

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

For the Regular Meeting of the Planning-Citizen Advisory Commission February 23, 2004 at 7:00 p.m.

The Meeting was called to order at 7:06 p.m. by Chairman Jahnke and the Clerk called the Roll.

Present: Commissioners Berry, LaPonsie, Pipe, Schmaltz, Teelander and Chairman Jahnke.

Absent: Commissioners Grimm, Hall and Hinton.

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

IT WAS MOVED BY PIPE and seconded by BERRY to excuse the absence of Commissioners Grimm, Hall and Hinton.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

The Commission reviewed the minutes from the January 26, 2004 meeting as well as written comments provided by Sundry Corporation.

IT WAS MOVED BY SCHMALTZ and seconded by BERRY to approve the minutes from the January 26, 2004 regular meeting as corrected without the inclusion of the comments from Sundry Corporation.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

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

IT WAS MOVED BY LAPONSIE and seconded by TEELANDER to approve the agenda as submitted.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

A. Proposed Zoning Ordinance Amendments regarding fences and walls and primary accessory buildings –public hearing – recommendation to the City Council. 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.

After receiving public comments, the Commission may provide a recommendation to the City Council.

Flora Beachum of 1051 Beech Street questioned if the statement “any fence which is more than 50 percent solid can only be three feet high, no matter its location” was true. Chairman Jahnke explained this is only a requirement of front yard fences.

Al Mathews of 822 Grindle thanked the Commission for improving the driveway ordinance.

Candice Fleszar-Smith of 417 Howard stated this has been an educational experience for her. She wanted to create a better future for the City of Lowell.

IT WAS MOVED BY PIPE and seconded by LAPONSIE to recommend to the City Council approval of the zoning ordinance amendments regarding fences and walls and primary accessory buildings as written.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #3. **NEW BUSINESS.**

A. SITE PLAN REVIEW

1. Northwest corner of Valley Vista and Bowes – Michael Nosko – construction of 18 condominium/apartment units (Crab Apple Cove) – final site plan. Michael Nosko received preliminary site plan approval for a development which would be located on a two-acre parcel at the northwest corner of Valley Vista and Bowes Road. Recently, the City Council rezoned the property to R3 (Multiple Family Residential) to allow such a development. This would consist of 18 condominium apartment style complexes.

After reviewing the site plan, it was determined the development would meet the set back and parking requirements. However, utilities need further review. City Manager Pasquale noted landscaping has been added to the plan.

Pasquale stated Nosko should provide a dollar amount for site improvements. Nosko stated the amount has not been totaled yet. Pasquale explained this is necessary before

a building permit can be obtained. Nosko indicated an insurance bond would be provided.

Nosko explained the building would consist of six units with floor plans ranging from 1016 to 1700 square feet.

Building Inspector Doug Hopkins noted the ordinance requires two parking spaces per unit. However, it does not specify if one space can be considered within a garage. Each home will also require storage building of at least 200 square feet.

Nosko noted a total of 50 spaces for 18 units would be provided.

Jahnke questioned the lighting. Nosko indicated a downward reflector lighting would be installed. Lights will also be placed on the front of garages as well as at the end of each driveway.

Public Works Director DesJarden questioned units 3, 4, 5 & 6. The plan indicated the sewer line heads toward an existing manhole on Bowes Road. DesJarden suggested it head straight out and tie into the existing manhole. This would be less expensive and easier. Nosko agreed.

IT WAS MOVED BY TEELANDER and seconded by PIPE to approve the site plan as presented concerning the construction of an 18 condominium/apartment units (Crab Apple Cove) on the northwest corner of Valley Vista and Bowes Road as submitted.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

2. 753 Grindle – Sundry Development Consulting – 16 unit cluster plan. City Manager Pasquale explained Sundry Development was unable to attend the meeting. There was a question concerning the 20 percent slope. The ordinance indicates this does not qualify as open space for the special provisions of clustering. The issue was discussed at the last meeting and was referred to City Attorney Richard Wendt for review and interpretation. A letter from Wendt indicated, this would be subject to a variance request. A copy of the letter has been forwarded to Sundry.

Sundry requested a variance for the 20 percent slope. A public hearing will need to be held before the Zoning Board of Appeals.

As mentioned, with the cluster development, the Planning Commission needs to review and consider adopting the site plan as well as provide a recommendation to the City Council concerning the private road. The Commission should also provide a recommendation to the ZBA concerning the 20 percent slope. Pasquale explained such issues need to be resolved before work can be initiated.

Planning Commission Chairman Jahnke questioned if grade consideration would be eliminated completely, if a variance was granted. Pasquale asked if Jahnke was

suggesting a limit rather than a blanket approval. Jahnke responded yes. Pasquale explained the variance could also state up to 40 or 50 percent. Sundry should then provide the calculations.

Pasquale verified the Commission would want a final site plan which provides all the information from the check list as well as utilities. Jahnke asked if the variance had to be handled prior to this. Pasquale stated the Commission can approve the site plan, contingent upon a variance. However, a limitation on the slope would change the site plan to the degree these still have to meet the required amount of open space.

Pasquale explained the ordinance currently states a slope of more than 20 percent can not be counted as open space.

Commissioner Schmaltz questioned if there was a reasonable figure by which the ordinance could be amended. Jahnke believed a percentage amount should be removed from the ordinance. Pasquale asked if Jahnke would rather have the ordinance amended. Jahnke believed this may be a flaw in the ordinance.

Commissioner Berry suggested leaving the 20 percent in the ordinance and review each case as it is presented.

Berry noted he would accept a variance on this issue.

Commissioner Pipe felt the ordinance should be reviewed. However, he would not object to a variance.

Commissioner LaPonsie believed a 20 percent slope may be a bit low. However, she thought it may be wise to go with a variance instead of amending the ordinance.

Commissioner Teelander had no problem with a variance.

Commissioner Schmaltz was willing to approve a variance. However, she wanted to review the final site plan as well as Sundry writing out what they agree to do. Schmaltz believed a limit should be set.

Jahnke suggested a 50 percent grade. Pasquale stated this would still need to be reviewed. Jahnke also suggested the variance request state what they are requesting. This should be in conjunction with a site plan which can be reviewed and considered with the private road and variance.

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

Item #4. **ANY OTHER BUSINESS/ON GOING BUSINESS.**

- A. Stormwater Ordinance. Commissioner Schmaltz questioned the definition of a non-point source.

By general consensus, the Commission decided to table the issue until further review.

Item #5. **COMMISSIONER COMMENTS**. Commissioner Pipe asked the Commission to speak under Commissioner Comments briefly. He had another appointment to attend. Pipe announced he would be resigning from the Planning Commission as well as the Historic District Commission due to the recent sale of his building. He stated it has been a wonderful experience to serve for the City.

Item #6. **ANY OTHER BUSINESS/ON GOING BUSINESS**.

- B. Private Road Ordinance. By general consensus the Commissioners tabled the issue until further review.

Item #7. **BUILDING INSPECTOR'S REPORT**. Planning Commission Chairman Clark Jahnke commented on the Summary of Complaints & Action Taken report provided by the Building Inspector.

Item #8. **PUBLIC COMMENTS**. A question was raised concerning where the 20 percent slope originated from the Open Space ordinance. City Manager Pasquale responded Commissioner Dan Brubaker provided this information from a model ordinance.

Item #9. **COMMISSIONERS COMMENTS**. Commissioner Schmaltz stated it was great to be back.

Commissioner Berry inquired about the abandoned vehicle ordinance. He noted there has been a vehicle on Gee Drive for some time. City Manager Pasquale stated he would notify the Police Department.

IT WAS MOVED BY TEELANDER to adjourn at 8:59 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk