  
MONDAY, JUNE 28, 2021 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. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
4. OLD BUSINESS
5. NEW BUSINESS
  - a. Public Hearing - Culver's – 1279 W. Main Street - Special Land Use and Site Plan Review
6. COMMISSIONERS REMARKS
7. ADJOURNMENT

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

### APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- 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 four weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the fourth 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: 1279 W Main Street SE, Lowell, MI 49331

2. Parcel Identification Number (Tax I.D. No.): #41-20- 03-477-014

3. Applicant's Name: Gary Kuhlmann Phone Number 616-828-8335

Address: 1763 River Dubs Dr. Ada MI 49301  
Street City State Zip

Fax Number N/A Email Address Kuhls1@msn.com

4. Are You:  Property Owner  Owner's Agent  Contract Purchaser  Option Holder

5. Applicant is being represented by: Roosien & Assoc. Phone Number 616-361-7220

Address: 5055 Plainfield Avenue NE, Suite A, Grand Rapids, MI 49525

6. Present Zoning of Parcel C-3, General Business Present Use of Parcel vacant

7. Description of proposed development (attach additional materials if needed):  
Propose the construction of a 4,360 sft restaurant with drive through with associated parking and appurtenances.

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

Signature: Gary W. Kuhlmann Date: 5/19/21

Type or Print Your Name Here: Gary W. Kuhlmann

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.  
Gary W. Kuhlmann 5/19/21  
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<br><u>gwa</u> |
| 2. A city locational sketch   | <u>gwa</u>            |
| 3. Legal description and City address of the subject property   | <u>gwa</u>            |
| 4. The size in acres or square feet of the subject property   | <u>gwa</u>            |
| 5. All lot and/or property lines with dimensions, including building setback lines  | <u>gwa</u>            |
| 6. The location of all existing structures within one hundred (100) feet of the subject property's boundary   | <u>gwa</u>            |
| 7. The location and dimensions of all existing and proposed structures on the subject property  | <u>gwa</u>            |
| 8. The location and dimensions of all existing and proposed:  |                       |
| ▪ Drives  | <u>gwa</u>            |
| ▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval)  | <u>gwa</u>            |
| ▪ sidewalks   | <u>gwa</u>            |
| ▪ exterior lighting   | <u>gwa</u>            |
| ▪ curbing   | <u>gwa</u>            |
| ▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space)  | <u>gwa</u>            |
| ▪ unloading areas   | <u>gwa</u>            |
| ▪ recreation areas  | <u>gwa</u>            |
| ▪ common use areas  | <u>gwa</u>            |
| ▪ areas to be conveyed for public use and purpose   | <u>gwa</u>            |
| 9. The location, pavement width and right-of-way width of abutting roads, alleys or easements   | <u>gwa</u>            |
| 10. The existing zoning of all properties abutting the subject project  | <u>gwa</u>            |
| 11. The location of all existing and proposed:  |                       |
| ▪ landscaping and vegetation  | <u>gwa</u>            |
| ▪ location, height and type of existing and proposed fences and walls   | <u>gwa</u>            |
| 12. Proposed cost estimates of all site improvements  | <u>gwa</u>            |
| 13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems                                    | <u>gwa</u>            |
| 14. The location and size of septic and drain fields  | <u>gwa</u>            |
| 15. Contour intervals shown at five (5) foot intervals  | <u>gwa</u>            |
| 16. <b>FOR RESIDENTIAL DEVELOPMENT</b> , 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>N/A</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>             |

Section 17.03 of the City of Lowell Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards. Please describe how the proposed project would meet each standard.

A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:

1. 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;

Area is composed of commercial businesses including restaurants with drive through.

2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;

All existing facilities and services are adequate to service the proposed use. No improvements or expansions to existing facilities or services will be required.

3. Not create excessive additional requirements at public cost for public facilities and services; and

All existing facilities and services are adequate to service the proposed use. No improvements or expansions to existing facilities or services will be required.

4. 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.

Area is composed of commercial businesses including restaurants with drive through.

Section 17.04 of the City of Lowell Zoning Ordinance lists specific standards pertaining to special land uses that must be met. Please respond to those standards below as it pertains to the proposed project, describing how the standards would be met by this proposal:

Stacking for both the ordering station (15 proposed versus 10 required) and delivery of orders (7 proposed versus 3 required) is exceeded well beyond the ordinance minimum. Public access will be via an existing shared drive from Main Street and a proposed drive to Church Street that meets the required spacing. The subject property does not abut any residentially zoned or used property. The order speakers are over 30 feet from any neighboring property.

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** June 24, 2021  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** Culver's Special Land Use

Gary Kuhlmann has applied for site plan review and special land use approval to construct a Culver's restaurant at 1279 W. Main Street (PPN 41-20-03-477-014). The purpose of this memorandum is to review the request pursuant to Chapter 17 of the City of Lowell Zoning Ordinance.

### Background

The subject property is approximately 1.2 acres in the C3 General Business district. The applicant is proposing to construct a Culver's restaurant with drive-through facilities. The site is currently vacant and the building would comprise about 4,360 square feet.



The site is part of a larger parent parcel that is about 2.6 acres. A Jimmy John's was recently approved in the southwest corner of this parcel. This approval included a condition that the Jimmy John's would be split from the parent parcel. Similarly, the Culver's is proposed on a portion of the same parent parcel and would also be split from the remaining parcel.

Restaurants with drive-through facilities are permitted by special land use in the C3 General Business district in Section 12.03 of the zoning ordinance.

### Completeness of Submission

The applicant has submitted a complete site plan set for review. Section 18.04 B provides a list of information required for final site plan review unless deemed unnecessary by the zoning enforcement officer. We find that the site plan is complete for review. The only item missing is the location of all driveways within 100 feet of the subject property's boundary.

## **SITE PLAN REVIEW**

**Setbacks and Dimensional Requirements.** Because the subject property is a corner lot, the Ordinance defines the site as having two front lot lines. The principal front lot line is defined as the shorter lot line, which abuts W. Main Street. The secondary lot line is along Church Street and is required to have one-half of the principal front yard setback in Section 2.13. The proposed building exceeds all required setbacks in Section 12.04.

All dimensional requirements pertaining to lot coverage, building height, lot area, and lot width would also meet the dimensional requirements of Section 12.04.

**Landscaping.** Section 4.26 E provides specific landscape requirements. Provided the subject property is split from the parent parcel, it would not be adjacent to a residential district or use. Front yard landscape requirements include at least one canopy tree and three deciduous shrubs for each 30 feet of lot width. The principal front lot line is 160 feet and the secondary front lot line is 335 feet. This equates to 17 total trees and 50 total shrubs required along the front lot lines. The applicant has proposed 20 trees and 87 shrubs in the front yards, exceeding these requirements.

Landscaping is also required where any parking area abuts or faces a public street, with a 10-foot strip of land containing at least one canopy tree for each 30 feet of lot width. The applicant is proposing parking frontage along W. Main Street and Church Street for most of the frontage, so this standard would require the same number of trees as identified above for front yard landscaping. The applicant would also exceed the tree requirement. The 10-foot strip of land would be narrower along W. Main Street due to the sidewalk being included in this area; the Planning Commission may discuss whether this width would maintain an appropriate buffer strip.

For parking areas that contain 20 or more spaces, interior parking lot landscaping is also required at a ratio of 1 island per 20 parking spaces or part thereof. The applicant has proposed 73 spaces, equating to 4 required islands. Four islands are proposed, each with a canopy tree. Two additional canopy trees are also provided along the westerly lot line. The Planning Commission may find that this arrangement meets the requirements of Section 4.26.

**Lighting.** The applicant submitted lighting cutsheets and a photometric plan. Lighting is 100% cutoff and downward facing. The maximum light pole height would be 20 feet, in accordance with Section 19.03 C. Section 4.24 E(1) requires that light be confined to the subject property so that not more than 0.5 footcandles are cast on adjoining private property. Based on the photometric plan, there are a few areas where lighting would exceed this requirement; however, this is adjacent to another drive-through commercial establishment.

**Parking.** Drive-in restaurants require 1 parking space per 100 square feet GFA. The applicant is proposing a 4,310 square foot building, equating to 44 required parking spaces. The applicant has proposed 73 parking spaces, exceeding this standard. Three ADA accessible spaces are proposed in accordance with ADA standards. Section 19.04 M allows the Planning Commission to authorize an increase or decrease in parking requirements when it is demonstrated that

parking demand is expected to be lower or greater than the requirements of 19.07. The parking provided for the proposed restaurant far exceeds the amount required by the Zoning Ordinance. The applicant should provide written justification explaining the need for such a large parking area.

Parking space and maneuvering aisle dimensions meet the standards of Section 19.06. A loading/unloading space is not included, as the site plan notes that loading would occur during non-business hours by a bonded carrier and a loading zone is not required for operations.

**Signage.** Signage is proposed in the southeast corner of the lot. Signage details were not submitted. As a condition of approval, the Planning Commission may require the applicant to receive a sign permit and comply with Chapter 20 of the Zoning Ordinance.

**Site Development Requirements.** Section 12.04 provides site development requirements for the C3 General Business district. No building or structure shall be erected unless these requirements are met and maintained. Landscaping was addressed above, and the other standards relate to access driveways, which are met by the proposed site plan.

**Site Plan Review Standards.** To approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are those standards and our remarks on each:

- A. 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:** The site is currently a vacant, open lot. The surrounding land use pattern is commercial, including several fast-food restaurants with drive-through facilities. While residential uses are nearby to the north, the subject property would not be adjacent to these properties if split from the parent parcel. Nonetheless, the Planning Commission should ensure the site is adequately buffered from these residences, as an easement is proposed to allow the parking lot to extend toward these homes. Provided no detrimental impacts are noted for the nearby residential properties, the proposed use and site appear to align with the existing uses along W. Main Street.

- B. 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 is proposing one point of ingress/egress to the site from Church Street. This is expected to help mitigate traffic impacts from W. Main Street. Circulation within the site appears well defined and promotes safe and efficient traffic operations.

The current design would allow vehicles to stack within the site and provide adequate space to travel entirely around the building.

A connecting driveway is proposed on the west side of the subject property, connecting to the recently-approved Jimmy John's restaurant. This is expected to provide an alternate point of ingress/egress without adding a curb cut along W. Main Street. The site plan notes that the contractor would obtain permission from adjacent property owners for any work off-site, which would include a portion of this driveway. Additionally, an easement for parking off-site along the northern lot line is indicated on the site plan. The Planning Commission may require copies of agreements for off-site work as a condition of approval.

Pedestrian circulation would occur through sidewalks along W. Main and Church Streets, as well as along the building. Sidewalks provide access from parking spaces to building entrances and also an outdoor patio area. Additionally, a crosswalk is designated from the sidewalk along W. Main Street to the building, which has been requested by the Planning Commission in several other previous instances. Sidewalks appear to provide safe and efficient pedestrian circulation.

- C. 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 one curb cut on Church Street, which meets the locational placement standards provided in Section 12.04. The proposed curb cut is distanced from the intersection of W. Main and Church Streets to help mitigate traffic conflicts at this intersection. A second driveway is proposed to connect with the recently-approved Jimmy John's to avoid another curb cut on W. Main Street. This is expected to support efficient and safe traffic circulation on W. Main Street. The Planning Commission may include a copy of the agreement for a connecting driveway with the adjacent property as a condition of approval.

- D. 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 surrounding public and private property.

**Remarks:** The site is currently open space with a sodded lawn, so the proposed development would not remove any significant natural features. The Planning Commission may find this standard met and may include continual maintenance of landscaping as a condition of approval.

- E. 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:** A condition of approval can stipulate continual compliance with applicable codes and ordinances.



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

**Remarks:** The purpose of the C3 General Business district is to accommodate automobile-oriented uses in buildings that are not necessarily characteristic of the downtown design. The proposed development would align with this intent to support commercial uses along M-21 that are automobile-oriented.

The subject property is in the Mixed Use future land use category of the Master Plan. This category is intended to permit a mixture of residential, office, and commercial uses that are not in a downtown-style building. This category envisions mixed use areas as being oriented towards pedestrian travel. The proposed development would allow sidewalk connections to the building and an outdoor patio area. The drive-through restaurant accommodates both vehicle and pedestrian traffic. The Planning Commission may find this standard met.

### **SPECIAL LAND USE REVIEW**

**Special Land Use Review Standards.** To approve a special land use, the Planning Commission must find that the proposed special land use meets each of the following standards in accordance with Section 17.03. Following are these standards and our remarks on each:

- A. 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:** The surrounding land use pattern is largely commercial, with several drive-through restaurants in the general vicinity. The proposed use is expected to be harmonious and appropriate in appearance with the existing character of the area based on building size and site design. Building materials were not submitted, nor were building elevations. If determined necessary, the Planning Commission may request building elevations to determine the aesthetic design of the building.

The Planning Commission may also discuss the proximity of the drive-through to the R2 Single of Two Family Residential district. If split from the parent parcel, the subject property would not be adjacent to this district but it would be nearby. An easement is proposed to accommodate parking outside the property boundary to the north towards this district and the drive-through ordering area is in the northern portion of the site. No landscaping is proposed as a buffer along this boundary and since the site is entirely open space sound from the establishment may travel to the nearby residences. The Planning Commission may discuss the proximity of the drive-through and parking to the residential district and may consider comments from the public in this regard.

- B. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;

**Remarks:** See comments under Site Plan Review, F above.

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

**Remarks:** Public water and sanitary sewer are proposed for the site. Stormwater drainage is proposed through catch basins and a connection to a detention basin on the adjacent property. Stormwater calculations were submitted, indicating a greater storage volume than that required for flood control during a storm event. The Planning Commission may defer to the City Engineer for comments regarding utility and stormwater accommodations for the proposed use, as well as the Lowell Area Fire Department for comments regarding emergency vehicle access. Approval from and compliance with any stipulations of these agencies may be included as a condition of approval.

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

**Remarks:** The proposed use is not expected to create additional excessive requirements at public cost for facilities and services. There are several restaurants with drive-through facilities in the general area. An additional restaurant is expected to align with the character of the area and not create excessive requirements. Subject to any concerns from the City Engineer, the Planning Commission may find this standard met.

- E. 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:** The proposed use is not expected to cause excessive detrimental conditions of operation as noted in this standard. Restaurant activities will increase traffic on the site, but the proposed points of ingress/egress are expected to help mitigate traffic conflicts on W. Main Street. Considering the presence of other fast-food restaurants in this area and the general commercial character along W. Main Street, the proposed use is expected to align with the existing development in this area. However, the Planning Commission may consider impacts on the nearby residential district to ensure these properties are not adversely affected by noise from speakers or traffic, as noted in Special Land Use Standard A, above.

- F. 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:** This standard will be addressed as a condition of approval.

**Restaurants with Drive-Through Facilities Special Land Use Standards.** In addition to the general standards for special land uses of section 17.03, the Planning Commission must also find that the proposed special land use would comply with specific standards established for restaurants with drive-through facilities as listed in Section 17.04 T. These standards are listed below, along with our remarks on each.

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

**Remarks:** The applicant has proposed a total of 15 stacking spaces, meeting this standard. These spaces provide adequate stacking capacity so vehicles do not extend into the right-of-way. These stacking spaces are also designed to avoid interference with vehicular circulation elsewhere in the site. The Planning Commission may find this standard met.

- B. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

**Remarks:** The applicant has provided seven spaces for vehicles to pull forward and wait for the delivery of orders. This standard is met.

- C. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.

**Remarks:** The proposed curb cut is located beyond 50 feet from the intersection of W. Main Street and Church Street, so this standard is met.

- D. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.

**Remarks:** The lot is not abutting a residential district; however, the drive-through and parking area is facing the R2 Single and Two Family Residential district across Sibley Street. The Planning Commission may consider the impact of the use on these properties and may modify landscape requirements if circumstances warrant a change, in accordance with Section 4.26 B.

- E. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**Remarks:** The drive-through is located in the northern portion of the site. While not abutting the residential district, there would be open space between the ordering area and the residential district. The Planning Commission may discuss measures to mitigate sound transmission with the applicant and may require additional screening if determined necessary.

### **Recommendation**

At the June 28, 2021 public hearing, the Planning Commission should discuss the site plan and special land use, and carefully consider any comments from the public and the applicant.

Subject to these comments, the Planning Commission may approve the site plan and special

land use. If approved, we suggest the following conditions be included, along with any others deemed necessary:

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, MDOT, 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 subject property shall be split from the parent parcel as shown on the site plan, proof of this split shall be submitted to the City.
6. The applicant shall include the location of all driveways within 100 feet of the subject property on the site plan, unless waived by the zoning enforcement officer.
7. Exterior lighting shall not exceed 0.5 foot candles on adjacent private property, in accordance with Section 4.24 of the Zoning Ordinance.
8. The applicant shall submit a copy of a shared access agreement with the adjacent property for a driveway connection and a copy of the easement agreement for parking on the northern portion of the property.
9. 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.

As always, please contact us if you have any questions.