

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

For the Regular Meeting of the Planning-Citizen Advisory Commission April 24, 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, Hall, Grimm, LaPonsie, Mundt, Teelander and Chairman Jahnke.

Absent: Commissioner Schmaltz.

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

Chairman Jahnke noted Commissioner Schmaltz has submitted her resignation from the Planning Commission.

IT WAS MOVED BY LAPONSIE and seconded by TEELANDER to excuse the absence of Commissioner Schmaltz.

YEAS: 8. NAYS: 0. ABSENT: 1. MOTION CARRIED.

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

YEAS: 8. NAYS: 0. ABSENT: 1. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.** City Manager Pasquale mentioned Jay Hoekstra and Andy Bowman from the Grand Valley Metro Council wish to give a short presentation. He suggested this be discussed before the Master Plan Update.

Pasquale also suggested the issue of allowing outside patio furniture at 800 W. Main and 307 E. Main be discussed prior to the update of the master plan.

IT WAS MOVED BY LAPONSIE and seconded by BERRY to approve the agenda as amended.

YEAS: 8. NAYS: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

A. Ordinance amending wall signs in Central Business (C-2) District – recommendation to the City Council. A request from Dr. Judd Carrolls office had been received to allow a wall sign on the east side of their building. As discussed at the last meeting, wall signs in the Central Business District must face a street or a public or private parking area. In this particular case, it is facing

the river. After previous discussion, the ordinance would not allow a sign which is placed on the side of the building facing the river. However, there was a general consensus from the Commissioners at the last meeting such a sign would not be objectionable. The Commission believed a zoning ordinance amendment was necessary and the words "any adjacent vacant space" should be added for Central Business District wall signs.

One unintended consequence from the discussion was wall and projecting signs are included within the same category. This is an issue that should be discussed.

City Manager Pasquale noted Hungry Howie's (old Touch of Country building) has also petitioned for a wall sign on the east side of their building.

The recommendation will be given to the City Council who in turn will review through a public hearing.

David Sullivan, representing Hungry Howie's, 100 E. Main petitioned the Commission to recommend the amendment to allow the proposed signage. The business wishes to place a sign on the east side of the building, facing the river.

Commissioner Teelander inquired regarding the appearance of the sign. Sullivan responded the colors are yellow and brown, made of faux wood. A sample was brought before the Historic District Commission last month. The side sign would be a replica of what will be placed on the front of the building, at a smaller scale.

Pasquale stated the amendment would read as follows:

Section 1. Amendment to Section 20.08 of Chapter 20. Section 20.08, "Zone district signs," of Chapter 20, "Signs," of "Appendix A – Zoning Ordinance" of the Code of Ordinances of the City of Lowell is amended by amending C-2 Central Business District – Permitted signs, Wall signs or Projecting signs, location to read as follows:

On wall of building facing street, facing public or private parking area or facing any adjacent vacant space. Projecting signs shall extend no more than five (5) feet from the building or, if applicable, one-third (1/3) the width of the sidewalk, whichever is less.

Pasquale noted the amendment has been advertised.

Pasquale explained the definition of a projecting sign is as follows: "a sign which projects from and is supported by a wall of a building and does not extend beyond, into or over the street right of way".

Downtown Historic District Commission Chairman Steve Doyle believed the ordinance was appropriate as is. Doyle questioned the definition of a vacant space.

Sullivan noted the proposed sign projects out approximately 4 inches from the side of the building.

Pasquale stated there was little discussion regarding projected signs. Unfortunately, the current ordinance includes wall and projected signs. If there is an interest in allowing wall signs, it can be done and be amended. A wall sign would be more appropriate for consideration rather than a projecting sign.

Pasquale read an email from Jim Doyle as follows: "I am writing to you to express my personal view regarding the proposed change to the sign ordinance. It appears that this will liberalize the use of signs in the downtown which will negatively affect the aesthetic character. The amendment is as follows; permitted signs: Wall signs are projected. Location to be read as follows: On wall of building, facing street, facing public or private parking area or facing any adjacent vacant space. Projecting signs shall extend no more than five feet from the building or if applicable 1/3 the width of the sidewalk, whichever is less. What is a vacant space? Is the river or dam a vacant space? I believe the following needs to be added "no wall or projecting sign may be placed over the river or dam area. The amendment in its present form seems to allow five foot projecting signs over the river or dam. Lowell businesses have plenty of signs without contaminating the pleasant and scenic river views that make Lowell unique. We have an unusual blend of commerce and nature and we need to find a way to respect both.

Sincerely,

Jim Doyle

Pasquale believed there are ways within the Downtown Historic District to make wall signs attractive. He noted the Flat River Grill wall sign.

Chairman Jahnke clarified a statement from last month's minutes with respect to comments from the Zoning Administrator. In Item 4C it states "Hopkins noted individuals must receive approval of a sign from the Historic District Commission and then apply for a sign permit". Hopkins stated he does not approve and issue a sign permit until it has been approved by the Downtown Historic District Commission. He noted the sign could be approved stating it meets the zoning ordinance requirements, pending approval from the Historic District Commission. Often the HDC will approve the permit pending the ordinance approval as well. Jahnke suggested the sign be approved through the zoning ordinance prior to being submitted to the HDC for review. HDC Chairman Steve Doyle was in agreement.

Commissioner LaPonsie had no problem dropping the projecting signs. However, she did not understand why the Commission would allow wall signs on buildings which are not on the river and then not allow wall signs which are on the river.

Commissioner Grimm would not support signs over the river.

Commissioner Hall agreed with LaPonsie. He believed it was unfair to businesses and would be in favor of allowing signs which follow the Historic District regulations.

Commissioner Berry agreed with Hall as long as it involves the wall signs and meets the

Historic District regulations. He was not in favor of projecting signs. Commissioner Teelander also agreed.

LaPonise suggested wall signs be allowed on the side of buildings within the Historic District.

Pasquale suggested the following recommendation: "On wall of building facing street or facing public or private parking area. Wall signs also may face any adjacent vacant space". He noted this excludes projecting signs.

Doyle questioned if the dam would be considered vacant space. Jahnke believed it was considered a structure. Pasquale noted there is a vacant space in between the wall and the dam. Hopkins indicated a dam is considered vacant space, not a building.

Jim Breuckman from McKenna Associates suggested adding "wall signs may be located on any exterior wall". Projecting signs would not change.

Pasquale proposed the following: "on wall of building facing street or facing public or private parking area. Wall signs may be located on any front or side exterior wall. Projecting signs may be extended no more than five feet from the building or if applicable, one third (1/3) the width of the sidewalk, whichever is less".

IT WAS MOVED BY LAPONSIE and seconded by HALL to recommend approval of the ordinance amending wall signs in the Central Business District to the City Council as amended.

YEA: 6. NAY: 2. (Commissioner Grimm and Chairman Jahnke)

ABSENT: 1. 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 the Off Street Parking Lighting Section of the Zoning Ordinance – committee update.**
Chairman Jahnke stated the committee will establish light meter readings throughout the downtown area. Local business owners are invited to attend a committee meeting, which has been tentatively set for May 8, 2006.

B. **Interpretation – District regulation for single family dwellings in the R-3 Residential District.**
Pasquale stated R-3 Residential District allows single family dwellings. However, the district regulations provide for two and multiple families but nothing for single family.

Chairman Jahnke believed building permit applicants need direction on this.

Building Inspector Hopkins said the issue was presented a few years ago. It was determined the R2 limitations could be used for this district. The guidelines are generally the same. However, Hopkins believed wording should be placed in the ordinance.

IT WAS MOVED BY LAPONSIE and seconded by HALL to use the R2 requirements for R3 single family homes until an amendment to the Zoning Ordinance can be established.

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

Jahnke requested input from a professional planner. He will invite another individual to the next meeting to discuss the matter.

- C. Permission for outside patio furniture at 800 W. Main and 307 E. Main. Monica Kunecki is interested in operating a café at 800 W. Main Street (formally, Big Dish) which would be called College Café. Kunecki has brought the idea of having patio tables on the outside of the building. Two to four tables would be placed outside during business hours. Kunecki also wishes to provide outside grilling from time to time.

City Manager Pasquale noted the City does allow the display of goods outside as long as the items are moved back inside when the business is closed. He questioned if tables and chairs would be considered the same.

Chairman Jahnke noted the City allowed Roll Away to have outdoor grilling some time ago. Commissioner Mundt believed outdoor grilling was covered under the fire ordinance.

Jahnke mentioned the outside dining at the Flat River Grill.

Pasquale said Sterling Massey of Voyages has also requested a few tables in front of his coffee shop. However, this would be within the public walk. Jahnke believed the City Council should address this issue, due to the tables being placed on public property.

Jahnke had no problem with the College Café having outdoor grilling or outdoor dining. However, if such activities are carried out on public property, it should be presented to the City Council.

Hopkins indicated the parking requirement is based upon inside seating. Kunecki questioned if there was parking available on either side of the street on Pleasant. Pasquale responded such parking does not count as required parking. It must be on site. Kunecki noted the outdoor tables could be placed on the sidewalk. Pasquale stated Kunecki would need to decrease the inside seating if there is outdoor seating.

Kunecki indicated she was also considering a café at 427 E. Main (gas station near Balls). Would this proposed business be appropriate there as well? Jahnke was not in favor of this

location because there is not enough parking.

Kunecki explained the College Café will be operated under the Cherubim Foundation. It is being developed to assist people with disabilities, disadvantaged youth and victims of abuse and of domestic violence. The College Café will employ youth who are completing student internships. It will be collaborated with the culinary arts, cultural arts and culinary demonstration.

Kunecki spoke with Marlene Heemstra from Alternative Directions who has indicated there is a great need for student employment in which one can earn school credit.

By general consensus, the Commissioners agreed to allow the outdoor grilling and seating.

Commissioner Berry questioned if the outdoor grilling or equipment used had to meet health code specifications. Pasquale stated commercial operations need to meet public health approvals.

It was noted any outdoor dining which is placed in the public right of way, must be presented to the City Council for review and consideration.

- D. Presentation by Grand Valley Metro Council. Jay Hoekstra and Andy Bowman from the Grand Valley Metro Council (GVMC) were present to discuss land use and development throughout the entire metropolitan area. The GVMC believes there is a great need to develop and preserve a network of open spaces and green ways. One primary vision includes compact livable communities. There is a need to establish a better way of positioning residential units throughout the metropolitan area. A process needs to be established for aligning regional investments, such as streets, transit, sewer systems, school systems and all the large networks and pieces of utility and services which support the metropolitan area.

Hoekstra stated GVMC would appreciate input from the Planning Commission as work is being done on the Master Plan in order to see where the City of Lowell is fitting into the units of government.

Studies have shown homes are smaller and consist of one or two persons. The greatest age growth is occurring between 55 to 85 years of age. It also appears that the average income is decreasing.

Hoekstra questioned how much growth can be expected within the City of Lowell and how much of that growth would be in neighborhoods.

Bowman suggested the Commission review zoning samples which can guide the Commission as well as lining up streetscapes and matching building types with particular zones.

It was noted the GVMC is here to help and gauge the Commission through the Master Plan process.

- E. Master Plan Update. Jim Breuckman of McKenna Associates was present to discuss the Master Plan update. He works on a continuous basis with many communities and has seen many Master Plan and Zoning Ordinance updates.

All seems to be on schedule at this time. A report should be provided in May, 2007.

- F. Waiver of Special Meeting fee – opinion of the City Attorney. City Manager Pasquale read a letter from City Attorney Richard Wendt regarding the waiver of special meeting fees. He believed the City has the option with this provision of the Code, as it does with all provisions of the Code, to determine its enforcement. The Commission may, in its discretion, determine not to collect a fee. It should be noted, however, that a determination not to collect the fee may set precedence for the future, making it difficult to collect the fee from other parties requesting a special meeting.

By general consensus, the Commission agreed to leave the ordinance as is, pay \$250 or come to the next meeting.

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

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

Item #7. **COMMISSIONER COMMENTS.** Commissioner Mundt asked if there would be any interest in touring the City as a group. By general consensus, the Commissioners agreed this was a good idea. Commissioner Dimmick stated he would check to see if the First United Methodist Church van is available for use.

Commissioner Berry questioned how the City removes dead animals from its streets. City Manager Pasquale stated the DPW takes care of such issues from time to time.

Commissioner Dimmick asked if Barb Schmaltz needed to submit a letter of resignation. Chairman Jahnke stated he would contact Schmaltz.

IT WAS MOVED BY HALL to adjourn at 9:23 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk