

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

For the Regular Meeting of the Planning-Citizen Advisory Commission January 23, 2006 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, LaPonsie, Mundt, Schmaltz, Teelander and Chairman Jahnke.

Absent: None.

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

IT WAS MOVED BY HALL and seconded by Teelander to approve the minutes from the regular meeting of November 28, 2005 and the worksession of December 12, 2005 as corrected.

YEA: 9. 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 presented.

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

Item #2. **PUBLIC HEARING.**

- A. Ordinance regulating canopies and awnings in the business and public facilities districts – recommendation to the City Council. After review of the ordinance, Chairman Jahnke suggested the following changes to the ordinance:

Section 1 – Awning – Awning means a roof-like structure attached to a building

Section 2 – Canopy – Canopy means a protective roof-like covering mounted independently on a frame over a walkway, door or installed equipment.

Jahnke stated a canopy is defined as a separate structure.

Commissioner LaPonsie questioned Section 4.23. and suggested the following:

Canopies and awnings are permitted in C-1, C-2, C-3 and PF Districts to be placed around door or window openings in buildings and structures without limitation as the number. Canopies and awnings shall not encroach beyond the public sidewalk into the public street. In

addition, canopies and awnings are permitted over installed equipment attached to a building or structure. Such canopies and awnings shall be compatible with the building or structure.

Dan DesJarden of 1155 East Main Street commented on the changes in the definition. He questioned if the fire station had a canopy or awning out of the front door which is over a sidewalk. Jahnke explained if it is attached to the building it would be an awning if it is not attached to the building it would be a canopy. DesJarden questioned the canopies over the drive through banks and gas stations. Pasquale stated these are considered structures. They require a separate site plan approval. Commissioner Schmaltz defined this as a drive through canopy. Should this be excluded or define elsewhere. LaPonsie questioned if they were defined as structures elsewhere already. Hopkins suggested stating any canopy which requires a foundation for support.

Berry questioned if there was such a thing as overhead structures. Hopkins stated he would consider the things DesJarden referred to as structures. Hopkins believed the fire station has a canopy over the door because it is over a walkway. Jahnke stated he was referring to an entrance such as restaurants where they have a steel structure which holds a canopy but it is not attached to the building. Hopkins questioned if this would cover the island as mentioned. Jahnke responded yes. Hopkins stated a foundation should be required when referring to the canopies at gas stations.

Jahnke suggested the definition for awning read "a roof-like structure not requiring a foundation and attached to a building that serves as a shelter, as over a storefront, window, door, deck or installed equipment".

Jahnke suggested the definition for canopy read "a protective roof-like covering not require a foundation mounted independently on a frame over a walkway, door or installed equipment.

DesJarden questioned the awning at Grand Collision. Is this an awning, lighting or sign. Commissioner Mundt stated by definition if it has a word on it, it is a marquee and falls under the sign ordinance. Jahnke stated it could be an awning, it could be part of a roof structure. It is really there for aesthetic purposes only, that and signage. DesJarden stated each one is over a window. Hopkins stated it could be under awning because it refers to store front window and door. He would look at this as an awning based upon the definition.

Mundt read the following definition: "a marquee is a permanent structure that projects from a permanent wall of a building. A marquee sign is a sign attached to a marquee, canopy or awning projecting from and supported by the building. Hopkins stated typically a marquee sign would be what is in front of Larkins Other Place. It has a ceiling underneath it. Mundt believed when you add in the words canopy and awning it states this is a marquee sign.

LaPonsie questioned if a marquee sign has its own special criteria. Hopkins stated a marquee has its own special criteria. Hopkins stated a marquee is under the sign ordinance.

DesJarden stated he brought this issue up because if it is an awning or a canopy then it is in violation of the ordinance with the sign on it.

Jahnke questioned if it would be the Commissions intent to disallow signage from being on canopies and awnings even if that signage would be determined to fit within the rest of the signage ordinance for square footages and size etc. Jahnke again questioned why we would not allow signage on a canopy or awning as long as the signage has met the signage requirements.

Mundt believed the purpose of the proposed ordinance was to address canopies and awnings that weren't signs. Jahnke didn't think it made any difference. He didn't think this was what started this. Mundt believed the Commission needed to be sensitive to the fact that we already have some existing ordinance language dealing with canopies and awnings when they have signs on them. We can't contradict that. Hall did not believe it did, it adds to whatever is supporting. Jahnke noted under Section 4.23 Canopies and Awnings states "without signage". Jahnke stated this could be removed.

DesJarden commented on the statement "no lower than seven feet and no higher than 10 feet of the lowest point of the awning or canopy". DesJarden asked if this included the downtown two story buildings. Hall believed an awning from a second story would be very nice. DesJarden explained when the awnings are approved within the Historic District, they review the structure of the building, doors, windows and they try to fit them in the frame of the wooding area of the frame so that you can see the brick work. Every awning downtown would be a different height.

Jahnke suggested moving "without signage" under Section 4.23 Canopies and Awnings.

LaPonsie suggested removing "10 feet" which would allow for second story awnings. She had no problem with getting rid of the 7 feet minimum but then she questioned liability issues if one installs a 6 foot awning and then someone gets hurt. Berry suggested "not less than 7 feet or great than 10 feet".

Mundt wanted it written to be complimentary to the neighbors and building. He did not want to be picky.

Jahnke questioned who would be interested in completely removing the height restrictions. Under Section 4.23 "The height of such canopies and awnings from the lowest point on a canopy or awning to the ground shall not be less than seven (7) feet and its projection from a building or structure shall not exceed five (5) feet and ".

IT WAS MOVED BY HALL and seconded by LAPONSIE

YEA: 8. NAY: 1. (Mundt) 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. Review of Joint Meeting with Lowell Township Planning Commission. On November 16, City Planning Commissioners met with the Lowell Township Planning Commission to review land use and sign issues. The issue will be brought back to the City with recommendations regarding a joint zoning district along the M-21 corridor.

Jahnke was hopeful to receive information by January or February.

B. Monday, December 12 Worksession (7 p.m.) set agenda. The Commissioners placed the following items on the agenda for the December 12, 2005 worksession meeting:

- Lighting ordinance
- Discuss the proposals submitted by the Planning Consultants for the Master Plan.
- Discuss zoning enforcement
- City's procedure for building permits.

By general consensus, the Commission agreed on the agenda set for the December 12, 2005 worksession.

C. 2006 Meeting Dates. The Planning Commission reviewed the following meeting dates:

Fourth Monday of each month, except December:

January	23	July	24
February	27	August	28
March	27	September	25
April	24	October	23
May	22	November	27
June	26	December	11 (work session)

IT WAS MOVED BY HALL and seconded by BERRY to approve the 2006 meeting dates as proposed.

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

Mundt suggested changing the Planning Commission meeting to an earlier time. Planning Commission Chairman Jahnke stated it would be difficult for him get here earlier.

Item #5. **BUILDING INSPECTOR'S REPORT.** Commissioner Hall questioned the business at the east City limits with the trailers setting around. Building Inspector Doug Hopkins stated he has

checked the property a few times. The business is following the ordinance.

Mundt commented on the shed issue at 206 S. Pleasant. The issue has a December 1, 2005 deadline. He wanted to ensure there was enforcement in place which would prevent the attachment from being an eyesore. Hopkins explained a building permit is required, if the building is over 200 square feet. Therefore, the zoning ordinance must be followed rather than the building code if the two buildings, being joined together, are less than 200 square feet.

Mundt questioned the Daily Cash Outlet having a used car for sale. Hopkins stated no cars are allowed for sale in this location.

Item #6. **PUBLIC COMMENTS**. DPW Director Dan DesJarden asked for clarification under Chapter 16 Public Facilities Districts under "Use Permitted by Right". DesJarden stated he wanted to install a fence around the back portion of the DPW. He questioned if this was permitted by right. Can he install a 6 foot security fence?

Jahnke suggested Hopkins review the issue and provide an opinion.

It was noted a 7 foot barbed wire fence could be placed around a public facility.

By consensus, the Commission agreed to such a fence.

Item #7. **COMMISSIONER COMMENTS**. Commissioner Mundt questioned if the Planning Commission felt it necessary to receive a list of all building permits issued including electrical, plumbing as well as the value of each permit.

Commissioner LaPonsie questioned why Christmas Through Lowell is held so early. Commissioner Teelander believed it had to do with deer hunting season.

IT WAS MOVED BY HALL to adjourn at 7:51 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk