

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

For the Regular Meeting of the Planning-Citizen Advisory Commission April 23, 2007 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 Berry, Dimmick, Doyle, Hall, Jahnke, Mundt, Noall, Teelander and Chair LaPonsie.

Absent: None.

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

IT WAS MOVED BY HALL and seconded by BERRY to approve the minutes from the regular meeting of March 26, 2007 as corrected.

YEA: 9. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.** Commissioner Jahnke suggested Item 6A (off street parking lighting) be deleted from the agenda at this time.

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

YEA: 9. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

A. Proposed ordinance amending the keeping of fowl, rabbits and similar animals – recommendation to the City Council – public hearing. As discussed previously, the ordinance has been reviewed regarding the keeping of fowl, rabbits and similar animals. Currently, one can have chickens on a ½ acre as long as the setback is 50 feet from the property line. There is no stipulation as to how many chickens one can have.

The proposed amendment states “as long as applicable public health standards are met, fowl (excluding roosters), rabbits or similar animals may be kept within the living space of a residential unit in all residential zone districts. Fowl (excluding roosters), rabbits or similar animals kept outside or in an outside enclosure in any residential zone districts is (i) permitted by right if the lot is at least an acre in size and (ii) permitted by special use permit if the lot is less than an acre, but at least one-half (1/2) acre. Two (2) such animals are permitted for each one-half (1/2) acre in lot size. Roosters may not be kept either inside or outside in any residential zone district. Any outside structure housing such animals shall be located not less than fifty (50) feet from all adjoining lot lines. Setback requirements do not, however, apply to

such animals housed within the living space of a residential unit.

After holding a public hearing, the Commission may provide a recommendation on the proposed ordinance to the City Council.

Commissioner Berry questioned how the City would know if applicable health standards are being met. City Manager Pasquale responded this will be handled on a complaint basis. If a question arises, the issue can be referred to the Kent County Health Department.

Commissioner Jahnke asked how a structure would be defined. LaPonsie stated the intent is any animal which is not housed within a living space has to meet the 50 yard setback. Building Inspector Doug Hopkins explained a hutch or similar in which an animal can be house out of the weather would be considered a structure, while a fence would be considered a pen.

DPW Director Dan DesJarden of 1155 E. Main asked for clarification. The proposed ordinance states the resident must have one acre to keep a rabbit. While the zoning ordinance states there can be three dogs or cats per residential unit. Pasquale noted dogs and cats are not regulated under this section.

IT WAS MOVED BY HALL and seconded by MUNDT to recommend approval of the ordinance amending the keeping of fowl, rabbits and similar animals to the City Council.

YEA: 5. (Commissioners Dimmick, Hall, Mundt, Noall and Chair LaPonsie)

NAY: 4. (Commissioners Berry, Doyle, Jahnke and Teelander)

ABSENT: 0. MOTION CARRIED.

Item #3. **NEW BUSINESS**

A. SITE PLAN REVIEW

1. 211 – 225 S. Washington – Greg Canfield – construction of a 4800 square foot warehouse. City Manager Pasquale stated Ray Zandstra provided the design services for Greg Canfield and submitted it to Williams and Works for a review and analysis of a 4800 square foot warehouse. A revised site plan will be presented to the Zoning Administrator for final site plan approval once the following conditions are met:

- a. A note shall be added to the site plan stating that permitted uses shall be conducted wholly within an enclosed building or enclosed by a fence or wall six feet in height.
- b. A note shall be added to the site plan stating that outdoor storage shall be prohibited in any front yard, and in any yard abutting a residential district
- c. The site plan shall include 5 canopy trees and 15 deciduous shrubs within the first 25 feet of the front yard area along Washington Street since only 3 canopy trees and 14 shrubs are shown on the site plan. In the alternative, per section 12A.04, C, the

- Planning Commission may find that “equivalent landscaping” is proposed in areas other than the front yard.
- d. A note shall be added to the site plan stating that the proposed use shall not create or cause to create fire and explosion hazards, smoke, fumes, odors, gases, dust, liquid or solid waste, vibration, noise or glare which shall affect adjoining properties adversely.
 - e. All off-street parking shall be hard surfaced.
 - f. The applicant shall provide a lighting detail to verify conformance with Section 19.03, C 1-2.
 - g. Parking lot landscaping shall be provided in accordance with Section 19-06 D along Front Street, a public right-of-way.
 - h. The City engineer shall review all proposed water and sewer connections, as well as site drainage.
 - i. Final site plan approval shall be subject to rezoning of the subject site from R-3 to I-L.
 - j. The applicant shall place a financial guarantee to an amount required by the Planning Commission for any applicable improvements, including the sidewalk and landscaping.

Canfield referred to the most recent letter from Williams and Works indicating what can be done in a Light Industrial zoning district. He questioned the landscaping, due to it being a corner lot. The most recent letter indicated landscaping will only be required along S. Washington.

Canfield noted deciduous shrubs are shown against the building. Williams and Works has indicated these are foundation plantings and don't count unless these are in the first 25 feet. However, the setback is 25 feet so the plantings are within the first 25 feet. Canfield stated he would be willing to place shrubbery along the sidewalk, similar to the Fire Station, if the Commission would prefer. He believed everything was covered, other than landscaping.

Pasquale noted a financial guarantee of \$14,000 in site improvements has been provided. Canfield confirmed a letter of credit covers this. Pasquale responded yes.

LaPonsie confirmed a new paved parking lot would be installed as well as maintaining the existing one. Canfield responded yes. He noted the existing lot would remain gravel, because of the short turning radius and truck traffic.

Commissioner Berry questioned the area designated as storage. Canfield responded currently the company has an office/storage location at 411 E. Main Street. There are also 10 parking spaces behind Dollar General for their vehicles. Canfield wishes to move the vehicles and store these inside the building.

Berry confirmed there would be no gases stored inside the building. Canfield responded no, they have one pound propane cylinders and smaller D tanks in the work trucks.

LaPonsie had no problem with the location of the shrubs. Jahnke believed this was standard

practice, if the plantings are provided in the front linear footage. Because this is a corner lot, Jahnke stated he would rather see the shrubs back near the building.

Commissioner Jahnke said it is a requirement for a site plan to be prepared, supervised and sealed by a professional engineer. He did not have a problem with what Canfield provided. However, he might have wanted clarity on utility, which is not shown. More information on lighting could have also been shown. Personally, he would be willing to accept the plan. However, this is a requirement, which is specific to the plan review process. Canfield explained he questioned this. From what he can determine, the only place it states it has to be stamped is on the application.

Commissioner Doyle believed Canfield has done his homework.

Commissioner Hall felt the site would be a major improvement.

IT WAS MOVED JAHNKE and seconded by HALL to approve the site plan at 211 – 225 S. Washington for the construction of a 4800 square foot warehouse with the conditions and rezoning to Light Industrial.

YEA: 9. NAY: 0. ABSENT: 0. MOTION CARRIED.

Pasquale noted City Council will hold a public hearing on May 7, 2007.

B. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

1. 221 Amity (southeast corner of Elm and Amity) – John Sterly – construction of a duplex – variances for lot width and setbacks. John Sterly wished to build a duplex on property he owns at the southeast corner of Elm and Amity. The entire property is 132 X 132 square feet. There is an existing duplex that is already on the lot. Sterly wishes to build a second duplex closer to the corner.

The following conditions were noted:

- Zoning – R-2 required 8200 square feet of lot area, 100 feet of lot width
15 feet total side yards (6 feet minimum)
25 feet rear yard
30 feet front yard
- Since this is a corner lot under Section 2.13, the principal front lot line shall be the shorter of the two lot lines. The other is the secondary front lot setback requiring on half the setback (15 feet)

Variations would be needed on the following:

- Based on Amity being the principal front yard, a setback of 30 feet is required. A total of 16 feet is shown. Thus, a variance is needed. This could be relieved if under

Section 4.04 C, if the average setback of buildings within 300 feet meets the setback average.

- The lot width of 100 feet is required for the proposed and existing lots (currently, both would be 66 feet each). A second variance would be needed.

Sterly indicated most residents in the neighborhood have a setback of 20 feet or less.

Commissioner Mundt questioned if two duplexes could be placed on a parcel that is 132 X 132 square feet in an R2 zone. Hopkins indicated there can only be one primary structure per lot.

Hopkins noted an attached garage would provide an additional 10 feet. He also said setbacks are measured from overhangs, not foundations.

Pasquale stated the issue is lot width. There needs to be 100 feet.

Jahnke wanted to ensure one drive would not service more than one residence. It also appears Sterly may be able to rearrange the buildings in order to meet setback requirements. Therefore, the only problem would be the lot width requirement for the duplex.

Pasquale explained the Commission needs to consider whether to allow a variance on the lot widths. Instead of 100 feet, it would be 66 feet.

Berry was confused regarding the layout. LaPonsie explained splitting along Amity would create two 66 foot lots. This would make the existing lot nonconforming and then provide a variance to build the second duplex.

Mundt believed it was a large piece of vacant land and he did not see where placing a structure on it would be detrimental to the neighborhood. The size of the structure is roughly equivalent to a small ranch.

The following criteria was reviewed:

- 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. Exceptional or extraordinary circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in questions, the literal enforcement of the requirements of this Ordinance would involve practical difficulties. By a vote of 5 to 4, the Commission agreed this criteria was 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 6 to 3, the Commission agreed this condition was 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 a vote of 5 to 4, the Commission believed this condition had not been met.
- The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By a vote of 9 to 0, the Commission believed this condition was met.
- The variance will not impair the intent and purpose of this Ordinance. By a vote of 7 to 2, the Commission believed this criteria was not 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 8 to 1, the Commission believed this criteria was not met.

IT WAS MOVED BY JAHNKE and seconded by HALL to recommend denial of the lot width variance request at 221 Amity – construction of a duplex.

YEA: 5. (Commissioners Berry, Dimmick, Doyle, Jahnke, Hall and Chair LaPonsie)

NAY: 4. (Commissioners Doyle, Mundt, Noall and Teelander)

ABSENT: 0. MOTION CARRIED.

Jahnke believed this would not be a bad use for duplexes. However, recently the Commission has reviewed the lot width requirements and spent a great amount of time on this. As a Commission, the membership has come to the conclusion we do not want to build multiple family dwelling units on a lot which is less than 100 feet in width. Mundt disagreed and stated the Commission voted to not change the entire ordinance to 66 feet. This does not mean we can not change it on a case by case basis.

Pasquale explained the recommendation is forwarded onto the City Council. Ultimately, the decision is to the City Council.

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

A. Professional Planning Services. City Manager Pasquale stated a meeting has been scheduled with LSL Planning on Monday May 14, 2007 at 7:00 p.m.

In addition, Williams and Works provided information on Planning and Zoning fees as well as applicants escrow accounts. The Commission was considering having so much money down

provided by the applicant. Then they pay whatever the difference is. Basically, the Commission would adopt what ever the escrow fee is and then be responsible to make up the balance.

Commissioner Mundt stated Williams and Works is price ranged from \$360 to \$475 per plan.

By general consensus, the Commission agreed a \$300 escrow amount would be appropriate.

- B. Joint signage ordinance with Lowell Township – update. Commissioner Hall explained Mark Batchelor will no longer be involved with the signage ordinance. Dennis Sanford has taken his place. No new further information has been received. The issue should be placed on the May agenda.
- C. Advertising signs in parks – ballfields. City Manager Pasquale spoke with Planning Consultant Paul LeBlanc regarding signs. LeBlanc mentioned one community he has worked with approves the signs as temporary and are approved yearly. He noted the community suggested a multiple year approval the next time.

Pasquale was in favor of approving the signs as temporary. The signs are to be up during the baseball season and then come down.

Commissioner Mundt did not find much information regarding such signs. He has reviewed several ordinances.

The issue will be reviewed further at the next meeting.

- E. Storage units. Chair LaPonsie explained the City of East Grand Rapids is also addressing the issue. She inquired if the Council wanted the Planning Commission to provide a proposal. Councilmember Hodges explained the issue was brought up by Councilmember Pfaller. He wants to be pro active before it becomes a problem.

Building Inspector Doug Hopkins stated he reviewed the Zoning Ordinance regarding detached accessory buildings. The building must be compatible and similar to the principal building with respect to materials scale design, aesthetic quality as determined by the Zoning Enforcement Officer.

LaPonsie stated she would contact the City of East Grand Rapids and provide additional information at the next month.

Item #5. **BUILDING INSPECTOR'S REPORT**. Commissioner Teelander referred to the boat and motor located on Beech Street. She noted the trailer has been moved to the side yard, but the boat is still there. Building Inspector Doug Hopkins stated a letter has been sent.

Commissioner Mundt commented on Lowell One Apartments and inquired if private roads need a turn around. The response was no.

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

Item #7. **COMMISSIONER COMMENTS**. Commissioner Teelander appreciated the work done by Williams and Works regarding the site plan review.

Commissioner Hall questioned the skids on the property located across the street from Mark Mundt's house. Mundt noted the possibility of a pallet recycling business being run out of the home. Hall suggested this be examined.

Commissioner Berry commented on the storage shed located in the drive of the home at the corner of King and Washington. There is also a storage shed located on Division at the southwest corner across from Keiser's.

Berry also believed the site plan review done by Williams and Works is a great asset. Commissioner Noall agreed.

Commissioner Doyle inquired regarding the meeting being held on May 14, 2007. LaPonsie stated this would be informal. An individual will teach the Commission how to better review a site plan.

Commissioner Dimmick stated it is difficult to see at the meeting with the sun light shining through the window in the Council Chambers.

Commissioner Mundt stated the summary from Williams and Works for a site plan review was excellent.

Chair LaPonsie was glad the chicken ordinance was done.

IT WAS MOVED BY Dimmick to adjourn at 8:47 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk