

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

For the Regular Meeting of the Planning-Citizen Advisory Commission June 28, 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, Grimm, Hall, Hinton, LaPonsie, Schmaltz, Teelander and Chairman Jahnke.

Absent: None.

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

IT WAS MOVED BY HINTON and seconded by HALL to approve the minutes from the May 24, 2004 regular meeting as corrected.

YEA: 8. NAY: 0. ABSENT: 0. MOTION CARRIED.

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

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

YEA: 8. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

1. Amendments to the Private Street Ordinance – recommendation to the City Council. As reviewed previously, design criteria has been established for private streets serving three to five dwelling units and those with six or more dwellings. Originally, a private street had to meet local street standards. Recently, waivers have been allowed for two private streets. Depending on the number of units being served, there are different design criteria. The amount of asphalt and/or concrete for three to five dwellings include a finished driving surface of not less than 16 feet with six inch by two foot wide gravel shoulder on each side. Six or more dwellings require 24 feet with a six inch thick by two foot wide gravel shoulder on each side of the driving surface.

City Manager Pasquale noted proposed wording has been reviewed and approved subject to a public hearing.

IT WAS MOVED BY HINTON and seconded by SCHMALTZ to recommend to the City Council the

amendments to the Private Street Ordinance.

YEA: 8. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #3. **NEW BUSINESS.**

A. SITE PLAN REVIEW

1. 753 Grindle – 16 unit cluster housing plan – Sundry Development. Sundry Representative Les Cole was present to secure final site plan approval for a 16 unit cluster housing development on a 8.7 acres located at 753 Grindle, just north of the Highland Hill Plan Unit Development. Sundry proposed to modify four lots. A revised existing zoning plan which identifies there are no slopes greater than 40 percent was provided.

Pasquale noted the following information is necessary:

- Zoning - SR Suburban Residential applying under Ordinance 03-2 Open Space Preservation
  - a. provision of existing zoning plan - has
  - b. copy of the conservation easement, plat dedication, restrictive covenant or other legal instrument which preserves the open space - to provide
  - c. site plan
    - date, north arrow and scale (1" = 50') - has
    - illustrates portions of land perpetually undeveloped - has
    - indicates total number of acres of land in perpetually undeveloped state (2.69 acres, 31% of area) and for cluster development (3.97 acres, 45.63% of area) - has
    - location of all proposed lots and building envelopes, dimensions required - has
    - illustrate all proposed structures or improvements not dwellings - none shown
    - septic tanks and drain fields - served by utilities
    - served by public or private streets - received private street approval from the City Council on June 17, 2002 waivers granted for road length (from 800 to 1200 feet) and road design (allowing a 24 foot wide bituminous surface with valley gutter)
    - need a recorded access easement and maintenance agreement
  - d. development requirements
    1. required open space - at least 20% but not more than 40% - has 31% received a variance from the Zoning Board of Appeals allowing slopes up to 40% to be counted as open space at its March 29, 2004 meeting
    2. compliance with Zoning District.
      - required frontage - 50 feet

- required lot width - 75 feet
- maximum number of lots - 16
- sidewalks shall be installed
- meet grading requirements

The plan may be approved subject to:

- copy of a conservation easement
- private road recorded access easement and maintenance agreement
- performance guarantee – Planning Commission may wish to provide

Cole stated the maintenance agreement would be included in the master deed of the site condominium as well as the access easement. Sundry Representative Kevin Rude explained the Highland Hill project will be the same as the Grindle Court project.

Chairman Jahnke questioned if the location of the sidewalks needed to be addressed. Pasquale understood the sidewalk will be installed on one side of the road. It loops and crosses over.

Pasquale stated the City is considering the reconstruction of Grindle from Jackson to the entrance of the proposed development. This will include curb and gutter with storm drain. Initial discussion has been held concerning milling and paving the section to the north with valley gutter.

Commissioner Schmaltz commented on the City wanting sidewalks placed when a new development or home is established, noting the two lots within the development which does not have sidewalks. Cole did not believe it was necessary to provide sidewalk to these homes. He felt the sidewalk on the other side of the road would accommodate the needs of all homeowners.

Cole and Rude stated Sundry would install a sidewalk in front of the two homes, if necessary. Jahnke noted one sidewalk would drop at least 15 feet at one point. Hinton did not believe this should be required considering it was not addressed during the preliminary review. There are sidewalks through the majority of the development.

Commissioner Hall requested the address and the name of development be added to the final plan.

Pasquale read the following from Section 23.05 – Development Requirements - “sidewalks shall be installed in the clustered portion of the development extending to the public right of way”.

Commissioner LaPonsie questioned when an entrance sign would be placed as well as the mailboxes. Rude stated the mailboxes would be placed as mandated by the post office. He noted a sign has been planned.

Rude inquired regarding the renaming a portion of High Street to Highland Hill. The sign is constantly being taken and may create a traffic problem. Pasquale suggested a letter be submitted to the City Council.

Rude requested a City official be present when discussion takes place with an individual who lives near the development.

IT WAS MOVED BY HALL and seconded by LAPONSIE to approve the site plan of Grindle Court subject to the conditions previously outlined, including the sidewalk as displayed by the developer.

YEA: Commissioners Berry, Grimm, Hall, Hinton, LaPonise, Schmaltz, Teelander and Chairman Jahnke

NAY: 0. ABSENT: 0. MOTION CARRIED.

B. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS – none.

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

A. Sign at 410 Hunt. Josh Langdon of 410 Hunt was present to discuss the scripture signs placed at his house. City Manager Pasquale spoke to the City Attorney's office. A U.S. Supreme Court opinion stated there must be an allowance for residential signage. However, the current Zoning Ordinance prohibits any signage in residential areas except for name plates.

Langdon explained the signs are placed year around. Each sign is maintained and usually replaced every three months.

Pasquale stated such issues as size, number, height, duration need to be discussed.

Mike Langdon of 410 Hunt stated he has been placing such signs since 1992.

By general consensus, the Planning Commission decided to ask the Council to place a moratorium until the issue can be reviewed further. Research will be carried out finding out how other nearby communities handle these signs.

B. Request for a body shop at 423 W. Main. Hugh Cosgrove, owner of 423 W. Main, wished to lease his building for a body shop. The property is zoned C-3 (General Business) which does not allow body shops. He requested whatever zoning action necessary to make this occur.

City Manager Pasquale stated such a business is not allowed in any of the zoning districts. Commissioner Hall questioned Bieri Auto Body (501 Ottawa). Pasquale believed this was allowed under the previous ordinance.

John McClure explained his business would specialize in working on a fleet of trucks. He noted most of the storage would be placed inside. There may be a car or two outside. He would employ two men.

Pasquale read the definition "a body shop is any building, premise or land in which or upon which the primary use is collision servicing, including body, frame and fender straightening or repair, vehicle painting or a provision of record service with storage of vehicles included". Pasquale asked if painting would occur. McClure responded yes.

Chairman Jahnke suggested he apply for a special use permit. Pasquale stated a vehicle repair facility requires a special land use permit. A public hearing as well as a site plan would be required.

Jahnke was concerned about a painting operation.

Pasquale stated a special use permit application would require a submission of a plan which would show the outline of the building and where vehicles would be stored. The Commission would have to review any regulations, such as painting.

Commissioner Berry asked if the EPA would become involved. McClure explained any paint booths sold on the market must meet environmental requirements.

No further information was provided.

- C. West Side Businesses – request to have balloons. Daryl Kuiper of Vennen Chrysler Dodge was present to represent several west side businesses. A meeting was held previously with City officials to discuss the Zoning Ordinance, relative to such items as signs, balloons, pennants. Kuiper presented pictures from other communities showing such items throughout their community. Kuiper believed placement of such items provide a great marketing strategy.

City Manager Pasquale explained discussion was held with representatives from Vennen concerning the philosophy of balloons and open air business, in terms of what could be allowed. City representatives believed more accommodation could be made than what is currently stated in the ordinance. However, restrictions would be made concerning placement of such balloons and being well maintained.

Mayor Jeanne Shores stated balloons could be placed if the amount is controlled. Shores did not care for the flashing lights. Moderation should be used.

General Manager Mike Paul of Wittenbach Sales and Service was sited for two small banners attached to the used car trailer. Relief from the ordinance is necessary. Kuiper believed car lots attract individuals from out of town, which affect the economics of the community. Kuiper requested the ordinance be reviewed and adjusted.

Commissioner Berry suggested Kuiper develop wording as to how he would wish to see the ordinance changed.

Jahnke suggested a committee be formed consisting of Planning Commission members and west side businesses. Commissioner Hinton volunteered.

Charlie Bernard of Bernard Ace Hardware had a problem with the zoning issues. His store receives much business from individuals who have recently visited these dealerships.

Kuiper stated his dealership has increased from 28 to 60 employees over the last year. No further action was taken.

D. Review of 2004 – 2009 Capital Improvements Plan. City Manager Pasquale reviewed the following issues which are included in the Capital Improvements Program:

Street Improvements: Strong attempts are being made to upgrade the streets, particularly, Gee Drive, Bowes Road, Grindle and Sibley. Milling and repaving of local streets with curb present, is also planned. The reconstruction of Valley Vista and North Division Street was completed last year. The City is hoping to approve a bond issue for the reconstruction of Grindle from Jackson to Grindle Court. They will be fully improved with storm drains, curb and gutter and pavement. Consideration to mill and repave, with valley gutter, Grindle to the City limits, is being proposed.

Water: Water Distribution Supervisor Bob Robinson maintains the water mains. Robinson has provided a list of what needs to be upgraded which was provided. The State of Michigan requires mains be at least 6 inches. A new water main will be placed between Hudson to Beech.

DPW: An additional storage building is planned. The Foreman building would then be available for exhibits.

Cemetery: Maintenance building is needed. The City also hopes to acquire additional property to the north to expand the cemetery grounds.

Airport: Plans have been made to upgrade the facility including the entrance road from Lincoln Lake to gravel and grade. Road and parking lot will be asphalted. The Airport Board is looking to acquire air easements from adjoining properties, which would provide a better measure of safety and achieve general utility status from the State.

Parks and Recreation: Improve lighting at Richards Park, move berms at Richards Park to improve ice skating, gravel the boat launch at Stoney Lakeside Park as well as adding a pavilion are projects proposed by the Parks and Recreation Commission. Pave east side parking lots of Stoney Lakeside Parks and sprinkling at Richards Park are being considered. The Commission will also review future activities such as a skate board park, ice skating, and dug outs at Creekside Park.

Commissioner Berry questioned the amount of \$15,000 for a detailed water distribution map. Pasquale was unsure if the City would actually spend this much. The City is reviewing a geographical information system which would provide a detail of all utilities.

IT WAS MOVED BY HALL and seconded by HINTON to recommend approval of the Capital

improvements plan to the City Council as submitted.

YEA: 8. NAY: 0. ABSENT: 0. MOTION CARRIED.

E. Definition of Mining. Chairman Jahnke stated the issue would be brought back to the next meeting. He will provide a suggested definition.

Item #5. **BUILDING INSPECTORS REPORT.** Building Inspector Doug Hopkins questioned if the issue of residential signs was placed on hold. Chairman Jahnke stated a moratorium can formally be placed after discussion is held with the City Council.

Item #6. **PUBLIC COMMENTS.** Jim Pfaller of 888 Bowes Road stated Vennen consistently parks cars on the City right of way. He questioned if the Zoning Ordinance refers to where vehicles can be parked. Jahnke believed the zoning ordinance refers to a zero lot line clearance. Pasquale stated vehicles can not be on City property.

Pfaller stated it is important to help businesses in the area.

Item #7. **COMMISSIONER COMMENTS.** Commissioner Berry suggested businesses inquire to the City before finding out they are in violation.

Commissioner Hall commented on the items placed in the parking lot of Tractor Supply. Hopkins stated everything has been placed inside the fence area or up by the building.

IT WAS MOVED BY HINTON to adjourn at 9:22 p.m.

DATE:

APPROVED:

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Clark K. Jahnke, Chairman

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Betty R. Morlock, City Clerk