

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

For the Regular Meeting of the Planning-Citizen Advisory Commission January 22, 2007 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, Doyle, Hall, LaPonsie, Mundt, Noall (arrived 7:22 p.m.) Teelander and Chairman Jahnke.

Absent: None.

Also Present: City Manager David Pasquale, Assistant City Treasurer Lori Gerard, DPW Director Dan DesJarden, Councilmembers Hodges and Shores, and Building Inspector Doug Hopkins.

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

YEA: 7. NAY: 1. (Hall) ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY TEELANDER and seconded by HALL to nominate Commissioner LaPonsie as Chairman of the Planning Commission.

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

IT WAS MOVED BY HALL and seconded by BERRY to nominate Commissioner Jahnke as Vice Chairman of the Planning Commission.

Commissioner Mundt was nominated as Vice Chairman of the Planning Commission but chose not to be considered.

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

IT WAS MOVED BY JAHNKE and seconded by TEELANDER to approve the minutes from the regular meeting of November 27, 2006 as presented.

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

Item #1. **APPROVAL OF AGENDA.** Commissioner Jahnke stated he does not have a lighting ordinance to present and requested the issue be discussed during the February, 2007 meeting. Commissioner Berry suggested the joint signage ordinance committee with Lowell Township be discussed during the February meeting as well. Commissioner Hall reported he has been contacted by Mark Batchelor of Lowell Township. Batchelor indicated he is out of town and will schedule a meeting as soon as he returns.

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

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

Item #2. **PUBLIC HEARING.**

- A. Ordinance regarding non-conforming lots – review and consider setting a public hearing (2/26). As requested by the Planning Commission, City Attorney Richard Wendt has drawn an ordinance regulating non conforming residential lots. If acceptable, a public hearing can be established for the February 26, 2007 meeting.

Commissioner Berry referred to the ordinance which states it must meet 80 percent of the required lot area, lot width and side yard setbacks. It then states all other applicable setback requirements must be met. Does this mean met at 100 percent? City Manager Pasquale responded all requirements would be 100 percent except for those particular provisions.

Pasquale explained ordinarily one single lot does meet the criteria for building. Many times individuals are interested in creating two small lots which are non conforming. This has been a problem. The City does not want to authorize non conforming lots.

IT WAS MOVED BY JAHNKE and seconded by HALL to establish a public hearing for February 26, 2007 regarding the ordinance on non conforming lots.

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

Item #3. **NEW BUSINESS**

- A. **SITE PLAN REVIEW** - None.
- B. **VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS** – None.

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

- A. Consideration of conceptual plan for the Lowell Dog Park. A committee led by Jeff Eckstrom has been working diligently to establish a dog park in the City. Much time has been spent with the Parks and Recreation Commission. After some review, the Parks Commission approved the dog park plan at Stoney Lakeside Park at its December 16, 2006 meeting. A request is now made for a Planning Commission concurrence on the conceptual plan.

Eckstrom explained it is helpful to the committee when fundraising, to have an approval from the Planning Commission before telling people they are on the right track and receiving approval from each level.

Eckstrom noted the park will have a four foot high fence. There are currently orange stakes placed showing the perimeters of the fenced area. The fence will be black vinyl chain link.

Commissioner Mundt questioned if there was concern of being too far away from the parking lot. Eckstrom responded the distance was recommended by the Parks and Recreation Commission. The Commission felt this is a good spot because of the pedestrian traffic which can come from several different neighborhoods.

Currently, an open space is planned with a wood chipped trail around the large dog area of the park.

Chairman LaPonsie was concerned with the parking lot being so far away and causing accessibility problems for an individual who may not be very mobile. Eckstrom stated this has been discussed. A future project involves a path to the sidewalk on Bowes Road.

Mundt asked if they intend to fund this completely from donations. Eckstrom responded yes. At this time, the committee has raised just over \$5,000.

LaPonsie inquired if other cities have noticed an increase in liability with dogs fighting one another. Eckstrom stated it has not been a problem.

Commissioner Teelander questioned the hours of the dog park. Eckstrom responded it will be open seven days a week, closing at dark.

Commissioner Dimmick asked if the City would be responsible to maintain the park. Eckstrom explained there will be an ongoing committee who will continue to raise funds for the maintenance of the park.

Dimmick questioned who would be responsible for closing the park. Eckstrom did not believe the park would be locked. A sign would be placed indicating the hours.

Commissioner Doyle asked who would be responsible to clean up after the dogs. Eckstrom explained this is the number one rule for the dog owners. There will be many dispensers with bags and a place to discard the waste. Other dog parks have indicated dog owners seem to do a great job keeping the area clean.

Commissioner Berry questioned the liability factor. Pasquale explained the City has an umbrella liability policy.

Jahnke questioned how the size of this dog park compares with others. Eckstrom responded this one is quite large compared to others, totaling approximately $\frac{3}{4}$ of an acre.

Doyle believed any individual who loves dogs would naturally take care of the park.

IT WAS MOVED BY DOYLE and seconded by HALL to approve the conceptual plan for the Lowell Dog Park.

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

- B. Clarification/definition for ground signs (non residential uses) in the R-1 district. Building Inspector Doug Hopkins explained there is no definition for ground signs for non residential uses nor for home occupation signs. He questioned the Planning Commission's interpretation of what a non residential sign is.

Commissioner Mundt questioned if City Attorney Richard Wendt should be contacted regarding his definition of non residential use and home occupation. Commissioner Hall believed pages 21 and 24 of the ordinance under "Ground Signs for Residential Uses" would provide the definition.

Commissioner Jahnke believed the intent of a residential sign or purpose would be to identify the individual's name and address.

Chairman LaPonsie felt the sign was appropriate because of the way the ordinance is written. It is a non residential use. However, this should be clarified for the future.

Pasquale noted other community ordinances can be reviewed.

LaPonsie felt non residential signs in residential districts need to be clarified as well as definition for home occupations and what a residential use is.

Sherry Grimm, 316 Spring, explained she wishes to have a sign placed in her yard to advertise her business to sell product (Avon) and invite others to join the business.

Jeanne Shores, 315 Spring noted the sign does not bother her. In considering the residential areas, she wanted the Commission to keep in mind that Grimm's property is near a church, park, funeral home and a funeral home parking lot. Basically, she is the only resident which can see the sign.

Commissioner Teelander did not believe the sign should be at the corner of the sidewalk. Grimm noted it is 10 feet from the curb. Pasquale explained it needs to be 10 feet away from the inside of the sidewalk.

Mundt proposed the issue be tabled until discussion can be held with City Attorney Wendt to receive a definition of non residential use and home occupation.

LaPonise also believed a Commissioner should meet with Hopkins to receive input on the subject as well. Commissioner Dimmick volunteered. Pasquale stated information will be provided at the next meeting.

- C. Professional Planning Services. As discussed at the December 11 workession, Jay Kilpatrick of Williams & Works submitted a proposal to provide professional services for site plan review. A typical plan would cost between \$360 to \$475. It would cost \$1100 to perform a three hour training session.

Chairman LaPonsie suggested additional bids be received for the professional review including time and training. City Manager Pasquale stated he would contact two local firms.

Commissioner Mundt believed it was important to go with a firm who will do a good job.

Mundt also suggested the Commission attend the four hour training session in Grand Rapids for \$69 a person. The workshop pertains to site plan reviews. LaPonsie wanted Pasquale to inquire what the amount would be to hold a session at City Hall.

- D. Reviewing of ordinance regarding the keeping of fowl, rabbits and similar animals – continued discussion. Chairman LaPonise reviewed the proposed ordinance regarding the keeping of fowl, rabbits and similar animals. Also, a section on exotic animals was included and its changes. Hopkins agreed with the changes.

Commissioner Jahnke questioned if there was a more practical way of issuing a permit. City Manager Pasquale stated the City has an Animal Control Officer who would follow up on complaints.

LaPonsie asked if any Commissioners had concerns with the fowl section of the ordinance. Commissioner Teelander believed these are farm animals and do not belong in the City. Commissioner Jahnke was pleased with the ordinance.

Commissioner Hall noted Vergennes Township does not allow chickens in residential districts.

Commissioner Berry believed fowl should be eliminated. Commissioners Doyle and Dimmick agreed.

Commissioner Mundt did not have any problem with the keeping of fowl within the City limits. However, he was concerned regarding “keeping within a residential living space”. He suggested the wording “following health codes” be added.

By a show of 5 to 4, (Yes: Hall, LaPonsie, Mundt, Noall and Jahnke; No: Doyle, Berry, Tellander and Dimmick) the Commission was in favor of keeping the allowance of fowl in the ordinance.

LaPonise questioned if exotic animals should be detached. Mundt believed currently there are individuals living in the City with exotic animals. LaPonsie questioned if the Commission wanted to address the issue at this point. Doyle wanted the option to say no to a specific animal.

Jahnke suggested taking the issue to City Council to determine their views.

By general consensus, the Commission agreed to send both provisions (fowl and exotic animals) to City Council for feedback before proceeding further.

Pasquale stated the City Council will review the issue at the February 5, 2007 meeting.

- E. Ordinance to require completion of exterior features of structures. Commissioner Mundt stated his concern which involves individuals completing a building project in a timely manner. Mundt referred to the proposal, which states if one is violating the ordinance, a civil infraction is created. City Manager Pasquale explained it is not considered a civil infraction at this time.

Commissioner Hall suggested construction materials be removed in a timely manner. Building Inspector Doug Hopkins stated this is addressed in the Property Maintenance Code and is handled by the Police Department. Hopkins commented on the statement "the time for completion of all exterior features of a structure may be extended by the Building Official only after approval of the Construction Board of Appeals, for good reason". The Construction Board of Appeals is written into the Building Codes. Under that, their sole purpose is under Section R 112.2 "limitations on authority" "an application for appeal shall be based on the claim that the true intent of this code or other rules legally adopted there under has been incorrectly interpreted. The provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code". Hopkins believed an extension should proceed before the Zoning Board of Appeals rather than the Construction Board. Mundt suggested stating the "time of completion may be extended by the building official for valid reasons". Pasquale stated this will be presented to City Attorney Richard Wendt and request it be provided for the next meeting.

By general consensus, the Commission agreed.

- F. Variance criteria list. Information was provided by Langworthy, Strader, LaBlanc regarding the variance criteria list. City Manager Pasquale asked if this was something the Commission wanted to incorporate.

Chairman LaPonsie asked if this would be provided to applicants.

Commissioner Mundt was in favor of the information provided.

LaPonsie questioned if this was something the Commission wanted to incorporate into the paperwork or should it be discussed further.

Commissioner Jahnke suggested the information be reviewed for another month.

Pasquale stated this can be added to the February agenda. By general consensus, the Commission agreed.

- 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.** Rodger Garner, General Manager of Good Chevrolet, 1250 West Main Street noted his concerns regarding the sign, balloon, banner ordinance of the City. He has

found many other cities are not as strict as the City of Lowell when enforcing such ordinances. Garner believed the system is hindering his ability as a retail business.

Chairman LaPonsie stated several years ago the Commission tried to work with the businesses regarding this issue. However, very little input was received. Commissioner Jahnke stated this is also why the City is working with the township at this time.

LaPonsie stated the Commission would notify Garner when the meeting is held with Lowell Township, so he can attend.

Greg Canfield of 403 N. Washington stated he operates Canfield Plumbing and Heating from 411 East Main and 211 S. Washington. He wishes to build a second building on the S. Washington lot. The lot size is 198 X 132. In the past, this was a lumber yard and was zoned Industrial. It is currently zoned R3.

Canfield stated he would like to expand in the Spring.

Commissioner Jahnke believed it would be applicable for Canfield to submit a request for a rezoning application for Light Industrial.

Item #7. **COMMISSIONER COMMENTS**. Commissioner Hall requested City Manager Pasquale update the Commission regarding the Capital Improvements Plan. Pasquale explained the Commission reviews various improvements and projects them out so many years. Hall noted it must be done before the City budget is approved.

Commissioner Jahnke noted there is an updated plan for the City of Lowell ambulance building.

Commissioner Mundt suggested transplanting a few of the trees as opposed to cutting them down.

He also commented on the banners and believed Jahnke raised a good point regarding a level playing field between the City and the township. At the same time, he wanted to ensure the local businesses have either a level playing field or even a competitive edge.

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

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk