

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

For the Regular Meeting of the Planning-Citizen Advisory Commission February 26, 2007 at 7 p.m.

The Meeting was called to order at 7:00 p.m. by Chairman LaPonsie and the Clerk called the Roll.

Present: Commissioners Berry, Dimmick, Doyle, Hall, Jahnke, Noall, Teelander and Chair LaPonsie.

Absent: Commissioner Mundt.

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

IT WAS MOVED BY TEELANDER and seconded by HALL to excuse the absence of Commissioner Mundt.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY JAHNKE and seconded by BERRY to approve the minutes from the regular meeting of January 22, 2007 as corrected.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.** Commissioner Jahnke suggested Item 6B (off street parking lighting) be tabled until the March, 2007 meeting.

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

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

A. Ordinance regarding non-conforming lots – public hearing and recommendation to the City Council. City Manager Pasquale reviewed the proposed ordinance as follows:

Section 4.13A. Non-conforming lots of record.

- a. In any district in which residential dwellings are permitted, notwithstanding other limitations imposed by the provisions of this Zoning Ordinance, a residential dwelling and permitted accessory building may be constructed or located on a single lot of record in existence at the effective date of the adoption of or applicable amendment to this Zoning Ordinance, provided, the lot meets at least eighty (80) percent of the required lot area, lot width and side yard setback

required by that district and, further, provided, that any building or structure constructed or located on the lot complies with all other yard setback requirements.

- b. If two (2) or more lots of record or combination of lots are portions of lots of record in existence at the effective date of the adoption of or applicable amendment to this Zoning Ordinance with continuous frontage along a public street and under single ownership do not meet the requirements established for lot width, lot area or setbacks, the property involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width, lot area and setback requirements established by this Zoning Ordinance.

Pasquale explained item B, by example, referred to a request on S. Hudson to subdivide a lot. In its entirety, it was fine. However, when it was subdivided non conformity became a factor. The City will not allow an individual to subdivide when there are one or two non conforming lots.

IT WAS MOVED BY DIMMICK and seconded by JAHNKE to recommend adoption of the ordinance regarding non conforming lots to the City Council.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

- B. Ordinance to require completion of exterior features of structure – review and consider setting a public hearing (3/26). The proposed ordinance provided by the City Attorney requires the completion of exterior features of structures within 12 months of building permit issuance for residential buildings and 18 months for commercial and industrial. Extensions may be granted.

Commissioner Berry questioned who would approve a request for an extension. Building Inspector Doug Hopkins explained in order to meet the extension, it must go before the ZBA and be approved by the Building Official.

Commissioner Dimmick questioned the reason why commercial industrial buildings would get an 18 month building permit rather than 12 months. Building Inspector Hopkins explained this similar to other city ordinances. The exterior of commercial buildings can take longer to build.

IT WAS MOVED BY BERRY and seconded by HALL to set a public hearing for the March 26, 2007 meeting regarding an ordinance to require completion of exterior features of structure.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

- C. Rezoning - 211-225 S. Washington – from R-3 (Multiple Family Residential) to LI (Light Industrial) – Greg Canfield – set public hearing (3/26). Greg Canfield has requested his property on South Washington Street be rezoned from R3 Multiple Family Residential to LI Light Industrial. He wishes to place a storage building on site. Canfield explained the parcel he

owns was zoned Industrial prior to being rezoned R3.

Chairman LaPonsie believed it would be best to set a public hearing to look at the Attwood property immediately south as well. It can be excluded later, if necessary.

Commissioner Jahnke believed the Commission should review the property south to the other old railroad track right of way. Pasquale commented on the vacant City property on the south side of Front Street which can also be included.

IT WAS MOVED BY JAHNKE and moved by HALL to set a public hearing for March 26, 2007 to discuss the rezoning of 211 – 225 S. Washington from R3 to LI including the Attwood property.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **NEW BUSINESS**

A. **SITE PLAN REVIEW**

1. 1425 West Main – Huntington Bank – renovations and 560 square foot addition. Brent Folkert of Sluiter Vandebosch & Associates Architects stated this project was presented to the Planning Commission previously. However, there have been some significant changes to the property. The branch of Huntington Bank is located on M21 and Valley Vista Drive and is zoned C3. The current plan meets all of setback requirements. The building is established with an entry off the back side of the building. The plan shows the entry on the front side of the building. The drive thru and ATM lanes are located on the back side of the building.

The last plan presented a small vestibule addition, while the recent plan indicates a larger lobby space. The building will be roughly the same size with new brick, roof and entry canopy.

City Manager Pasquale noted the plan meets all of the parking and setback requirements.

Chairman LaPonsie questioned the trees being removed. Folkert stated the existing screening will be left between the bank and the multi residential area. The new landscaping is in the front yards and meets the requirements of the ordinance. They kept the same square footage on the site of landscaped area. Much of the parking and drive area is not being used.

Commissioner Berry questioned the parking. Folkert stated there are 13 parking spaces. There will be new parking spaces in the front of the building, some off to the side of the building and then several additional existing spaces along the side. Three will be added directly in front.

Folkert noted the first lane will be the ATM and night deposit lane with two drive through lanes.

Commissioner Jahnke noted there are three new exterior lighting fixtures and three existing exterior fixtures which will remain as is. However, he wanted to ensure the three new fixtures are 100 percent cut off. Folkert stated cut off fixtures are shown on the pole. There will be recessed can lighting under the canopy.

Jahnke questioned if there would be an interior light sign. Folkert believed so.

IT WAS MOVED BY JAHNKE and seconded by TEELANDER to approve the site plan at 1425 West Main – Huntington Bank as submitted with the cut off lighting.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

2. Deborah Drive – Lowell One Apartments – 280 square foot office addition. Barry Ludwig, President of the General Partner of Lowell One Apartments Company Limited Partnership proposed to sell the property to a new limited partnership of which he will continue to be the president of the general partnership. The new limited partnership will be known as Lowell Apartments LDHALP.

They are requesting to add an office and restroom onto one of the buildings, which will be used as the rental or management office. Currently, the partnership is applying to rural development USDA, the lender for rehabilitation loan of the property. He has submitted to City Manager Pasquale, a construction cost breakdown outlining the renovations. He also is applying to MSHDA (Michigan State Housing Development Authority) in Lansing for low income housing tax credits. These are basically two mechanisms to help finance these renovations.

There is a requirement of showing all buildings within 100 feet on the site plan. However, a waiver of this requirement is being requested. It just appeared very involved to measure all of the buildings within 100 feet of the property radius, when only one end of a building is affected. In conjunction with requesting the site plan approval, this waiver is also being requested. They have also added to the plan 14 parking spaces, increasing the number of spaces from 83 to 97 spaces as per the requirements. Black top will also be added to the parking areas.

Pasquale noted there are catch basins.

The building is 14 X 20 and is 13 feet high. Presently, there is no office at the site and one of the rental units is being used as the leasing and management office. Therefore, such an addition would be very beneficial.

Chair LaPonsie asked if the waiver could be granted through a consensus from the Planning Commission. City Manager Pasquale responded yes. He judged this at 100

feet from the subject addition. There are three buildings with 16 apartment units in each building for a total of 48 units. The northwest unit is where the addition is. It is very small and approximately 200 square feet.

The number of parking spaces currently on site total 83. According to the Zoning Ordinance, two spaces per dwelling unit plus another space needed for the office totals 97. The additional 14 spaces are shown on the site plan and can be used by anyone.

LaPonsie did not have a problem with the 100 foot waiver because they have shown 100 feet from the addition. Jahnke saw no problem as well. He believed they have met the idea behind why this is written.

By general consensus, the Planning Commission agreed to allow the 100 foot waiver.

Commissioner Berry asked if this was based on the contingency of receiving the loans. Ludwig explained as part of the process he needs to receive a letter stating there are no other plan approvals other than the permits. This is needed in order to receive a tax credit award.

Berry asked if the exterior of the office addition would match the rest of the exterior. Ludwig responded yes. There will be new vinyl siding on the exterior of all three buildings, along with new roof windows. The entire complex including the interior will be updated.

IT WAS MOVED BY JAHNKE and seconded by NOALL to approve the site plan as submitted for the 280 square foot addition to Lowell One Apartments.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

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

- A. Clarification/definition for ground signs (non residential uses) in the R-1 district. At the last meeting, the Commission requested an opinion from City Attorney Richard Wendt as well as communication with Building Inspector Doug Hopkins regarding the clarification and definition for ground signs within the R-1 district.

City Manager Pasquale stated Wendt has stated there does need to be some changes in the ordinance. It does not allow for the sign as currently proposed. Commissioner Dimmick and Hopkins are looking at providing an amendment to the Zoning Ordinance to allow this. Chairman LaPonsie believed the suggestions from Dimmick and Hopkins were good.

Hopkins explained the suggestion of a 3 square foot sign would bring it in line with what is allowable for residential signs. However, the recommendation is for the Commission to

consider four square feet, because it is non residential.

LaPonsie believed it was redundant because the City has signs for non residential uses and then there are ground signs. It appeared these are both the same. Hopkins explained the ordinance refers to non residential signs. However, there is no definition for it. It was also noted there was no definition for residential signs because there was nothing in the ordinance.

Commissioner Jahnke suggested the modification include per side. Hopkins believed this was a good idea for clarification.

LaPonsie referred to the Wendt (City Attorney) letter which mentioned a two square foot wall sign for home occupations. A ground sign is not permitted because there is no underlying permitted use which fits the business. Pasquale explained if the Commission wanted to consider a ground sign, it is saying a home occupation can have a ground sign. Pasquale suggested "in addition" or "one can have a ground sign of a certain size".

Commissioner Hall questioned if all ramifications were considered in allowing such signs. Does the City want these signs all over? He did not favor this idea and noted one can advertise in the Buyers Guide or Lowell Ledger. Commissioner Berry agreed. He also questioned what materials the sign would be made of. Commissioner Teelander did not care for the signs as well.

By general consensus, the Commission did not believe the ground signs for home occupations should be allowed.

LaPonsie was concerned about the ordinance prohibiting those from having a home business such as Avon or Tupperware. What is the current situation? Pasquale responded one is allowed. The Zoning Ordinance permits for home occupations. LaPonsie referred to the statement from Wendt which states this is not a home occupation because it does not meet the requirements of Section 4.11 F. She believed this should be changed.

Pasquale read Section 4.11 E which states "no merchandise or articles for sale shall be displayed for advertising purposes and no sign or devise relative to the sale of such merchandise shall be displayed on the premises. Only those materials produced on the premises as a result of home occupation may be submitted for sale".

Jahnke questioned if the Commission could make a clarification for the record for home businesses and home occupations would be treated the same. LaPonsie added a home occupation would include selling products, such as Avon or Tupperware.

LaPonsie clarified Wendt is telling the Commission that the selling of products such as Avon or Tupperware is not considered a home occupation because one is not making the products on premises. She is suggesting Hopkins receive direction regarding home occupations that do not necessarily have products made on premises. Jahnke wanted it stated "it is our belief that the intent of the ordinance would not exclude this". He did not believe it was the intention of the ordinance to prohibit this type of a home based business.

IT WAS MOVED BY JAHNKE and seconded by NOALL to interpret the ordinance as to allow a home based business that sells and distributes products which were not manufactured or produced in that home with all other components of the ordinance not withstanding.

YEA: 8. NAY: 0. ABSENT: 1. MOTION CARRIED.

LaPonsie explained Grimm's business is considered a home occupation which will allow a home occupation sign. It appears the Commission is not in favor of expanding the ground sign ordinance.

LaPonsie noted the ordinance does not define what a non residential use is. It states one can have a 20 square foot non residential sign, but it does not mention non residential use. This is the next item to consider. The Commission may want to consider this change, but should define the different sign categories in the ordinance for residential and non residential as well as home occupation signs.

Jahnke questioned where "statement signs" fall within the ordinance. LaPonsie believed a new section for such signs was created under ground signs. Hopkins noted political signs are exempt in the ordinance.

LaPonsie believed the Commission should scratch the whole non residential sign and remove the issue of 20 square foot signs as well as amend the residential signs to include religious or ideological signs.

Tom Grimm of 316 Spring, stated the funeral home adjacent to his has a sign. At one time this was all housing, especially on the south block of the building. Jahnke explained when the expansion of the parking lot was completed it came before the Planning Commission as a site plan review under the special use criteria. Pasquale stated funeral homes are considered a special land use in the R2 district. LaPonsie wanted to ensure they can still have their sign. She did not want another problem created.

Pasquale noted a funeral home is a non residential use. In terms of zoning, it states it is allowed in a residential area and requires a special approval of the Planning Commission. In essence, it is a non residential use.

LaPonsie suggested a non residential sign, as any sign associated with a property, is granted a special use. LaPonsie stated a non residential sign would be any sign to be used in conjunction with the property granted a special use permit. She proposed following the recommendations from Hopkins and Dimmick regarding residential signs and then adding text which refer to religious or ideological signs. Jahnke was unsure if it should be worded this way.

Pasquale confirmed the Commission wanted a definition for non residential signs which states "it is sign which can be used for properties which have received a special use".

By general consensus, the Commission agreed upon the changes.

- B. Professional Planning Services. At the January 22 meeting, the Commissioners received a proposal to provide site plan review services as well as training sessions. Chair LaPonsie believed the amount of \$650 from LSL Planning was reasonable. Commissioner Jahnke wanted to inquire what services would be provided for \$650. City Manager Pasquale stated this would be provided at the March 26, 2007 meeting. Dimmick suggested Vergennes and Lowell Townships contribute to the expenses as well.
- C. Review of ordinance regarding the keeping of fowl, rabbits and similar animals. Chair LaPonsie explained the Councilmembers believed there should be a mechanism to allow chickens within the City. The Councilmembers also seemed to be in support of including regulations regarding exotic animals.

Upon the request regarding the licensing cats, LaPonsie contacted the County regarding this matter. The State requires dog licenses. However there are no requirements for cats. LaPonsie contacted the City of Kentwood, who at one time had an ordinance for cats. This was dropped a few years ago because it did not have the desired effect. Individuals who licensed their cats were the ones who kept their animals inside. It costs thousands of dollars to administer.

LaPonsie believed the fowl section of the ordinance could proceed to Council as is. There were concerns with the exotic animal ordinance. It was questionable how permits would be issued. Some Commissioners believed it would be difficult to list all exotic animals. LaPonsie explained the ordinance is silent on exotic animals. She interpreted it as individuals could have such animals with no requirement of how these animals should be kept. Hopkins believed the issue is silent, it is not permitted. Pasquale stated most zoning ordinances do not have a section pertaining to this. LaPonsie suggested deleting the issue since the Commission is split at this time.

Berry stated the ordinance regulating fowl states the City would allow these with the exclusion of roosters and they should be kept within the living space. LaPonsie stated Mundt had suggested the inclusion of wording such as animals kept within the living space of a residential unit in all zoning districts and meeting all other health or health code requirements. Commissioner Teelander believed the number of chickens should be limited. LaPonsie stated it may be helpful to include this in an ordinance. Also, include wording regarding public health. She suggested "kept within a living space or residential unit in all zoning districts so long as public health standards are met".

By general consensus, the Commission agreed.

- D. Joint signage ordinance with Lowell Township - update. City Manager Pasquale noted the area dealers have had discussion. However, no information has been provided.
- E. Variance criteria list. Variance criteria standards authored by LSL Planning was provided. Commission Jahnke suggested this information be included with the application as a guideline. Chairman LaPonsie requested a copy be provided in the Planning Commission packets when

variances are going to be discussed.

- F. Planning Commission membership. The City Council has proposed an ordinance reducing Planning Commission membership from 9 to 7. Of the seven, one would be a Councilmember. Under Public Act 285, State Enabling Act, provides City's the right to have a Planning Commission. If the population is under 5000, the City has the right to have membership of 5, 7 or 9. In discussion with City Council, it was felt nine members were too many. The Council is considering the increase of the Light and Power Board from 3 to 5 members. The Council will hold a public hearing on March 5, 2007 to consider an ordinance, which would provide a membership to seven.

Councilmember Shores has believed such a change is necessary for some time.

Chair LaPonsie was concerned about limiting citizen participation in government and the process of dropping three members. City Manager Pasquale stated ultimately it is up to the City Council. One simple way involves the reappointments which are up on June 30, 2007.

Commissioner Hall stated he would be the first to step down as a Planning Commissioner as he has served on the board for many years.

- G. Master Plan Update. The next meeting will be held in March.

Item #5. **BUILDING INSPECTOR'S REPORT.** No comments were received.

Item #6. **PUBLIC COMMENTS.** No comments were received.

Item #7. **COMMISSIONER COMMENTS.** Commissioner Doyle stated she will be out of town during the next meeting.

IT WAS MOVED BY TEELANDER to adjourn at 9:07 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk