

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

For the Regular Meeting of the Planning-Citizen Advisory Commission November 22, 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, Dimmick, Grimm, Hall, Hinton, LaPonsie, Schmaltz, Teelander and Chairman Jahnke.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Building Inspector Doug Hopkins, City Councilmember Jim Hodges and Mayor Jeanne Shores.

City Clerk Betty Morlock swore Vance Dimmick into officer as a Planning Commissioner.

IT WAS MOVED BY Hall and seconded by SCHMALTZ to approve the minutes from the October 25, 2004 regular meeting as written.

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

Item #1. **APPROVAL OF AGENDA.** Commissioner Hinton proposed items 6C and 6D be tabled until the January, 2005 meeting.

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

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

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

Item #3. **NEW BUSINESS.**

A. SITE PLAN REVIEW

1. 521 W. Main Street (northeast corner of Amity and W. Main) – Piersma Barber Shop – construction of two commercial buildings. As reviewed over the last two meetings, owner Dave Piersma proposed two 1500 square foot commercial buildings at the northeast corner of Amity and West Main. Since the last meeting, the buildings have been reoriented to allow greater flexibility for set backs. There was a concern with the south building being close to the existing Little Caesars building. As originally shown, the building was approximately one foot off of the lot line. However, the proposed structure

has been moved, allowing for a nine foot setback from the back of the building to the lot line.

City Manager Pasquale reviewed the parking and setback requirements. Each meets the zoning ordinance. Sidewalk is shown around the building. The south building would be the first structure which would be built. The second building would not be built in the immediate future. Pasquale understood the development would end north of the proposed sign.

Pasquale believed the zoning requirements have been met. Also, Dave Piersma prepared an updated drawing which provides a building profile drawing.

Piersma planned to install the sidewalk north of the proposed curb cut on Amity. Chairman Jahnke questioned if the sidewalk would be installed during the first phase of the project. Piersma responded yes. Pasquale stated there is existing concrete. Jahnke asked if he would be patching into this from the curb cut. Piersma responded yes.

Commissioner LaPonsie inquired if the existing drive to the north would remain. Piersma stated this curb cut would be eliminated.

Commissioner Grimm asked if there was any precedence for the two buildings on one lot. Pasquale explained lot coverage was examined. There is nothing in the ordinance, which would prohibit the two buildings. All the setbacks are met.

Commissioner Berry questioned how the parking requirement would be impacted after the second building is added. Pasquale stated the parking was calculated with both buildings. There are 17 parking spaces placed. Piersma must ensure the parking requirements are met when the first building is established. The first building would house a barber shop with four chairs. Therefore, there must be at least 8 spaces for the initial structure. Berry inquired if there would be any type of scenario where the second building would require 10 spaces. Pasquale stated it's possible. However, since Piersma is unsure of what type of business will be established, the zoning was left as general retail which covers many different uses. The City would need to know what type of business, before occupancy, to ensure the parking requirements are met.

Pasquale noted a site plan approval is good for one year. Anything beyond the year, Piersma will have to present the plan for reapproval.

Commissioner Hall questioned the proposed 6 inch underdrain. Does this handle the runoff from the building? Piersma responded yes.

Hall inquired about the lighting. Jahnke stated there would be four wall mounts on the buildings.

IT WAS MOVED BY HALL and seconded by LAPONSIE to approve the site plan for 521 West Main Street involving the construction of two commercial buildings as presented.

YEA: 9. 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. Flat River Outreach ministries – rezoning proposal for the Masonic Lodge (112 Lincoln Lake) – recommendation from Langworthy Strader LeBlanc Associates, Inc. Commissioners Schmaltz and Dimmick abstained from discussion.

City Manager Pasquale explained Flat River Outreach Ministries has been interested in acquiring the Masonic Lodge building and property. Initial site plans have been presented for two alternatives. The first is for an addition and the other involves a demolition and a new facility.

The property is 132 feet X 132 feet and involves two City residential lots. As explained at the last meeting, when the preliminary site plans were provided, it did not provide much space for Flat River accommodating additions and off street parking. Additionally, the parking itself encompasses two zoning districts, a public facilities district and an R3 or Multiple Family Residential district.

A proposal was provided whereby Flat River would seek a C2 or Central Business District zoning. This would allow zero lot lines, which would provide greater flexibility in utilizing the space. This would also eliminate the need for variances.

After reviewing a request concerning a C2 District, Steve Langworthy and Deb Steenhagen of Langworthy Strader LeBlanc and Associates, Inc. (LSL) provided the following recommendation which mentions some concerns about having strictly a C2 district:

1. Currently, as stated above, the area proposed for rezoning acts as a transition or buffer between the existing commercial area along Main Street and the residential neighborhood to the north. By rezoning the block to C2, any use permitted in that district would be allowed, including retail stores, drug stores, and banks, as well as potentially hotels, theaters, or funeral homes through special land use approval. Approval of the request would extend the commercial area not only west along Main Street, but further north into the existing residential area as well, eliminating the existing buffer.
2. If these properties were rezoned as proposed, five of them would immediately become nonconforming uses. Of the four remaining properties, two are currently vacant and one is a vacant building. Only one existing use (the home with a beauty shop is a home

occupation use) would be considered conforming under the C2 zoning. Although the vacant properties and buildings could be developed under new zoning requirements, that would leave five functioning uses, (two homes, the Masonic temple, the gas station and the museum) as nonconforming uses, limiting their options for future expansions or possibly the ability to obtain financing on these properties in the future. Each of the five properties is currently zoned correctly for the uses functioning on their sites.

3. Traditionally, a downtown area creates a synergy between land uses and streetscape improvements and has a “sense of place” within a particular City. Redefining these boundaries can have a major impact on whether a downtown thrives or struggles, since both funds and resources to promote and improve these areas are limited. By extending the CBD outside the boundaries of where Lowell’s “downtown” has historically been located, the city would be setting a precedent for future developers to make similar request in order to take advantage of the more relaxed setback and parking requirements found in the C2 zoning district in Lowell’s zoning ordinance.
4. With the south side of M21 remaining zoned as C3, approval of this request would create a break in the continuity of the CBD. Most of the existing CBD and C2 zoning follows along Main Street, on both the north and south sides of the street. The only existing area where this is not the case is on the block where the Historical Museum is located. On that block, the eastern portion of the Main Street frontage is part CBD – C2 zoning where the actual museum property on the western portion of the block is zoned PF. The south side of this portion of Main Street is zoned C3. By extending the CBD further along the northern portion of Main Street but not the southern frontage, the two sides of the street could take a “disconnected” feeling. (Pasquale noted this was without review of the south side). One example of this is the fact that the C3 has a front setback requirement of 35 feet (fairly common in general commercial or strip commercial districts) where the C2 district does not have a front setback requirement (as is fairly common as in traditional downtown areas).

For these reasons, and those also explained above, LSL Planning recommended denial of the request for the extension of the C2 district in the City of Lowell in order to accommodate rezoning of the properties at 119 Lincoln Lake and 424 Chatham. One further option for the applicant, if the intent is to develop these two properties would be to rezone them together to either PF or C1 (possibly more appropriate for the area than a C3 zoning), depending on the proposed use and then applying any necessary variances.

Pasquale explained it appears the planning advisors would rather see the variances than change it to Central Business.

LaWarre explained even with the C2 zoning the ministry would still have to request a variance of some form. The loading area is 14 feet by 40 feet. It is screened, however it is slightly smaller than what the ordinance requires. There is potential for exceeding the 40 foot height limit due to the elevator. This is needed in order to be totally handicap assessable. He noted potential landscape variances may also be necessary.

Pasquale believed no matter the zoning, there is still going to be some difficulties fitting the building and parking on the site. Pasquale believed LaWarre is trying to accommodate this with the least number of variances.

Commissioner Hall proposed the Commission review the C3 district.

Pasquale explained a public hearing can be established to consider a C3 district. A site plan can also be reviewed, contingent upon the rezoning. Pasquale stated a site plan, which would note the required variances, would need to go hand in hand with the rezoning.

Pasquale stated LaWarre can defer on the issue until the worksession is held in December.

No further information was reviewed.

B. Further review of residential signs ordinance. Mayor Jeanne Shores explained the Council has questions including wall signs. By general consensus, the Commission decided to review the issue held during the worksession in December. Council is welcome to attend.

C. Monday, December 13 Worksession (7 p.m.) set agenda. The following items were set to be reviewed during the December 13, 2004 worksession.

1. Residential Signs
2. Rezoning the area between Larkins and the railroad tracks – both sides of Main Street.
3. Update on balloons

D. 2005 Meeting Dates. The Planning Commission meeting dates were approved as follows:

Fourth Monday of each month, except December.

January	24	July	25
February	28	August	22
March 28		September	26
April	25	October	24
May	23	November	28
June	27	December	12 (work session)

IT WAS MOVED BY HINTON and seconded by TEELANDER to approve the 2005 meeting dates as presented.

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

Item #5. **BUILDING INSPECTORS REPORT.** No comments were received.

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

Item #7. **COMMISSIONER COMMENTS.** Commissioner LaPonsie questioned the recent discussion concerning annexation of 177 acres for development. City Manager Pasquale explained there was a petition from DuRay Development. The developer wishes to have utilities within the City. The Boundary Commission can provide this decision making power. This Board is made of five members consisting of three statewide and two local representatives. A hearing has been established for Thursday, March 3, 2005 at 4:00 p.m. Pasquale noted the Council is supportive of the annexation.

Commissioner Dimmick stated he was happy to be serving on the Planning Commission.

IT WAS MOVED BY HALL to adjourn at 8:10 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk