

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

For the Regular Meeting of the Planning-Citizen Advisory Commission March 27, 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, Hall, LaPonsie, Mundt, Teelander and Chairman Jahnke.

Absent: Commissioner Dimmick, Grimm and Schmaltz.

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

IT WAS MOVED BY HALL and seconded by TEELANDER to excuse the absences of Commissioners Dimmick, Grimm, Schmaltz.

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

IT WAS MOVED BY HALL and seconded by LAPONSIE to approve the minutes from the regular meeting of February 27, 2006 and special meeting of March 13, 2006 as written.

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

Item #1. **APPROVAL OF AGENDA**. Commissioner Mundt suggested the election of the Chairman and Vice Chairman be added to the agenda, as it was overlooked during the January, 2006 meeting. IT WAS MOVED BY MUNDT and seconded by HALL to approve the agenda as corrected.

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

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

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. Election of Chairman and Vice Chairman to the Planning Commission.

IT WAS MOVED BY HALL and seconded by LAPONSIE to nominate Clark Jahnke for Chairman of the Planning Commission.

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

IT WAS MOVED BY TEELANDER and seconded by HALL to nominate Maryalene LaPonise for Vice Chairman of the Planning Commission.

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

B. Review of the Off Street Parking Lighting Section of the Zoning Ordinance – committee update.

Commissioners Mundt, Hall and Berry as well as Chairman Jahnke were appointed to a committee to review the Off Street Parking-Lighting section of the Zoning Ordinance. Jahnke requested use of the small upstairs conference room for April 10 at 6:30 p.m. to further discuss the issue.

C. Interpretation – wall sign in the C-2 Central Business District.

The Commission has been requested to interpret the wall sign provisions of the Central Business District. It states such signs must be on a wall of a building facing the street or the public or private parking area. The office of Dr. Judd Carroll had requested a sign be placed on the wall which is open to the river. Hopkins believed the sign would meet the intentions of the ordinance. However, it does not specifically state this. He asked for an interpretation of the Planning Commission. The sign must meet the requirements of a wall sign as well as the requirements from the Historic District.

Commissioner Hall believed a river is similar to a parking lot.

Commissioner Mundt agreed with Jahnke stating he did not believe this was a parking lot or a side street. He did not have any strong feelings one way or the other. Mundt referred to the City of Lowell Comprehensive Plan which states “Policy A – The image of Lowell will emphasize the heritage of the Flat and Grand Rivers. Measures will be taken to improve access and views to the rivers from downtown and other areas of the city and township including demolition of view blocking buildings and structures, building of paths, construction of view overlooks and others”. Mundt stated the action items include “prevent excessive and inappropriate signs on buildings facing or viewable from the water front”.

Mundt also noted he has discovered examples of existing buildings which already have signs placed on the side of the building under the exact same scenario. Another building has a sign placed which does not face a street or parking lot and probably should not have been placed at all. Hopkins was aware of two signs where the owner never applied for a sign permit.

Hopkins noted individuals must receive approval of a sign from the Historic District Commission

and then apply for a sign permit.

Jahnke suggested the discussion be limited to the C2 Central Business District.

He asked the Commissioners if they believe signage on the side of buildings and facing the river should be permitted as part of the ordinance. Commissioner Teelander believed this would be appropriate. Commissioner LaPonsie did not feel the sign met the criteria of the ordinance. However, Dr. Carroll should be allowed to have a sign, due to other businesses having one on the side of their buildings which face parking lots and streets. She noted this sign would face a public area. Commissioner Hall stated the sign should be allowed. Commissioner Berry agreed as long as it meets approval of the Historic District Commission and meets the size specifications. Mundt did not believe the sign met the ordinance. However, he did think one should be allowed. Pasquale suggested the Commission create an amendment to the zoning ordinance.

Pasquale explained an amendment to the zoning ordinance would require a public hearing. The Commission would then provide a recommendation to the City Council, in which they could consider adoption of the amendment. A public hearing can be established for April 24, 2006 to amend this section of the zoning ordinance for wall signs in the Central Business District.

Commissioner Berry questioned if it would be easier for the individual to apply for a variance. Pasquale did not believe it would meet the criteria for a variance.

Jahnke suggested a review of the existing signs to see if such wording as "the water" would meet the criteria and/or satisfy what the Commission wishes to see. Hall suggested calling it an adjacent vacant space.

Jahnke requested an opinion from the Historic District Commission.

IT WAS MOVED BY LAPONSIE and supported by TEELANDER to set a public hearing for April 24, 2006 to amend the wall sign section of the zoning ordinance within the C2 Central Business District, allowing such a sign facing adjacent vacant space.

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

- D. Off Premises sign for Highland Hill development - discussion. Aaron Jonker of Holwerda Builders requested an off premises sign near the intersection of East Main and James identifying and directing interested persons to Highland Hill. Their concern is that no one can see the Highland Hill development from Main Street.

The problem with the proposal is there are no provisions for such signage in the Zoning Ordinance. It appears the signage must be part of the development.

Jonker questioned if Holwerda Builders could receive a variance to place a sign at the intersection close to James and M21. Carol Adams, who owns vacant property on the south side of M21 near James, has the possibility of installing the sign on her property and create a

community garden. The garden would be attractive as well as promotional to the Highland Hill Community.

Planning Commission Chairman Jahnke questioned the current zoning requirements and where such a request would fit or be excluded. City Manager Pasquale explained the ordinance does not allow off premises sign. The sign should be placed on Highland Hill property. One idea would be to purchase the Leeman property, which adjoins Highland Hill.

Jahnke suggested a regulatory (green) sign directing public to the development. Pasquale did not believe the State would allow such a sign.

Commissioner LaPonsie questioned if this would be a temporary sign. Jonker stated the sign would need to stay in place for approximately three to five years.

Commissioner Hall believed if this were allowed, every other builder would want to advertise their developments throughout the City. He suggested that Holwerda Builders advertise the development in the paper or on their web site.

Jahnke said according to the ordinance, such a request can not be granted. Commissioner Mundt agreed, adding the proposed sign location would be located in a residential area, which does not allow signs for off site advertising.

- E. Master Plan Update. McKenna Associates provided a draft of a base map, notice of intent to plan and a recent article appearing in Michigan Planner magazine. A land use survey will be performed in the near future.

Commissioner Hall requested bridges be added to the base map.

Chairman Jahnke suggested the airport be shown on the map. City Manager Pasquale stated the map would need to be extended out. Jahnke questioned if the City owns the property where the airport is located. Pasquale responded yes. It is in the corporate limits of Vergennes, however the City is the land owner. It is not within the corporate city limits.

Commissioner Mundt stated the map shows several properties south of M21 with a north designation.

Commissioner Berry referred to the 1995 plan, which mentions an objection to lessen congestion on public roads and streets. He questioned if this was feasible. Jahnke believed this would be what the Commission should always be doing. Berry also believed it would be beneficial to have a greater industrial base as well as incentive to encourage homeowners to renovate their homes.

Item #5. **BUILDING INSPECTOR'S REPORT.** Building Inspector Doug Hopkins referred to "Summary of Complaints and Actions Taken". A letter was sent out on February 28, 2006 to 206 S. Pleasant stating the resident has 15 days to resolve any remaining issues regarding the sheds which need to meet the building code requirements. The letter came back unclaimed and the issue has now been forwarded to Police Officer Hinton for a citation and follow up.

Per Commissioner Teelander's comment, letters were sent on March 8, 2006 requesting individuals trim trees.

Planning Commission Chairman Jahnke questioned the new lighting in the parking lot at Good Chevrolet. Hopkins stated he would review the issue.

Commissioner Teelander inquired regarding the lighting at the middle school. City Manager Pasquale spoke with Larry Mikulski from Lowell Area Schools received complaints from parents regarding the parking lot not being lit well enough. Mikulski will review the issue to see if the lights can be reduced. Pasquale noted a study was completed to ensure proper lighting was installed.

Commissioner Mundt questioned if off site real estate signs were allowed. Hopkins stated real estate signs are exempt.

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

Item #7. **COMMISSIONER COMMENTS.** Commissioner Mundt referred to waiving special meeting fees. The Lowell City Code, Chapter 16 - B states "a person requesting a special meeting shall make his request in writing and shall state the reason. The request shall also be accompanied by the special meeting fee, established by Council resolution, to cover the cost of preparing for, noticing and holding the meeting. Each party requesting a special meeting shall pay the established fee". Mundt noted there is no provision which indicates the Commission can waive the fee. He went on to state by waiving the fee, the Commission has violated the oath, the City Charter, and possibly state law.

Mundt proposed a motion be made to never waive fees again. It is in direct violation of the City code. If no motion is proposed, Mundt suggested the Commission receive an interpretation from City Attorney Richard Wendt on whether such fees can be waived. City Manager Pasquale stated he would provide an interpretation from Wendt at the next meeting.

IT WAS MOVED BY LAPONSIE to adjourn at 8:16 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk