

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, July 28, 2008 at 7 p.m.

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

Present: Commissioners Dimmick, Doyle, Folsom, Hodges, Noall and Chair LaPonsie.

Absent: Commissioner Jahnke

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Councilmembers Altoft, Ellison and Pfaller and Building Inspector Doug Hopkins.

IT WAS MOVED BY DIMMICK and seconded by HODGES to excuse the absence of Commissioner Jahnke.

YEA: 6. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY FOLSOM and seconded by DOYLE to approve the minutes for the regular meeting of June 23, 2008 as corrected.

YEA: 6. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

IT WAS MOVED BY HODGES and seconded by NOALL to approve the agenda as written.

YEA: 6. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

- A. Master Plan Map Amendments – set public hearing (8/25). The proposed Master Plan existing and future land use amendments were distributed to Lowell and Vergennes townships as well as the West Michigan Regional Planning Commission and the Grand Valley Metro Council. No comments have been received.

At this meeting, the Commission has the opportunity to make revisions. A public hearing will be held on August 25, where any public comments can be received. The Planning Commission may then adopt the amendments.

IT WAS MOVED BY DOYLE and seconded by DIMMICK to set a public hearing for August 25, 2008 to consider the Master Plan map amendments.

YEA: 6. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **NEW BUSINESS.**

A. SITE PLAN REVIEW – NONE

B. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

1. 292 Donna – Donna Tyler – rear yard variance to construct an enclosure. Donna Tyler has an existing patio which has been in place for over 30 years. She wishes to build a deck with a screened covered porch, which will also provide shade.

The enclosure would be approximately 10 feet away from the rear lot line. According to the ordinance, it needs to be at least 25 feet back. Thus, a rear yard variance has been requested.

It was noted the variance is necessary because the porch will be enclosed. If it was open on three sides, one would not be necessary.

Tyler indicated the neighbor directly behind her has no problem with the porch.

The Planning Commission reviewed the following necessary criteria in order to grant a variance.

- That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. By a vote of 5 to 1, the Commission agreed this standard had been met.
- That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. By a vote of 4 to 2, the Commission did not believe this standard had been met.
- That such a variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. By a vote of 6 to 0, the Commissioners agreed this standard had been met.
- The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By a vote of 6 to 0, the Commissioners agreed this standard had been met.
- The variance will not impair the intent and purpose of this Ordinance. By a

vote of 5 to 1, the Commissioners agreed this standard had been met.

- That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant. By a vote of 5 to 1, the Commissioners agreed this standard had been met.

IT WAS MOVED BY DOYLE and seconded by FOLSOM to recommend to the Zoning Board of Appeals that the rear yard variance request for an enclosure at 292 Donna be granted.

YEA: 4. (Commissioners Doyle, Folsom, Noall and Chair LaPonsie)

NAY: 2. (Commissioners Dimmick and Hodges) ABSENT: 1.

MOTION CARRIED.

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

- A. Review of tall grass and noxious weeds ordinance – consideration of amendments and recommendation to the City Council – reschedule worksession. The proposed worksession between the Planning Commission and the City Council which was scheduled on July 14 to discuss the tall grass ordinance was cancelled. A session needs to be rescheduled.

The Commission agreed to propose a meeting on Tuesday, August 12, 2008 at 7p.m. with the City Council.

Commissioner Noall brought information from the City of Holland regarding the tall grass noxious weed ordinance. Their ordinance recently changed the maximum height from 12 to 8 inches. The individual is charged to mow their grass as well as a \$75 penalty fee.

Commissioner Folsom also presented an ordinance from Plainfield Township in which the fees are charged to the owner as well as having an administrative fee.

- B. Review and comments regarding a proposed gazebo at Stoney Lakeside Park. Jim Pfaller of 810 Bowes Road and Councilmember and Parks and Recreation Commission member presented the idea of a gazebo at Stoney Lakeside Park. Every year, the Commission reviews the Capital Improvements budget. This year there is \$6,000 which can be spent toward a gazebo at Stoney Lakeside Park.

Pfaller explained his father will draw up plans for such a gazebo. The gazebo will be built by volunteers, if the City provides the materials.

The Parks and Recreation Commission and City Council have approved the gazebo and its location. Pfaller noted the DEQ has no problem with the location as long as there is no excavating.

Kelly Taylor, mother of three children, stated she lives on the east side of the park. They enter the park from Clark Street. The area is sunny with only one tree. It would be nice to have a gazebo on that side of the park.

IT WAS MOVED BY DIMMICK and seconded by HODGES to approve the construction and placement of the proposed gazebo at the east side of Stoney Lakeside Park.

YEA: 6. NAY: 0. ABSENT: 1. MOTION CARRIED.

- C. Joint signage ordinance with Lowell Charter Township – update. No further update was provided.
- D. Off Street Parking Lighting Section of the Zoning Ordinance – further discussion. Kelly and Mike Taylor of 142 S. Center Street live in the first house behind Grand Auto Dealership. Currently, there are 32 lights which shine down onto one side of their house. They have had discussion with Grand to try and get this changed for the past six years. The Taylors believe the lights are brighter than standard lighting with some of them being incredibly bright. They have installed blinds through the house and still have difficulty sleeping. Three of the bedrooms are on this side of the house.

Chair LaPonsie appreciated the Taylors coming to the meeting. The Commission is trying to create an ordinance for such issues.

City Manager Pasquale asked if the Taylors confronted Grand Auto Dealership. Mrs. Taylor stated the representative from Grand Auto did not understand why no other complaints have been received and was very defensive. Taylor noted the lights are two tiered.

Pasquale suggested checking the current ordinance to determine if there is any way to help these individuals as well as pursue it as a nuisance. LaPonsie asked Building Inspector Doug Hopkins to look into this and provide an update at the next meeting.

Commissioner Hodges asked if other communities have a time ordinance such as 10 p.m. or half hour after a business closes.

LaPonsie referred to the Lighting Ordinance. The City of Ann Arbor is replacing all of their downtown globe lighting with LED street lights. They are doing this to save money as well as environmental reasons. Also, the City of Ann Arbor mentioned the International Illumination Organization. They are putting together a model ordinance for Cities.

- E. Kent County Purchase of Development Rights Program. Chair LaPonsie received an email from MSU Extension Office regarding individuals or organizations endorsing the PDR program or the Purchase of Development Rights Program. LaPonsie wanted to mention the issue to the other Commissioners. However, she believed the program was intended more for townships.
- F. Civil Infractions Ordinance. The City Attorney is completing the draft civil infraction ordinance

and will review this with Police Chief Valentine and City Manager Pasquale. Once finished, the ordinance will be presented to the Commission.

Item #5. **BUILDING INSPECTOR'S REPORT.** Building Inspector Doug Hopkins referred to the requested variance which was considered earlier. He noted there are subtle differences between the lots next door to it. The other lots are side yards.

Item #6. **PUBLIC COMMENTS.** No comments were received.

Item #7. **COMMISSIONERS COMMENTS.** Commissioner Folsom spoke with MDOT with regards to some of the planting requirements through the City on M21. He was referred Alpine, Grand Rapids and Plainfield Townships because they all have the same situation regarding a noxious weed ordinance. Folsom questioned how the information could be distributed for Commissioners to review. LaPonsie stated it can be emailed or given to City Clerk Morlock to include in the packet.

IT WAS MOVED BY DIMMICK to adjourn at 8:05 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk