

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, November 23, 2009 at 7:00 p.m.

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

Present: Commissioners Green, Hall, LaPonsie and Schrauben.

Absent: Commissioners Jahnke, Noall and Chair Folsom.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Building Inspector Doug Hopkins, Mayor Jim Hodges, Historic District Commission Chair Steve Doyle and Member Chris Fleszar.

IT WAS MOVED BY GREEN and seconded by HALL to excuse the absences of Commissioners Jahnke and Noall and Chair Folsom.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

IT WAS MOVED BY LAPONSIE and supported by GREEN to approve the minutes of the regular meeting of October 26, 2009 as corrected.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.** Commissioners Hall and LaPonsie suggested Items B (Outdoor Lighting Ordinance) and C (Joint Signage Ordinance with Lowell Charter Township) be discussed during the worksession agenda.

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

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #2. **PUBLIC HEARINGS.**

A. Establishment of a group day care home at 807 Bowes - Special Use Permit – public hearing. Debra Baldwin wished to upgrade her day care from family (up to six children) to group (up to twelve) located at 807 Bowes. The residence is zoned R-2, which allows group day care by special use.

Clerk Morlock noted she received a phone call from Joanne Miller at 780 Bowes Road stating she had no problem with the daycare. She wanted reassurance the children would not be on the sidewalk. Also, another neighbor to the west indicated their support as well.

IT WAS MOVED BY LAPONISIE and seconded by GREEN to approve the special use permit for a group daycare home at 807 Bowes Road.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #3. NEW BUSINESS

A. Variances – Recommendations to the Zoning Board of Appeals

1. Schneider Manor (725 Bowes) – front yard variance for the construction of a maintenance – office building Planners Brian Wegener and Jay Kilpatrick of Williams & Works provided a site plan review report and several pages of documentation on the site plan and the variance. Leo Pfaller of Schneider Manor submitted a letter of explanation.

City Manager Pasquale indicated Kilpatrick would consider this a front yard variance because it is a double fronted lot. It is being measured from the Grand Street right of way. Schneider Manor fronts both Bowes Road and the Grand Street right of way.

Commissioner LaPonsie questioned who owns the property on the south side of Grand Street. Pfaller responded Schneider Manor/Lowell Area Housing.

Pfaller explained the 22 X 36 foot area would be an office. The remaining amount will be turned into a maintenance building. This area will also be considered a workshop for some of the residents.

Pasquale explained an approval given of the site plan would be contingent upon the variance. If the variance is turned down by the Zoning Board of Appeals, the site plan is voided and the process needs to begin again.

The Planning Commission reviewed the following criteria:

- That there are exception 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 general consensus, the Commission agreed the criteria had been met.
- That the condition or situation of the specific piece of property for which the variance 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 general consensus, the Commission agreed the criteria had been met.
- That such 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 general consensus, the Commission agreed the criteria had been met.
- The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood: By general consensus, the Commission agreed the criteria had been met.
- The variance will not impair the intent and purpose of this ordinance: By general consensus, the Commission agreed the criteria 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 general consensus, the Commission agreed the criteria had been met.

IT WAS MOVED BY LAPONSIE and seconded by HALL to recommend to the Zoning Board of Appeals approval of the variance allowing a 15 foot front yard setback for 725 Bowes Road.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

B. Site Plan Review

1. Schneider Manor (725 Bowes) – construction of a 76' x 36' maintenance building. As mentioned at the last meeting, Schneider Manor wishes to construct a maintenance – office building. The property is zoned R-3 (Multiple Family Residential) and requires a 30 foot front yard setback.

Commissioner LaPonsie encouraged Schneider Manor to plant trees or bushes around the back of the building to screen for the neighbors benefit.

Commissioner Hall wanted to see handicapped accessibility to the building shown on the plan. Pfaller noted a handicapped ramp is shown on the site plan. Hall wanted more detail.

Commissioner Green confirmed the trees being cut down will be replaced by others in a different location. Pfaller responded yes.

IT WAS MOVED BY LAPONSIE and seconded by GREEN to approve the site plan for the construction of a 76' x 36' maintenance office building at Schneider Manor (725 Bowes) contingent upon the variance being approved and also with staff review of the final site plan including added detail of handicap accessibility and landscaping.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #4. ANY OTHER BUSINESS/ON GOING BUSINESS

- A. Ordinance to include temporary garages in residential districts – continue review of proposed draft - tabled. Over the past several months, the Commissioners have reviewed and discussed a proposed ordinance which would allow temporary garages in residential districts.

City Clerk Morlock indicated a couple of letters were received regarding the issue. However, the letters were not signed. Commissioner Green encouraged the public to sign letters of concern.

Acting Chair Schrauben mentioned the idea of adding a subsection to Section 4.08 rather than creating a new section.

Commissioner LaPonsie had no problem with smaller soft sided structures used for storage, but was unsure about the idea of allowing a 500 square foot soft sided structure in the City. LaPonsie suggested the issue be discussed during the worksession for further review.

Schrauben noted he would provide his ideas in writing prior to the worksession.

Steve Doyle of 706 Riverside Dr. questioned the discussion labeled “temporary garages”. City Manager Pasquale suggested the wording “soft sided structures” rather than “temporary garages”.

- B. Joint Planning Commissions meeting - review. A joint planning commissions meeting between the City, Lowell and Vergennes townships was held on Tuesday, November 10, 2009. Commissioner Green noted Commissioner Jahnke has received a contact name regarding the joint sign ordinance. Also, Vergennes and Lowell Townships were able to make connections regarding their border and zoning changes.

Acting Chair Schrauben noted such issues as the lighting ordinance, changes to the land north of Foreman from R1 to R2, temporary garages and traffic patterns were also discussed. Lowell Township mentioned lot splits for the AG1 agricultural zoning district.

The next meeting will be held at Lowell Township during the month of April.

- C. Monday, December 14 Work session (7 p.m.) – set agenda. The following items will be placed on the worksession agenda:

- Soft sided structures
- Outdoor Lighting Ordinance
- Joint Signage

Commissioner Hall noted there is a new Planning Act which states the Planning Commission only has to meet four times a year. He suggested only meeting when there is a need.

- D. 2010 Meeting Dates. The Planning Commission reviewed the meeting dates for 2010 as follows:

Fourth Monday of each month, except December.

January	25	July	26
February	22	August	23
March	22	September	27
April	26	October	25
May	24	November	22
June	28	December	13 (work session)

IT WAS MOVED BY LAPONSIE and seconded by HALL to approve the 2010 meeting dates.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

- Item #5. **BUILDING INSPECTOR REPORT.** No comments were received.

- Item #6. **PUBLIC COMMENTS.** Chris Fleszar of 417 Howard referred to the temporary soft sided garages. He wanted the Commission to consider the neighborhoods and the impact this would

have. The Downtown district has improved greatly over the years. Fleszar wanted the same value placed on the neighborhoods. He believed allowing the soft sided structures would degrade property values and the quality of life.

Commissioner LaPonsie noted another public hearing will be held if the issue keeps moving forward. She encouraged the public to attend.

Item #7. **COMMISSIONERS COMMENTS**. Commissioner LaPonsie appreciated everyone's patience regarding her absence at meetings.

Commissioner Hall was happy to see the old Third Base was fixed up. It is such an improvement.

IT WAS MOVED BY GREEN to adjourn at 8:03 p.m.

DATE:

APPROVED:

Douglas L. Folsom, Chairman

Betty R. Morlock, City Clerk