

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 6, 2014

Mayor Seibold called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Johnson, Miller, Skaggs and Mayor Seibold

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower; Planning Consultant LeBlanc

2014-115. Commissioner Skaggs thanked former commissioner Paul Goebel for his service to the community and wished him well in his future endeavors.

City Manager Donovan announced the EGR Community Foundation would be holding a spaghetti dinner prior to the home football game on Friday, October 17th from 4 pm to 7 pm at the EGR Middle School. The cost is \$5 per person with proceeds going to the Boulevard Bridge project on the Reeds Lake Trail.

Mayor Seibold also thanked Paul Goebel for serving the residents of the 2nd ward for three years.

2014-116. Public Safety Director Herald introduced David Katje and Evan Stuart as new officers of the Public Safety Department. City Clerk Brower administered the oath of office to Mr. Katje and Mr. Stuart.

2014-117. Mayor Seibold recommended the appointment of former commissioner Cindy Johnson to fill the vacant 2nd Ward City Commission seat.

A. Graham-Miller. That Cindy Johnson of 2150 Wilshire be appointed to fill the vacant 2nd Ward City Commission position with a term ending December 2015.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

City Clerk Brower administered the Oath of Office. Commissioner Johnson took her seat on the city commission.

Commissioner Johnson stated she was privileged to return to the City Commission and was very excited to work with the elected and appointed leadership of the city again.

2014-118. Peter Varga, CEO of The Rapid, presented information on the current services, and recent route enhancements and future plans of the transit system.

2014-119. Consider request to approve the division of land at 2815 Lake Drive.

Zoning Administrator Faasse explained the request to divide the parcel into two separate lots with a shared driveway and asked that any approval given include conditions for the easements relating to utilities and driveways.

Commissioner Skaggs asked whether underground utilities had been located to make sure problems did not arise during construction. Mr. Faasse stated the water and sewer lines were located along the property line and would be covered by one of the recommended easements.

Commissioner Miller questioned the second easement requiring the relocation of the driveway in the future. Mr. Faasse stated this second easement was recommended because some day the properties would be owned by different owners and the shared driveway may no longer be agreeable to both parties.

Commissioner Dills asked whether this situation met the definition of a "flag" lot. Mr. Faasse defined a flag lot as one where the frontage requirements were not met following the land division, and noted that both proposed lots met the current zoning standards for frontage, width and square footage.

Mr. Faasse further noted the front yard of the new parcel for zoning purposes would face Lake Drive and not the shared driveway. The existing parcel would also use Lake Drive and the separated frontage as its front yard for zoning purposes.

Brian Pearson, attorney for the applicants, explained the garage proposed for the new parcel would face the brick wall along Lake Drive and that the driveway location would be closer to Lake Drive than shown in the application materials. He stated the owners had no problems with the proposed easements and conditions recommended by staff.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

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| - Clay Stiffler, 2934 Beechwood | Felt that many lot splits taking place in the city were creating undesirable situations and this split would set a precedent for future splits. Asked City Commission to deny to protect neighborhoods. |
| - John Nowak, 2831 Woodcliff Circle | Has no problem with lot split. Noted there used to be a house on this same lot many years ago. |

The following communications were received at City Hall concerning this variance request:

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| - Joel Peterson, J. Peterson Homes | In Favor |
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No other public comment was received. Mayor Seibold closed the public hearing.

Dills-Graham. That the request of Patti Gostine, owner of 2815 Lake Drive, to divide the property, creating a vacant parcel to the east of the existing residence with a frontage of 103' and 18,864 square feet on Lake Drive and be approved, with the following conditions:

1. The split complies with the surveys presented in the land division application; and
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval; and
3. Recording of an easement for ingress and egress for the newly-created parcel from the existing driveway across the remainder parcel prior to authorization of any building permit for the new parcel, including language to advise future owners that a separate driveway and termination of the easement agreement may be required if either property passes to another owners who is not immediate family.
4. Separate utilities for both resulting properties. An easement across the newly created parcel for the existing water and sewer services to the parent parcel must be recorded prior to the authorization of any building permit for the new parcel.

Mayor Seibold stated that while both resulting lots would both be of sufficient size to meet the zoning ordinance she was very concerned about the orientation of the houses and having the existing home end up in the rear of the new home. She did not feel the proposal would meet the zoning standard requiring consistency and harmony with the surrounding properties. She noted many larger properties in East Grand Rapids could do something similar with very few resulting in conformity with the surrounding properties.

Zoning Administrator Faasse reported there were similar situations in the surrounding area where smaller lots had been carved out of larger parcels, most approved and constructed many years ago prior to the current zoning ordinance.

Commissioner Dills shared Mayor Seibold's concern about the varied orientation of the homes not matching others along the street in the event the wall is taken down.

Commissioner Graham felt property owners should be able to divide their property as they wish if the zoning standards are met, which they are in this case.

Mayor Seibold demonstrated her thoughts that the existing home takes up the entire width of the rear of the property and that placing a new home in the front yard would not be consistent with the ordinance or with the other homes on the street.

Commissioner Skaggs agreed the resulting properties would not be consistent with the surrounding area and stated he could not support the proposal.

Commissioner Miller theorized some of the similar situations that have been allowed years ago may be the reason the current ordinances were enacted and stated he did not support the current request.

Commissioner Johnson agreed. She noted that if the existing house were located in a different position or oriented differently, she could support the request, but did not feel it would work with the current conditions.

Yeas: -0-

Nays: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

2014-120. A zoning variance hearing was held regarding the request of Kevin Brant, owner of 715 Croswell, to allow the construction of a two-family home with the following variances:

- A. A minimum lot width of 50' instead of the required 80,'
- B. A front yard setback of 8.2' instead of the required 25,
- C. A combined side yard setback of 13.7' instead of the required 20,'
- D. A least side yard setback of 5' instead of the required 8'
- E. A maximum lot coverage for buildings of 40.7% instead of the maximum allowed 40%
- F. A maximum lot coverage for buildings and pavement of 55.4% instead of the maximum allowed 45%.

Zoning Administrator Faasse explained the applicant had submitted new front elevations addressing the City Commission's prior concerns about the front façades. The drawings change the front façade only and do not change any of the earlier variance requests.

- A. Miller-Johnson. To remove the variance requests and site plan review applications for 715 and 721 Croswell from the table for consideration.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

Kevin Brant, owner of 715 and 721 Croswell, reviewed the new elevations and detailed the increased side yards and green space between what currently exists and the proposed homes. David Maxam of Maxam Architecture, went over the changes made to move the entrances, and create variations in the siding, entrances and windows.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Gordon Jones, 325 Rosewood
Reiterated prior concerns that first building should be built next to the church to avoid gap if second is not constructed, buildings are too close together and too close to the sidewalk, and a conflict of interest exists since Mr. Brant is on the Planning Commission.
- Lance Miller, 713 Croswell
Fully supported the development and Mr. Brant for keeping the neighbors informed of his plans and seeking feedback.

- Barry Miller, 713 Croswell

No issues with setback or development. Will benefit the neighborhood.

No other public comment was received. Mayor Seibold closed the public hearing.

- B. Graham-Miller. That the request of Kevin Brant, owner of 715 Croswell, to allow the construction of a two-family home with the following variances be approved:
- A. A minimum lot width of 50' instead of the required 80,'
 - B. A front yard setback of 8.2' instead of the required 25,
 - C. A combined side yard setback of 13.7' instead of the required 20,'
 - D. A least side yard setback of 5' instead of the required 8'
 - E. A maximum lot coverage for buildings of 40.7% instead of the maximum allowed 40%
 - F. A maximum lot coverage for buildings and pavement of 55.4% instead of the maximum allowed 45%.

Commissioner Miller felt the concerns had been addressed admirably and thanked Mr. Brant for the information on setbacks along the street. While he would still like to see front porches, he understood the limitations created by locating the stormwater detention area in the rear yard.

Commissioner Johnson stated she had originally submitted a letter of opposition to this project, but now supported it after reviewing the additional information and new drawings.

Commissioner Graham felt the new drawings were a vast improvement. He noted small lots can be hard to work with and commended Mr. Brant for his efforts.

Commissioner Skaggs felt the new design was only a marginal improvement because there were still no front porches or setbacks from the front façade. He suggested the City Commission wait for a different developer who would do a better job using these and other properties on the block to create a larger overall development that would include bigger setbacks, porches and useable greenspace.

Mayor Seibold appreciated the revised efforts to give relief to the flat front of the building. She agreed small lots could be difficult and often required variances and this proposal made the most of the land available. She noted that advisory board members are never asked to give up their property rights when agreeing to serve the community and that Mr. Brant has made many adjustments to his plans based on input from the Planning Commission and staff members to make this project a better fit for everyone.

Yeas: Dills, Duncan, Graham, Johnson, Miller and Seibold – 6

Nays: Skaggs – 1

- 2014-121. A zoning variance hearing was held regarding the request of Kevin Brant, owner of 721 Croswell, to allow the construction of a two-family home with the following variances:
- A. A minimum lot width of 48.8' instead of the required 80,'
 - B. A front yard setback of 8.2' instead of the required 25,
 - C. A combined side yard setback of 11.2' instead of the required 20,'
 - D. A least side yard setback of 3.6' instead of the required 8'
 - E. A maximum lot coverage for buildings of 43.8% instead of the maximum allowed 40%
 - F. A maximum lot coverage for buildings and pavement of 58.4% instead of the maximum allowed 45%.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

- A. Graham-Dills. That the request of Kevin Brant, owner of 721 Croswell, to allow the construction of a two-family home with the following variances be approved:
- A. A minimum lot width of 48.8' instead of the required 80,'
 - B. A front yard setback of 8.2' instead of the required 25,
 - C. A combined side yard setback of 11.2' instead of the required 20,'
 - D. A least side yard setback of 3.6' instead of the required 8'
 - E. A maximum lot coverage for buildings of 43.8% instead of the maximum allowed 40%

F. A maximum lot coverage for buildings and pavement of 58.4% instead of the maximum allowed 45%.

Commissioner Graham spoke in favor of the project, noting that pushing back the buildings to allow porches would reduce the greenspace in the rear of the building.

Commissioner Skaggs felt the greenspace in the rear of the property was not useable and felt a higher premium should be placed on creating the green space in the front yard.

Yeas: Dills, Duncan, Graham, Johnson, Miller and Seibold – 6

Nays: Skaggs – 1

2014-122. Request to approve a site plan for the Brant Croswell Avenue Townhouses at 715 and 721 Croswell.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

- A. Johnson-Miller. That the site plan and related materials dated September 29, 2014 for the Brant Croswell Avenue Townhouses at 715 and 721 Croswell be approved as submitted with the following conditions:
1. Approval of storm water and utility plans by the City Engineer prior to site development and building permits.
 2. Revision of the appropriate plan set sheets as required to show the approved final design prior the building permits.
 3. That the building at 721 Croswell be constructed before the building at 715 Croswell.

Commissioner Dills spoke in favor of requiring 721 Croswell to be built first to avoid a gap along the street. Commissioner Miller agreed.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-123. Request to adopt a resolution approving a cable franchise agreement and a letter agreement.

City Attorney Huff explained that new franchise agreements were necessary because Comcast was divesting all of its Michigan franchises in anticipation of a merger. He reviewed the amount of funding received for public programming, the upgrades to digital signals, and the new public access channel for Plainfield Township.

- A. Skaggs-Miller. That a resolution approving a Uniform Video Services Local Franchise Agreement and letter agreement with Comcast of California/Massachusetts/Michigan/Utah, LLC be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2014-124. Miller-Johnson. Motion to approve the consent agenda as follows:

- A. To approve the minutes of the regular meeting held September 15, 2014.
- B. To approve payroll disbursements of \$426,628.01; county and school disbursements of \$248,769.37, and total remaining disbursements of \$441,711.86.
- C. The appointment of City Manager Brian Donovan and Public Safety Director Mark Herald to the EMS Partnership of Kent County Board, and to appoint Captain Richard Buikema as an alternate representative.
- D. The purchase of a sewer vacuum truck from Jack Doheny Company of Northville, Michigan in the amount of \$368,091.00.

Yeas: Dills, Duncan, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

2014-125. Gordon Jones, 325 Rosewood, complimented those involved in creating Waterfront Park.

The meeting adjourned at 8:16 p.m., subject to the call of the Mayor until October 20, 2014.

Karen K. Brower, City Clerk

Attachments: A – Resolution approving a cable franchise agreement with Comcast.

Attachments listed above are available for inspection at the office of the City Clerk.