

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

For the Regular Meeting of the Planning-Citizen Advisory Commission May 23, 2005 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 Dimmick, LaPonsie, Schmaltz, Teelander and Chairman Jahnke.

Absent: Commissioners Berry, Grimm, Hall and Hinton.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Councilmember Jim Hodges, Mayor Jeanne Shores, Lowell Light and Power and Cable TV General Manager Tom Richards and Building Inspector Doug Hopkins.

IT WAS MOVED BY TEELANDER and seconded by DIMMICK to excuse the absences of Commissioners Berry, Grimm, Hall and Hinton.

YEA: 5. NAY: 0. ABSENT: 4. MOTION CARRIED.

IT WAS MOVED BY TEELANDER and seconded by LAPONSIE to approve the minutes from the April 25, 2005 meeting as written.

YEA: 5. NAY: 0. ABSENT: 4. MOTION CARRIED.

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

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

YEA: 5. NAY: 0. ABSENT: 4. MOTION CARRIED.

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

Item #3. **NEW BUSINESS**

A. **SITE PLAN REVIEW** – None.

B. **VARIANCES – RECOMMENDATION TO THE ZONING BOARD OF APPEALS**

1. 209 Lincoln Lake (northeast corner of Lincoln Lake and Chatham) – Zann Travis – variance to locate swimming pool in front yard. Zann Travis wished to locate a swimming pool in her front yard. Under Section 4.17, C, pools may not be placed in the front yard. However, the configuration of the corner lot makes it difficult to install the pool in any other location. Also, the

ordinance provides the wording "front yard" rather than "required front yard" which is more restrictive.

Commissioner Schmaltz questioned the distance between the pool and Chatham as well as Lincoln Lake. Travis stated there is 36 feet distance from Chatham and 29 feet from the house to the sidewalk off of Lincoln Lake.

Schmaltz inquired regarding the fencing around the property. Travis stated a 6 foot privacy fence would be placed around the pool. It was noted the fence would not be within 15 feet of the property line.

The Planning Commission reviewed the necessary criteria when granting a variance. Comments were received as follows:

- A. That there are exceptional or extraordinary circumstances or conditions apply to the property in question that do not apply generally to other properties in the same zoning district. By general consensus, the Commission agreed this condition had been met.
- B. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent in nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. By general consensus, the Commission agreed.
- C. 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. The Commission agreed based upon a vote of 4 to 1 this condition was met.
- D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By general consensus, the Commission agreed.
- E. The variance will not impair the intent and purpose of this Ordinance. The Commission agreed, based upon a vote of 4 to 1.
- F. 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.

IT WAS MOVED BY LAPONSIE and seconded by DIMMICK to recommend approval of the variance request to the Zoning Board of Appeals to locate swimming pool in front yard at 209 Lincoln Lake.

YEA: 5. NAY: 0. ABSENT: 4. MOTION CARRIED.

- C. Review of Industrial zoning for property located at the southeast corner of Grand River and Division. At the joint Planning Commissions meeting, the appropriateness of the industrial

zoning for the property at the southeast corner of Grand River and Division was discussed. Consideration of residential or public facilities zoning was mentioned as a possibility.

City Manager Pasquale stated the property has been an industrial site for a number of years. The largest drawback to the property is the lack of utilities as well as the need of crossing the river for water and sewer. It was noted there is approximately 20 acres.

Commissioner Schmaltz questioned the possibility of contamination. City Manager Pasquale stated brine has been shown to be present.

Chairman Jahnke suggested a Lowell Township zoning map be obtained.

This issue was placed on the agenda for discussion at the June 27, 2005 meeting.

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

- A. Definition of Mining – tabled from previous meetings. Chairman Jahnke provided a proposed ordinance regarding mining. Commissioners should review the ordinance for discussion during the June 27, 2005 meeting.
- B. Master Plan Update – initial review of proposal submitted by Steve Langworthy – tabled. The Commissioners reviewed the master plan update proposal provided by Steve Langworthy. Chairman Jahnke commented on the lack of funds available. City Manager Pasquale suggested the update be provided for over a period of two years. He noted the Community Development Block Grant would provide \$5,000.

Commissioner LaPonsie questioned why the comprehensive plan is being reviewed rather than the updates. Jahnke explained there have been many changes since the initial plan was developed. LaPonsie suggested certain issues not be reviewed in an effort to reduce the amount of money spent. She suggested surveys be placed in the Buyers Guide rather than mailing it out to each individual.

Jahnke wanted to proceed with the update. He was in favor of spreading the project over two years. Pasquale stated proposals from other firms will need to be sought if Block Grant funds are received.

Commissioner Schmaltz questioned if the survey would show where variances have been granted and if a section of property is different than other surrounding areas. Jahnke did not believe so. Pasquale stated a land use map can be created to review in the future.

Pasquale suggested the Commission ask the City Council what parameters they wish to seek. Jahnke proposed he and Pasquale prepare a letter with regard to the scope and financing of the master plan. This can be reviewed during the June 27, 2005 meeting and then presented to the Council.

No further information was discussed.

- C. Joint Meeting Report, coordination of balloon display for west side businesses. A joint Planning Commissions meeting was held with Lowell and Vergennes Townships. Chairman Jahnke suggested review of the township ordinances in order to make comparisons with the City of Lowell ordinance for balloon displays.

Jahnke suggested this be placed on the next agenda.

- D. Outdoor Display Ordinance. The Council reviewed the outdoor display ordinance after a merchant addressed the City Council with concerns. It was noted the General Business District merchant can provide outdoor display of merchandise within 10 feet of the lot lines during the day. Once closed, the merchandise must be placed within 10 feet of the building. After review, the Council suggested the section of moving the merchandise back be eliminated.

Mayor Shores explained such discussion involved Stock Lumber and Bernard Ace Hardware. It is inconvenient to keep moving items back against the building. Both businesses are keeping the area organized.

Councilmember Hodges did not believe it was necessary to move items back and forth. However, the type of merchandise should be considered.

Building Inspector Doug Hopkins stated definitions should be provided as to what is allowed to be within the designated area. Another option would be to simply strike out the part stating the merchandise should be moved and see what happens. Hopkins suggested wording such as "no items shall be taller than" and "must keep a clear vision area".

IT WAS MOVED BY SCHMALTZ and seconded by DIMMICK to establish a public hearing which would strike the requirement of moving the merchandise back to 10 feet of the building in the General Business District.

YEA: 5. NAY: 0. ABSENT: 4. MOTION CARRIED.

- Item #5. **BUILDING INSPECTORS REPORT.** Doug Hopkins stated the inspection report for King Milling is complete.

Chairman Jahnke commented on three accessory buildings being placed at 206 S. Pleasant. Hopkins stated Habitat for Humanity was assisting the owner with an additional shed. However, there are already two other accessory buildings. Also, the location of the newly constructed shed does not meet the zoning ordinance. City Manager Pasquale suggested removal of an older shed, while moving the new one into its place.

- Item #6. **PUBLIC COMMENTS.** None.

Item #7. **COMMISSIONER COMMENTS.** Commissioner LaPonsie commented on sidewalks which need to be repaired throughout the City.

Commissioner Dimmick also commented on the sidewalks. This is a safety issue.

Chairman Jahnke commented on Section 4.17 C regarding pools in the front yard. Should the wording be changed? City Manager Pasquale stated this is an unusual situation. Most would want their pool in the backyard.

IT WAS MOVED BY TEELANDER to adjourn at 8:28 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk