

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, June 27, 2011, at 7:00 p.m.

City Clerk Betty Morlock swore Rachael Schwab in as Planning Commissioner.

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

Present: Commissioners Dave Cadwallader, Shannon Hanley, Maryalene LaPonsie, Al Mathews, Rachael Schwab and Chair Jim Hall.

Absent: Commissioner Green.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Zoning Administrator Adam Lynema, Incoming City Manager Mark Howe and Mayor Jim Hodges.

IT WAS MOVED BY LAPONSIE and seconded by MATHEWS to excuse the absence of Commissioner Green.

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

IT WAS MOVED BY LAPONSIE and seconded by CADWALLDER to approve the minutes of the regular meeting of May 23, 2011 as written.

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

Item #1. **APPROVAL OF AGENDA**. Chair Hall suggested Item #6A be moved to Item #9A.

IT WAS MOVED BY LAPONSIE and supported by MATHEWS to approve the agenda as corrected.

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

Item #2. **NEW BUSINESS.**

A. SITE PLAN REVIEW

1. 218 South Washington Street – Jice Pharmaceuticals – two additions. Jice Pharmaceuticals (manufacturer and distributor of animal health care products) has proposed a 34' x 50'8" addition as well as a 60' x 100' metal building.

Jay Kilpatrick of Williams & Works has reviewed the site plan materials and provided the enclosed report noting required plan items and needed variances (expansion of nonconforming structure because of setbacks).

There needs to be a preliminary review and variances identified. Contractor Travis Miller stated Jice Pharmaceuticals will be submitting variances to the Zoning Board of Appeals (ZBA) and then address the necessary issues to have an approvable site plan.

Kilpatrick stated Williams & Works reviewed the proposed site plan. The use is permitted as it is in the Industrial District. However, the site is odd shaped and relatively tight. The existing structure is nonconforming in terms of the side yard and lot coverage. This presents an issue because the Planning Commission can not approve an expansion or enlargement of a nonconforming structure. The ZBA can grant a variance. The first step would be to grant a variance under this particular provision of the ordinance which would allow a nonconforming structure. Then, there is the nature of the nonconformity, which is the side yard setback. Currently, the building is within approximately 18 feet of the side yard. The standard setback in the Industrial District is 25 feet unless it abuts a resident, in which case it is 50 feet. Also, another issue regarding the site plan involves the requirement of lot coverage. The maximum lot coverage in the Industrial District is 60 percent. The ZBA has the authority to grant all three variances where they find unusual circumstances with respect to the property. In this instance, Kilpatrick suggested the tightness of the site, its urban nature and the fact it is constrained by the former railroad right of way. Many issues would lend to an affirmative finding on the variance standards. However, it is a procedure step the City needs to go through before the Planning Commission can actually act on the site plan.

The Planning Commission can guide the applicant regarding the plan. However, Jice Pharmaceuticals should meet with the ZBA first and then return to the Planning Commission with a revised site plan and variances in hand.

Commissioner Mathews believed the drawings were deficient. Miller explained a new set of plans will be submitted. His main goal at this meeting was to get the variance process started.

City Manager Pasquale reviewed the three areas of concern including enlargement of a nonconforming use, side setback variance and lot coverage. These three issues need to be addressed before there can be a site plan approval.

Chair Hall was concerned there was no mention of the site being in a floodplain. Miller stated a DEQ permit has been filed for building in a floodplain. Hall wanted to ensure this was noted on the plans.

Commissioner LaPonsie questioned the exchange listed with King Milling. Miller stated there is a corner section. The property line comes through on a diagonal. The owners of the land are proposing to obtain the property at the farthest corner, which would allow the end of the building to be used for a loading dock bay.

Hall stated he would also like to see the garage and house drawn in so there is a point of reference.

Hall requested elevations of the proposed building be provided. He also wanted to see samples or what the materials are going to be. Miller stated they are using white so it will match the King Milling buildings.

Pasquale noted elevations, project materials and a statement of color needs to be included.

LaPonsie asked if lighting needed to be included on the site plan. Hall responded yes.

No further information was provided.

Item #3. **ANY OTHER BUSINESS/ON GOING BUSINESS.**

- A. Request for extension – 103 Riverside Drive – William Wheeler – special use permit – second story addition. At the July 26, 2010 meeting, the Planning Commission approved a special use permit to allow a second story residential addition where commercial usage exists in the same building at 103 Riverside Drive.

The applicant and owner William Wheeler wishes an extension of the permit. Under Section 17.02 (F) (1.), the Planning Commission may grant one six month extension prior to the date of expiration.

Thus, City Manger Pasquale recommended an extension to January 3, 2012.

IT WAS MOVED BY MATHEWS and seconded by CADWALLADER to approve the request for the extension of the special use permit to January 3, 2012 at 103 Riverside Drive.

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

- B. Transition issues. Thursday, June 30 will be City Manager Pasquale's last day. He assumed Williams and Works would continue the review of site plans. This is an issue which needs to be addressed in working with the Council and City Manager.

Mark Howe stated he will be working with the Commission through the transition period. He wishes to learn the Commissions expectations of the City Manager and staff. Pasquale had a strong background in Planning. This element will be missed.

Chair Hall thanked Pasquale for his service given to the Planning Commission. All his work is appreciated.

Item #4. **BUILDING INSPECTORS REPORT.** Zoning Administrator Adam Lynema noted there has been little activity. Chair Hall questioned Roger Cahoon's property. City Manager Pasquale understood no cars were present. Commissioner LaPonsie asked if the area was seeded. Pasquale would check.

Item #5. **PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.** No comments were received.

Item #6. **COMMISSIONERS REMARKS.** Commissioner Schwab commented everything is going well.

Commissioner LaPonsie reminded everyone a reception will be held for City Manager Dave Pasquale on Wednesday, June 29, 2011.

Commissioner Mathews thanked Pasquale for his services.

Chair Hall stated a joint meeting was held with Lowell and Vergennes Township Planning Commissions. It was a good meeting and a decision was made to meet yearly.

Item #7. **REVIEW OF PLANNING COMMISSION MANUAL.** Chair Hall wished to see a definition in regards to trailers. RV's are covered but trailers are not covered. He also wanted to see changes to the accessory buildings (4.08). Some of this was handled during the garage issue. Satellite Dishes should be revisited as well.

Hall requested a flood plain map be uploaded to the City's website under Zoning. He wanted to ensure the City had the most recent floodplain map.

Hall requested the Commissioners review their planning book and make note of issues or concerns.

Commissioner LaPonsie stated she wanted to review setback requirements in the older neighborhoods as there have been many variances. Also, on a broader issue, she wanted some of the Master Plan implemented.

Jay Kilpatrick stated he has authorization from both Michigan Association of Planning and Michigan Municipal League to hold an educational class regarding Planning and Zoning Basics. It is a three to four hour session. This is very helpful when there are many new members. Hall requested the information be forwarded to City Manager Howe.

IT WAS MOVED BY MATHEWS to adjourn at 7:38 p.m.

DATE:

APPROVED:

Jim Hall, Chair

Betty R. Morlock, City Clerk