

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

For the Regular Meeting of the Planning-Citizen Advisory Commission May 24, 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, Police Chief Jim Valentine, Building Inspector Doug Hopkins and Police Officer James Hinton.

IT WAS MOVED BY HALL and seconded by HINTON to approve the minutes from the April 26, 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 LAPONSIE to approve the agenda as submitted.

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

Item #2. **PUBLIC HEARING.**

- A. Amendments to the Private Street Ordinance – review and consideration to set public hearing (6/28). At the last meeting, DPW Director Dan DesJarden submitted design requirements for private streets involving three to five dwelling units and then six or more.

By consensus, the Commission wanted to proceed with these changes placing the ordinance amendments in proper form as prepared by City Attorney Richard Wendt. If agreeable, a public hearing before the Commission can be held on June 28.

Commissioner Grimm questioned “city engineer” listed several times throughout the document. City Manager Pasquale explained the City tends to hire an engineer when a large development is involved. Pasquale suggested “city designated engineer”.

Commissioner Berry asked what determines a larger development. Pasquale stated an engineer has been involved with Sundry Development. Six or more homes could be determined a large development. However, this would still be an individual decision. Commissioner Hall believed such a decision should be made by the City Council or Planning

Commission.

Jahnke suggested the change “approval of an engineer designated by the City” in all places. By general consensus, the Planning Commission agreed.

DesJarden stated the ordinance allows City staff to determine if an engineer is necessary.

IT WAS MOVED BY HALL and seconded by TEELANDER to establish a public hearing for June 28, 2004 to consider amendments to the Private Street Ordinance with the provision of the “designated engineer”.

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

Item #3. **NEW BUSINESS.**

- A. SITE PLAN REVIEW – None.
- B. VARIANCES – RECOMMENDATION TO THE ZONING BOARD OF APPEALS – none.

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

- A. Dykema Excavators – excavating and floodplain fill (3.2 acres) – Bowes Road - review. Michael Berg of Dykema Excavators/Grand Rapids Gravel was present to review the excavating and floodplain fill project at the west end of the City on Bowes Road. A site plan review was provided for River Valley Credit Union, while at the same time a review was completed concerning the private drive. Upon review of the private drive, it was discovered they were actually adjacent to the floodplain.

Berg explained a fill area has occurred as well as obtaining a DEQ permit. The cut quantity was at 20,000 yards.

Utilities have been extended from River Valley Credit Union. Modification has also been made to the sanitary sewer access for the existing Lowell Family Medical Center. By doing so, the company constructed a gravity sanitary sewer line and constructed a new lift station, which will temporarily discharge to the north side of West Main. The water main was also extended down to a hydrant on Bowes Road.

Berg explained Grand Rapids Gravel owns 57 acres north of the river and around Bowes Road. Excavation will take place below the water table, creating a pond of approximately 10 feet deep.

Berg questioned whether taking material from the south side of Bowes to the north side of Bowes Road constitutes mining. The material is not being sold or processed.

Berg noted the company's intention is to service the area outside the floodplain south of Bowes Road for future development.

Commissioner Hall asked if the two areas shown as water would remain. Berg responded yes.

Hall questioned if guard rails would be installed around the pond. Berg stated this has not been discussed. He suggested creating a berm. The DEQ would have to be notified of this.

Pasquale explained a special use permit refers to removal and processing of top soil, stone rock, sand gravel, lime or other soil or mineral resources. This states no soil, sand, gravel or other earth material shall be removed from any land within the City without special land use approval with the following exceptions:

- when the earth removal is incidental to an operation for which a building permit has been issued by the City
- when the earth removal involves any normal landscaping, driveway installation and repairs or other minor projects
- the earth removal will not alter predominant drainage patterns or cause drainage impacts to adjoining properties
- the earth removal involves less than one hundred cubic yards
- the earth removal is for the purpose of construction of a swimming pool
- the soil removal will not be in violation of any other section of the ordinance, soil erosion and Sedimentation Control Act of 1972

Berg stated the company will eventually make an application for a special use permit which would include a site plan as well as a request for rezoning. Berg noted it is not the company's intent to process the material which is being stockpiled up above the floodplain at this date and time. A bond is also being held for the soil/erosion activities as well as a soil erosion permit.

Berg explained a silt fence can not be installed until the material is out from below the water grade.

Berry commented on the dump site consisting of asphalt, steel plates, wood pallets, and tubular steel. Berg was not aware of the material Berry referred to. He would review the situation.

Berg stated there is 6000 yards of fill which is going in providing over 20,000 yards. This is being stock piled on the other side of the road. Therefore, it is a new gain to the adjacent property owners of 14,000 cubic yards of flood storage.

IT WAS MOVED BY HALL and seconded by LAPONSIE that Grand Rapids Gravel and Dykema Excavators are not in violation of any current ordinances or need a special land use permit. Therefore, it is determined the operation does not constitute mining.

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

Pasquale reviewed the motion stating Grand Rapids Gravel/Dykema Excavators are not in violation of the ordinances and it is not considered a mining operation. It is a removal of soils from one section to another within property they already own.

- B. Review of Private Street serving 911, 925 and 951 Grindle – Richard Anderson and Frank Martin – recommendation to the City Council. As reviewed at the last meeting, there was a question regarding the need of a private street for 911, 925 and 951 Grindle. In consultation with City Attorney Richard Wendt, it has been determined any time a road services three or more units, a private street is required.

The following information has been reviewed:

- survey of the private road
- right of way showing the location of utilities
- no lakes, streams present
- location of houses shown
- the private road is 850 feet in length – waiver requested
- provide 66 feet of right of way – has 33 feet the first 425 feet of road
- complies with local street standards being 36 feet of width providing curb and gutter
- has 16 feet of width with valley gutter – waiver requested

The proposal meets the new proposed design standards of private streets having two to five housing units.

Jahnke asked if the waivers requested should be considered a variance request rather than a waiver. Pasquale stated it is part of the private street ordinance. This is something the City Council would have to consider.

Pasquale stated the ordinance mentions upon application, the City Council may modify any of the private street requirements of this section after finding all the following conditions exist.

Pasquale explained the City Council will review the following criteria:

- topography soils and/or significant natural features physically preclude or prevent compliance with the requirements of this section without substantial alteration of such natural features. Such natural features shall be clearly identified and described in the application for any such modification.
- justification of any modification is not solely to financial consideration which upon approval of the requested modification would provide a financial benefit.
- no other reasonable private street design alternatives are available that would comply with the requirements of this section.
- the request of the modification was reviewed by the Fire Chief and/or City Engineer and/or any other person or official designated by the City Council and modification submitted to the Council.

Commissioner Hall questioned the intent of the waiver. Jahnke explained the developer has already started to build a third home. Therefore, a private street is required.

IT WAS MOVED BY HINTON and seconded by TEELANDER to recommend to the City Council that a private street be approved for 911, 925 and 951 Grindle and a waiver be granted to allow for modification of the length of the road as well as the width of pavement.

YEA: 7. NAY: 1. (Chairman Jahnke) ABSENT: 0. MOTION CARRIED.

C. Storm Ordinance.

IT WAS MOVED BY HINTON and seconded by HALL to remove the issue from the agenda until June 2005.

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

Item #5. **BUILDING INSPECTORS REPORT.** Chairman Jahnke inquired regarding Arctic Air construction addition. Building Inspector Doug Hopkins explained the project has not begun.

Commissioner Hall questioned the Remax parking lot on Bowes Road. Hopkins would review the issue. City Manager Pasquale noted a performance bond is on record.

Item #6. **PUBLIC COMMENTS.** Mayor Jeanne Shores of 315 Spring thanked individuals who participated with the renovation of the Showboat.

Item #7. **COMMISSIONER COMMENTS.** Commissioner Hall asked when City ID badges would be available. City Clerk Morlock would review. Hall also noted the size of the Allstate sign is in compliance with City standards.

Commissioner Schmaltz commented on real estate signs being placed in the right of way throughout the City.

Commissioner Berry stated it is important to keep lawns cut to assist in preventing West Nile disease. Chairman Jahnke said he has not received enough positive responses concerning the lighting ordinance.

Commissioner Hall visited the trails throughout Portland.

IT WAS MOVED BY HINTON to adjourn at 8:25 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk