

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

For the Regular Meeting of the Planning-Citizen Advisory Commission May 29, 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, Dimmick, Doyle, Hall, Mundt, Noall, and Chair LaPonsie.

Absent: Commissioners Berry, Jahnke and Teelander.

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

IT WAS MOVED BY HALL and seconded by DIMMICK to excuse the absences of Commissioners Berry, Jahnke and Teelander.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

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

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA**. Chair LaPonsie requested the issue of storage units be tabled until next month. Also, the proposed changes to the off street parking lighting ordinance and the joint signage ordinance with Lowell Township were tabled.

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

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

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

A. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

1. 204 S. Washington (southwest corner of Kent and South Washington) – Cherry Wheat – construction of a housing addition in an Industrial District. Cherry Wheat explained she wished to build an addition to her home providing a place for her mother to live. The addition would include one bedroom and full bath.

City Manager Pasquale explained the property is zoned Industrial. This is the only house on the block. Under Section 4.13 D “no nonconforming use of any land or structure shall hereafter be moved, enlarged or extended”. Wheat has proposed to have a 22’ x 24’ addition.

Chair LaPonsie inquired if this would meet all of the requirements for an addition. Pasquale was unsure of all the measurements. Wheat stated the lot is 88 feet wide in the front. It is a larger lot.

LaPonsie questioned the distance between the sidewalk and the addition. Wheat responded at least 40 feet.

LaPonsie asked how long the area has been zoned Industrial. Pasquale stated for some time. He noted Jice Pharmaceutical is located behind Wheat's house. West of the home is a lot which was owned by the railroad, until it was purchased by the City. The lot may be used as a future parking lot for Superior Furniture. Continuing west, King Milling has a building. He noted the house has been there for many years.

Building Inspector Doug Hopkins indicated setbacks are not an issue.

Commissioner Mundt stated Section 4.13 "I" addresses the issue some. It states a non conforming residential structure may be increased as long as the parallel line of the structure does not encroach any closer than conditions that presently exists. By doing so, they may not create any new nonconformities on any other setback requirements. Pasquale explained this section appears to refer to dimensions rather than use.

Pasquale noted R3 was the nearest Residential district. If the Planning Commission wishes to recommend a variance, Pasquale suggested wording that it must meet the requirements of the R3 district.

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 6 to 0, 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 0, 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 6 to 0, the Commission agreed this condition had been met.

- The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By a vote of 6 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 6 to 0, the Commission believed this criteria was 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 6 to 0, the Commission believed this criteria was met.

IT WAS MOVED BY DIMMICK and seconded by HALL to recommend to the Zoning Board of Appeals to approve the variance request for an addition at 204 S. Washington and should meet the R3 zoning requirements.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

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

- A. Advertising signs in parks – ballfields – continued discussion. After discussion with Planning Consultant Paul LeBlanc, Pasquale noted one community treats advertising signs in parks as temporary signs, which are approved yearly.

Commissioner Mundt stated the City of Wyoming has information regarding such signs. They are the home of many Little League playoffs. They are a good ball park complex.

By general consensus, the Commission was in favor of using the Wyoming ordinance as a guide.

Pasquale stated the issue would be provided in ordinance form at the next meeting. A public hearing can then be scheduled for July.

Pasquale explained one would need to submit their application early in the year before the season begins in order for the signs to be reviewed.

DPW Director Dan DesJarden said such an ordinance could be forwarded onto the Parks and Recreation Commission for review.

Commissioner Hall suggested the signs be one sided only and face the spectators.

LaPonsie requested the Parks and Recreation Commission review and provide comments at the next meeting.

There was no further discussion.

B. Master Plan Update. City Manager Pasquale explained there are a few minor corrections.

Jim Breuckman of McKenna Associates stated the plan is at the point of entering the adoption process, which is probably a 6 month time frame. There is an amendment to State Law which now requires the plan be sent for comment to adjacent communities and a number of other organizations and groups.

The next step is for the Planning Commission to approve the first draft of the plan and recommend the City Council approve for distribution. It can then be sent out to other organizations.

Chair LaPonsie inquired regarding the discussion of the proposed Cook property annexation in Vergennes Township. Pasquale responded it is a dead issue at this time. He had wanted the surrounding townships included and consider an urbanized area around the City in which a logical extension of utilities for an urban area could be made. LaPonsie wanted such a suggestion included when the Master Plan is sent to other communities. Breuckman stated this can be done. One issue noted in the implementation section includes a recommendation for a Sanitary Sewer Master Plan.

Hall wanted to discuss the future land use map and what is denoted as the Community gate on the east side of town. He believed this should be one block west on Main Street and Jackson.

IT WAS MOVED BY MUNDT and seconded by HALL to recommend to the City Council to approve the distribution of the Master Plan draft for comment from other organizations.

YEA: 6. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #4. BUILDING INSPECTOR'S REPORT. Commissioner Mundt questioned when IMS performs inspections. Building Inspector Doug Hopkins responded IMS is present in the City on Tuesday and Thursday.

Commissioner Noall inquired regarding the hours IMS is present in Lowell. Hopkins explained the office hours are on Tuesday from 8:00 a.m. to 10:00 a.m. and are only present on Thursday, if needed. Noall questioned the work being done at Faro's Pizza. Hopkins responded at this point the owners are cleaning the building and installing drop ceiling.

Commissioner Hall questioned the two semi trucks parked near Jice Pharmaceutical which are being used for storage. Is this permitted? Hopkins responded there is nothing within the ordinance which states items can not be placed in the semi trucks for storage.

Item #5. PUBLIC COMMENTS. No comments were received.

Item #6. **COMMISSIONER COMMENTS.** Commissioner Hall indicated he does not wish to be reappointed to the Planning Commission.

Commissioner Noall stated it was good to see the Lowell City Limit sign coming from Ionia back again. She also questioned what happened with the semi issue at Dollar General. City Clerk Morlock stated semis are allowed in this district.

Commissioner Doyle commented on the importance of a Master Plan.

Chair LaPonise requested a follow up to the Site Plan Review process be placed on the agenda for the June meeting.

IT WAS MOVED BY HALL to adjourn at 8:02 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk