

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

For the Regular Meeting of the Planning-Citizen Advisory Commission April 26, 2004 at 7 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, Hall, Hinton, LaPonsie, Schmaltz, Teelander and Chairman Jahnke.

Absent: Commissioner Grimm.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Director of Public Works Dan DesJarden, Building Inspector Doug Hopkins, Mayor Jeanne Shores, Police Officer James Hinton and City Councilmember Al Mathews.

IT WAS MOVED BY HALL and seconded by HINTON to excuse the absence of Planning Commissioner Grimm.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY HALL and seconded by SCHMALTZ to approve the minutes from the March 22, 2004 regular meeting as corrected.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

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

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **PUBLIC HEARING.** None.

Item #3. **NEW BUSINESS.**

A. SITE PLAN REVIEW

1. 1301 Bowes – a 1440 square foot addition to the Arctic Air Building. A site plan had been submitted for a 36' X 40' addition to the Arctic Air Building located on the north side of Bowes Road east of Valley Vista Drive. From a review of the plan, zoning requirements were met.

City Manager Pasquale inquired about the catch basin shown on the site plan. Evert Bek

from Arctic Air explained a catch basin was shown on the original plan. However, it was determined one was not necessary. Bek stated the existing building will not change, except an extension of the structure by 40 feet toward the north.

Pasquale said the area around the addition would be paved as part of the project.

IT WAS MOVED BY HINTON and seconded by LAPONSIE to approve the site plan as presented at 1301 Bowes for a 1440 square foot addition to the Arctic Air Building.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

2. 753 Grindle – Sundry Corporation – sixteen home cluster development – preliminary review. At its meeting of March 29, 2004, the Zoning Board of Appeals granted a variance to allow up to 40% grade slopes as open space for the cluster development proposed at 753 Grindle. Sundry also wished to utilize the same private road configuration previously figured.

Sundry Representative Kevin Rude explained the company has proposed to establish a protocol for procedures concerning the new cluster ordinance. Rude also wanted to review the history of trying to establish this development as well as difficulties which have arisen. He stated how disturbed he was regarding the three new homes built north of the 753 Grindle property. Several issues have not been addressed concerning these new homes, while it took Sundry 61 meetings to be to where they are.

Rude asked if the Planning Commission has the authority to pass this project without a recommendation forwarded to the Council.

Rude stated Sundry wishes to proceed with the engineering of the sewer and water on Grindle. Their goal is to receive preliminary approval of the project based on the cluster ordinance, establish protocol of the ordinance, with the understanding, once there is an agreement by the Planning Commission on this conceptual layout. Sundry would then be completing the remainder of the ordinance requirement and fulfilling the infrastructure needs. They will be investing approximately \$20,000 toward engineering of the sewer and water.

Chairman Jahnke understood the site plan review for the cluster development could be approved and finished with the Planning Commission, unless any variances were sought. A variance would need to go before the Zoning Board of Appeals.

Jahnke questioned if final approval for the street had to proceed any further. City Manager Pasquale stated the same plans for the street will be used. If all remains the same, the plan is adequate.

Jahnke stated the water and sewer issue is already legally bound.

Jahnke added the Commission must also review the cluster development as it applies to

the City's ordinance.

Sundry Representative LR Cole believed the road was the only issue. Sundry would then present a full set of drawings which would identify the 40 percent grades, slopes and a new summary of use table, which identifies the open space areas.

Pasquale suggested the Planning Commission incorporate the final approval of the road with final site plan at the May 24, 2004 meeting. It would be best to approve all at once. However, any particular concern should be presented at this time.

Commissioner Berry asked if the layout being presented was different than presented a few months ago. Rude stated it is the same. Jahnke questioned if the sidewalks have actually been added. Cole responded yes, with the provision of the cluster ordinance.

Commissioner Hall questioned site lighting. Rude stated light post will be installed at the end of each drive. This would be a requirement within the by-laws.

Hall inquired regarding mail delivery. Rude stated the post office approved independently grouped mailboxes. However, Sundry hopes to receive permission to install individual mailboxes.

Jahnke questioned the modification of unit 14. Rude stated this is a grade issue. They may need to expand the lot deeper by 20 to 30 feet. Pasquale said the cluster ordinance does have narrower lot widths. There is some condensing of those restrictions. Rude stated the cluster ordinance is unique and allows much which is in the Highland Hills project.

Hall questioned the overall length of the road. Cole responded approximately 1200 feet.

By general consensus, the Planning Commission agreed the private road would meet the requirements for the final site plan review.

Jahnke asked if there were any further issues concerning the final site plan review, besides mailbox locations. Hall wanted to see the by laws of the plan or a note on the plan to establish these. Jahnke also wanted to have a general location for each of the lamps.

Hall questioned if the sidewalks were bituminous or would poured concrete be laid. Cole responded concrete.

Jahnke stated sidewalks should meet the standard requirement of five feet.

Pasquale stated the Open Space Preservation Ordinance follows Chapter 18 of the Zoning Ordinance regarding the site plan approval provided by the Planning Commission. Jahnke stated this may or may not include a public hearing. Pasquale noted a public hearing would be held if a variance is requested.

No further information was received.

B. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

885, 875, 855 and 845 N. Jefferson – G&C Land Co., LLC – lot width variance for one of four single family home lots. G&C Land Co. wished to develop four single family home lots on North Jefferson just south of Fremont. Since the zoning is R-1, the required lot width would be 75 feet. Thus, the developer is five feet short on one of the lots. A variance has been requested.

Greg Holwerda of G&C Land Co. explained the frontage totals 295 feet. The minimum frontage requirement for a single family lot is 75 feet. The company is asking for a variance of five feet on one of the proposed lots or a variance for 1.25 feet on each of the four lots. Holwerda believed the request is justifiable, because this is an unusual situation when considering the vacated portion of Hill Street. This happens to be 66 feet wide, making this particular piece of property different than the typical parcel in the area.

Chairman Jahnke questioned if the area was originally established as three or four lots. City Manager Pasquale stated there are three lots plus Hill Street, which is vacated. When Hill Street was vacated, it provided an opportunity for a fourth lot.

Commissioner Schmatz questioned the width of the 66 foot lot. Holwerda explained there was a time when the property was believed to be in the R-2 zoning district. Their first thought was to create three 66 foot lots and then the remaining 90 feet would be the fourth. Holwerda turned in the application for the split and received address assignments for four parcels and then learned each was in an R-2 district.

Pasquale explained from Jefferson moving east, some of the lot line frontages are tapered.

Commissioner Hall suggested taking the total square footage of all the lots and divide by four, which is a variance of 1.25 on each lot. Holwerda stated it comes to 1.25 feet, if a variance is granted for each of the four lots.

Pasquale commented on the challenge of building on these lots. Holwerda stated his company has a plan to build a ranch with the garage built underneath the house. This assists in resolving grade issues.

IT WAS MOVED BY HALL and seconded by HINTON to recommend a variance of 1.25 feet per lot at 885, 875, 855 and 845 N. Jefferson to the Zoning Board of Appeals.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

A. Request for waiver of sidewalk – recommendation to the City Council 1018 Riverside – Dick

and Kathy Noskey. Dick Noskey explained he and his wife recently moved into a new home located at 1018 Riverside Drive. The City ordinance requires sidewalks on new construction. He explained the home is not located within the school or bus route, nor are there sidewalks for the next three lots north. The two homes to the south were bought primarily to prevent a house from being built. Noskey mentioned in the future if the City decides to install sidewalks to the City limits, he would be more than happy to pay his share.

Commissioner Hall believed the ultimate goal is to have sidewalks throughout the City. Noskey did not understand piecing sidewalks together.

Berry was unsure if the sidewalk should be a requirement at this time.

IT WAS MOVED BY HALL and seconded by SCHMALTZ to recommend denial to the City Council of the sidewalk waiver request at 1018 Riverside.

YEA: 6. NAY: 1. (Commissioner Berry) ABSENT: 1. MOTION CARRIED.

- B. Development behind 901 Grindle – Richard Anderson – review of private street requirements and question of fourth housing site. City Manager Pasquale explained the property in question is north of the Sundry Development. Currently, there are two homes which have been built off Grindle. There is a 33 foot wide access road from Grindle to the development site. Because of the narrowness, a variance was granted so the property could be developed. A third home is under construction. Once a third home is built, the ordinance requires a private street be approved. Also, since a variance to allow the development was granted some time ago, a question arose whether the limit would be placed at three homes or would a fourth be allowed. There is enough lot space. However, there was a question of whether this would be allowed under the terms of the variance.

Al Mathews of 822 Grindle Drive explained he originally requested the frontage variance of 33 feet to access Grindle Drive. He sought to built two to three homes based on the way the ordinance was written. However, Mathews decided to back out of the plan, at which time Richard Anderson bought the property.

Pasquale explained the current drive is paved from Grindle. It services the homes involved and proceeds to the back of the property.

Pasquale wanted to seek direction from the Planning Commission in terms of the private road situation and the fourth lot. Pasquale asked if the Commission would want to have a private road designation. Jahnke understood this would be required as written.

Richard Anderson stated he presented the variance of 33 feet to City Assessor Jim Marfia. Marfia indicated the lot could be split three times. Anderson then came back and asked if there was a way to split the back lot. He was told there was enough square footage for the lot sizes and it could be done.

Jahnke explained once a developer has exceeded two homes, the private street ordinance must be followed. Anderson stated 33 feet is only the first part. There is a 66 foot access through the rest of the property. He planned for five houses and under. Jahnke stated he would need to review what is conflicting within the ordinance. Pasquale stated five homes are listed in the ordinance under "subdivision". He noted this is not a subdivision.

Anderson referred to Rude's comment about placing his house in the natural drain area. He has done everything to keep a natural drain area. There are plenty of culverts.

Pasquale stated the owners would be required to comply with the private street ordinance. Variances could be sought, if they so wish. The issue of a private street still has to be brought to the Planning Commission. There has to be approval on the private street before a certificate of occupancy can be awarded.

Pasquale asked if the Commission had any direction in terms of information. Jahnke was under the impression Anderson would have to meet the zoning requirements or request a variance. Commissioner LaPonsie wanted clarification, if the ordinance states different requirements involving private drives for less than five homes.

Pasquale understood the owners are to provide an application for a private street brought to the Planning Commission. The owners can seek variances from the private street provisions. The private streets are finally approved by the City Council.

Pasquale stated since there is sufficient land, a fourth house is eligible. Before a certificate of occupancy can be given to the third house, the private street ordinance has to be satisfied.

- C. Review of Bieri gravel mining operations off Grand River Drive. As done on a periodic basis, the Planning Commission reviews the Bieri gravel mining operation off Grand River Drive.

Dale Bieri stated currently they are not doing any removal on the surface. The company simply wants to dig the pond deeper for more product.

Commissioner Hall noted the pond continues on to the east.

Pasquale stated no complaints have been received at City Hall.

Hall had no complaints on the operation.

Hall asked if approval from the DNR is an ongoing process. Bieri responded no. It was a one time approval.

No further information was reviewed.

- D. Clarke Street plan review. Clarke Street between Center and the Stoney Lakeside Park entrance will be constructed to public street standards. This is part of a development which

will take place later this year. Public Works Director DesJarden explained the layout of the development. Sewer and water will be installed. An issue of liability includes looping of the water system.

The Parks and Recreation Commission will be reviewing different scenarios for the parking lot, road to the boat launch and to the park itself.

City Manager Pasquale stated Clarke Street would have full range of utilities, curb and gutter and would be a fully developed street.

Chairman Jahnke asked if the water loop would be done while the project is being completed. DesJarden stated if it is feasible, the City wants to install it in now.

Commissioner Hall asked if any reclamation would be done with the portion of the street which was vacated. DesJarden responded yes. The portion of West Street was vacated. The eastern part was provided to the residential property, while the other 25 feet was given to the apartments. However, the City kept an easement through there for utilities.

IT WAS MOVED BY HALL and seconded by HINTON to approve the proposed street plan for Clarke Street.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

E. Storm Ordinance.

IT WAS MOVED BY HINTON and seconded by TEELANDER to table the issue until the next agenda meeting.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

F. Private Street Ordinance. Public Works Director DesJarden discussed the Private Street Ordinance and made the following suggestions:

- Private Street shall serve three to five homes as one option
- Keep the same right of way of 66 feet
- Driveway surface shall remain the same. Asphalt would include six inches of sand, six inches of gravel and three inches of asphalt placed as two layers. Concrete would include six inches of sand and six inches of concrete.
- Finished driving surface width of not less than 16feet for the smaller developer as well as having a six inch thick two foot wide gravel shoulder on each side of the private drive providing for a 20 foot area to drive on.
- Cul-de-sac remains the same
- Same right of way for six or more dwellings.
- City engineer would approve larger projects.
- Asphalt would be provided under 12 inches of sand, six inches of gravel, three inches of

asphalt placed as two layers

- Private street would require road to be 24 feet wide without curb and gutter
- The developer must make a decision at that time whether it is going to be a public or private street.
- If public street, must be 27 feet wide with curb and gutter.

DesJarden believed this information should be interjected into the ordinance under Design Requirements.

Jahnke suggested valley gutters be added to the ordinance.

Hall believed this sounded appropriate and would wish to have it placed in ordinance form.

Pasquale stated this would be reviewed again during the May 24, 2004 meeting.

Item #5. **BUILDING INSPECTORS REPORT.** Commissioner Hall questioned the balloons at Vennen Chrysler. No other comments were received.

Item #6. **PUBLIC COMMENTS.** John VanderWilp of 1264 Fun believed Anderson should have known he could only have two houses on a private drive. Now, he is going for four homes. VanderWilp was not against having three or four on a private drive. However, he encouraged the Commission to not go for a variance from a private drive to a private road. VanderWilp said change the ordinance, but do not give a variance.

Commissioner Mathews of 822 Grindle was unaware of Anderson having four water connection stubs. Mathews stated he served on the Planning Commission. He was disappointed in the events of tonight.

Item #7. **COMMISSIONER COMMENTS.** Commissioner Hall commented on Third Base. It should be demolished. Is the City doing anything about this? City Manager Pasquale stated he would check with Building Inspector Doug Hopkins.

Commissioner Hinton stated her house was one of the first homes built by Richard Anderson. Initially, Anderson had only planned on having three homes. She was in favor of making the road wider.

Hinton also commented on the house on Gee Drive. Is there anything else which can be done? Hall suggested Commissioners report such issues to City Hall.

Commissioner LaPonsie commented on the meeting held by Vergennes Township at the high school. It should be very informative.

LaPonsie also commented on the property on Grindle. She asked if there was a site plan review for the variance on the road. Pasquale stated it was part of the review when the first two homes were built.

Commissioner Schmaltz commented on the abandon vehicles along Elizabeth Dean.

Chairman Jahnke stated the Sundry Development is using the new numbers as the ordinance has been changed. The footprint of the homes should also be calculated under the new requirements.

VanderWilp did not believe it was a good idea to use usable floor area. He questioned if new construction was set as square footage or usable floor area. Chairman Jahnke responded the ordinance states dwelling area. The homes should be built as the ordinance has been modified.

IT WAS MOVED BY HINTON to adjourn at 9:21 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk