

**PROCEEDINGS
OF THE
PLANNING-CITIZEN ADVISORY COMMISSION
CITY OF LOWELL, MICHIGAN**

For the Regular Meeting of the Planning-Citizen Advisory Commission January 26, 2004 at 7:00 p.m.

The Meeting was called to order at 7:00 p.m. by Chairman Jahnke and the Clerk called the Roll.

Present: Commissioners Berry, Grimm, Hall, Hinton, LaPonsie, Teelander and Chairman Jahnke.

Absent: Commissioners Pipe and Schmaltz.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Director of Public Works Dan DesJarden, Mayor Jeanne Shores, Building Inspector Doug Hopkins.

IT WAS MOVED BY HINTON and seconded by HALL to excuse the absence of Commissioners Pipe and Schmaltz.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY HALL and seconded by LAPONSIE to approve the minutes from the November 24, 2003 regular and December 8, 2003 special meeting as corrected.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY HALL and seconded by LAPONSIE to approve the agenda as written.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #2. **ELECTION OF CHAIRMAN AND VICE CHAIRMAN.**

IT WAS MOVED BY HALL and seconded by HINTON to elect Clark Jahnke as Chairman of the Planning Commission for 2004.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY HALL and seconded by BERRY to elect Debra Hinton as Vice Chairman of the Planning Commission for 2004.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #3. **PUBLIC HEARING.**

A. **Proposed Zoning Ordinance Amendments regarding fences and walls and primary accessory buildings – establish public hearing (2/23)**. At its December 8, 2003 worksession, the Planning Commission reviewed the proposed zoning ordinance amendment involving fences and walls and primary accessory buildings. From this worksession, the following corrections by consensus were provided:

- Adds a new subparagraph detailing walls and fences must be kept in good repair and condition.
- Driveways to accessory buildings (garages) must be hard surfaced. The definition of hard surfaced states these must be a pavement of poured cement or rolled asphalt or such surfaces approved by the Planning Commission.
- Driveways need to be a minimum of ten feet in width and twelve feet for a new curb cut. The intent of the driveway ordinance is provided.

Chairman Jahnke believed Item 4.07 H should be removed from the ordinance.

IT WAS MOVED BY LAPONSIE and seconded by HINTON to set a public hearing for February 23, 2004 regarding the proposed zoning ordinance amendments regarding fences and walls and primary accessory buildings as corrected.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #4. **NEW BUSINESS.**

A. **SITE PLAN REVIEW**

1. **2345 Bowes – Joice Smith, Remax Country Hills – construction of a parking lot for a real estate office.** Joice Smith of Remax Country Hills submitted a site plan regarding the construction of a parking lot at 2345 Bowes Road.

With the property zoned Industrial, professional activities are allowed. The 1,350 square foot building area requires five parking spaces. The curb opening must meet Department of Public Works standards.

The building has no additions proposed. However, in order to qualify, off street parking had to be installed. The site plan indicates there are 10 parking spaces to support the real estate office, while five spaces are required to satisfy the ordinance.

Pat Gallagher from Remax explained an area will be asphalted which will provide an additional eight parking spaces. He noted the site is flat and water run off would occur in the back of the property. Lighting has been added on the back side of the building between parking spaces three and four, on the storage building and near the handicapped parking space.

Commissioner Hall questioned the signage. Gallagher stated approval of the sign has been received.

Jahnke asked what type of lighting would be placed. Gallagher was unsure, probably a halogen light. It would be placed on a 15 foot pole. Jahnke stated the fixtures should point the light toward the ground.

Commissioner Berry inquired how the ground water run off would be handled. Gallagher stated the drive would be slopped to northeast side of the property. A small retention area would be created.

IT WAS MOVED BY HINTON and seconded by HALL to approve the site plan as presented for the construction of a parking lot at 2345 Bowes Road to accommodate Remax Country Hills Realty.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

2. **Northwest corner of Valley Vista and Bowes – Michael Nosko – construction of 18 condominium/apartment units – preliminary site plan.** The City Council approved the rezoning of the two acre parcel to multiple family residential at the northwest corner of Valley Vista and Bowes.

Michael Nosko presented a landscape plan as well as a building layout plan.

City Manager Pasquale verified the parking would include two cars per unit. Nosko responded yes. All the driveways are 20 to 30 feet length as well as a one or two stall garage.

Commissioner Hinton questioned the drainage. Nosko stated he would hope to retain 95 percent on site with retention ponds. The landscape plan indicates retention areas are to the east. Preliminary calculations show drainage would stay on site. However, approximately 85 feet of one drive would drain toward Valley Vista. Public Works Director DesJarden stated this was adequate.

Nosko noted the green space requirement has been met. The zoning ordinance allows for 20 units, while he is only building 18.

Jahnke did not see where there was tile proceeding to the Valley Vista drain. Nosko stated he intends to retain drainage on site. If necessary, a tile can be brought out onto Bowes Road.

Commissioner Grimm questioned the lighting throughout the development. Nosko stated this has not been determined. The idea would be to place an 8 foot lamp post at each

drive. This would create a minimal amount of light. Jahnke suggested globes not be used.

Jahnke requested input from Building Inspector Hopkins concerning one stall garages.

Pasquale reviewed the issues in question to include lighting, parking, tile drainage and other utilities. Nosko noted the utilities would be on west side.

IT WAS MOVED BY HINTON and seconded by GRIMM to approve the preliminary site plan as noted for the construction of 18 condominium/apartment units located at the northwest corner of Valley Vista and Bowes.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

- 3. 753 Grindle – Sundry Development Consulting – 16 unit cluster plan – preliminary review.** City Manager Pasquale explained the property in question was formally called the Phillips property and immediately adjoins Grindle Drive. Some time ago, the Planning Commission reviewed this property and approved a private road for the development. Originally, the plan was approved for nine units. However, since that time, the Planning Commission has amended the Zoning Ordinance to allow one unit for every 23,000 square feet of lot area within the SR District. Therefore, 16 units can be built rather than nine.

Sundry has proposed to seek approval under the Open Space Preservation ordinance. With this ordinance, the private road would still need to be approved.

Sundry Representative Les Cole was present to discuss the cluster plan. The new zoning requirements for the SR District has reduced lot sizes from 35,000 square feet to 23,000 square feet per unit. This will allow them to build more homes on the lots than what was previously approved. He explained Sundry wishes to use the City's new cluster ordinance, which would provide the ability to create a layout to preserve the sensitive natural areas.

The current ordinance provides for 16 lots. Cole noted the only area on the site under the 20 percent slope requirement is the easement area which will house the water main which will be extended from the Highland Hills project and eventually connect to Grindle. Pasquale stated the Open Space Preservation Ordinance refers to any property having more than a 20 percent slope can not be considered open space. Cole believed Sundry was into the legal area of the definition of what Sundry is able to do with the new ordinance versus what was the current approved uses by right under the SR ordinance. Cole stated the proposed cluster plan features 16 home sites. The home requirements are larger than what is required. Water and sewer is included. There will be paved roadways and street lighting. Sundry has also included a sidewalk plan which will connect to Grindle.

Sundry wishes to begin construction by fall of 2004 and to have the first home constructed by the spring of 2005.

Jahnke questioned if Sundry believed there were any areas on the property which are considered unbuildable. Cole responded no, other than the easement area for the water main. Sundry has the ability to modify the slopes in order to be in compliance with the 20 percent grade. However, the Company would prefer to leave the areas in its natural state.

Jahnke commented on the grade between units 15 and 16. Pasquale stated discussion would be held with City Attorney Richard Wendt to find out the best way to handle the 20 percent grade.

Pasquale stated the lot width under the Open Space Preservation Ordinance requires there be 75 feet. However, there is also 50 feet which is required at the right of way line. Pasquale was unsure if this was the case on every lot. Cole believed the plan complies with this requirement. The only area which would be under this at the right of way line would be those parcels around the cul-de-sac. He noted these are in compliance with the minimum lot width at the building set back line.

Pasquale said the private road needs to be reconsidered, if any changes are made. Cole mentioned the road is proposed to be 24 feet wide with bituminous valley gutters on both sides.

Pasquale noted as part of the cluster approval the private road has to be approved by the Planning Commission and the Council.

Sundry Representative Kevin Rude spoke on behalf of the cluster provisions. It is Sundry's position to follow the spirit of the State's Act and the City's ordinance. The spirit at the State level would not require any rezoning nor a PUD process. Rude noted most walkouts are built on a 30 percent slope. The proposed plan would cause the least impact to the site and create a good buffer between neighbors.

Pasquale stated a report will be provided back to the Planning Commission concerning the 20 percent grade based on attorney comments. Beside giving an approval of the open space, the Planning Commission needs to approve the private road.

Jahnke believed the intent of the ordinance was to not count property which is unbuildable. A regulated wet land would not be buildable and can not be counted as open space.

Cole verified the issues as understood is the 20 percent requirement and going back into the previous approved roadway plan.

Commissioner LaPonsie verified there would be no sidewalk in front of unit 16 and 15. Cole responded correct. Access will be provided across the road.

LaPonsie inquired if the common and open spaces would be used only by co-owners and their guests. She asked if playground equipment was planned. Cole stated there are no plans for playground amenities in the open space area. However, the co-owners would have that option.

Commissioner Berry asked if fill would be brought into the site. Cole responded yes, for units 8 through 13.

Commissioner Hall wanted to see a pedestrian connection between the two developments.

Berry questioned the total percentage that will be open on the proposed site. Cole stated 39 percent.

Rude requested dialog be received before the next meeting concerning the 20 percent slope and the roadway.

No further information was provided.

B. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS – none.

Item #5. **ANY OTHER BUSINESS/ON GOING BUSINESS.**

- A. **Stormwater Ordinance.** Jim Smalligan of Fishbeck, Thompson, Carr and Huber was present noting the model storm water ordinance is intended to control flooding as well as storm water quality impacts from development and redevelopment. It establishes a permitting process which requires the developers to submit a drainage plan for the City's review and approval.

The ordinance is established to avoid additional work and cost for the City. A set of fees and financial guarantees are put in place to cover the cost for site plan reviews, drainage plan reviews, inspection, enforcement. If necessary, these fees are used to finish a project which may have been abandoned before completion.

A storm water ordinance is important because the drain commission authority under the drain code is limited. It is strictly related to platted subdivisions. It does not apply to commercial or industrial development or site condominiums. It does not give the drain commission the authority to deal with any water quality impacts. The goal is to try and expand the authority and ensure there are not any gaps.

The model ordinance presents a concept of three different possible zones for drainage criteria.

Zone A is intended for Cities or townships which have areas with very little development and the streams are natural. Zone B is intended for areas where much development has already occurred and the performance standards are similar to what the drain commissioner requires. Zone C refers to areas in close proximity to a large lake or river.

Smalligan suggested the developer provide storm water detention, unless it can demonstrate there is adequate capacity.

Jahnke questioned how much more of the City of Lowell is developable. How much expense and effort should the City of Lowell go through for what is left to be developed or redeveloped?

Smalligan suggested the entire City be Zone B. However, the developer must demonstrate detention is not needed because conveyance can be provided to the river. Smalligan noted the developer must verify storm water quality.

It was noted a panel of attorneys have reviewed the agreement and agree upon it.

Hall suggested reviewing the ordinance to see if modification is necessary.

By consensus, the Commissioners will review the issue again during the February 23, 2004 meeting.

B. **Private Road Ordinance.** DPW Director Dan DesJarden reviewed the private road ordinance. A copy of the ordinance from the City of Fremont was provided. DesJarden noted he also contacted other Cities and townships concerning their ordinance.

The issue will continue to remain on the agenda.

Commissioner Berry questioned if there was any language in the current code concerning the City's private streets. DesJarden responded no. The code is very strict.

Item #6. **BUILDING INSPECTOR'S REPORT.** Final inspections have been completed at Larkins Restaurant. Construction at Litehouse, Inc. has also been finalized.

Item #7. **PUBLIC COMMENTS.** Campfire Leader Kathy Gingerich was present with a Camp Fire Group. Each member asked questions concerning the City.

Item #8. **COMMISSIONERS COMMENTS.** Commissioner Berry asked Police Chief Jim Valentine about the possibility of turning left onto N. Hudson from Foreman. Valentine explained this would create a problem when buses and trucks need to turn left. The Lincoln Lake route does not allow commercial vehicles. At this time he did not see any simple solution.

IT WAS MOVED BY HINTON to adjourn at 9:10 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk