

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

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

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

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

Absent: Commissioners Doyle and Jahnke.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Councilmembers Hodges and Shores, Building Inspector Doug Hopkins, Parks and Recreation Commission Chairman Perry Beachum.

IT WAS MOVED BY DIMMICK and seconded by BERRY to excuse the absences of Commissioners Doyle and Jahnke.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY HALL and seconded by TEELANDER to approve the minutes from the regular meeting of February 26, 2007 as corrected.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.** Commissioner Berry suggested Item 6A (off street parking lighting) be eliminated from the agenda due to the absence of Commissioner Jahnke. Commissioner Hall also suggested Item 6C (Joint Signage Ordinance with Lowell Township) be tabled as no updates are available.

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

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

A. Ordinance to require completion of exterior features of structure – public hearing and recommendation to the City Council. The proposed ordinance requires the completion of the exterior features of structure within 12 months for residential buildings and 18 months for commercial and industrial. Building Inspector Doug Hopkins has some latitude to extend the permit, due to extenuating circumstances.

IT WAS MOVED BY MUNDT and seconded by BERRY to recommend adoption of the ordinance regarding completion of exterior features of structure to the City Council.

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

- B. Rezoning – 211 – 225 and 130 S. Washington – from R-3 (Multiple Family Residential) to LI (Light Industrial) – Greg Canfield – public hearing and recommendation to the City Council. At the last meeting, Greg Canfield was present to petition for a rezoning of the property which is located on S. Washington Street on the east side. He is interested in moving a pole barn type structure to this site. Currently, the parcel is zoned R3. Canfield is petitioning for a rezoning to Light Industrial.

While the Planning Commission has been reviewing this parcel, there is also one immediately to the south which was utilized by Attwood when the company was undertaking plastic injection molding. Currently, it is owned by Mid Michigan Railroad. In reviewing this, it was said if there was interest to rezone, it would make sense to also include this parcel. City Manager Pasquale noted the property immediately to the east is public property. The north side of the property was previously zoned Light Industrial and is currently zoned R3.

Pasquale noted the address is shown as 130 S. Washington. City Clerk Morlock explained Superior Furniture had this address at one time. Pasquale added the address used when advertising was based on the legal description. Both properties were also advertised as Light Industrial zoning.

Canfield stated he visited nearby property owners to explain what is being proposed. Everyone supported and appreciated the building being improved.

Craig Hanson of Superior Furniture requested the address numbers be corrected. Pasquale responded it can be corrected by City Assessor Jim Marfia.

IT WAS MOVED BY DIMMICK and seconded by HALL to recommend to the City Council the rezoning of 211 – 225 and 130 S. Washington from R-3 (Multiple Family Residential) to LI (Light Industrial).

YEA: 7. NAY: 0. ABSENT: 2. MOTION CARRIED.

Canfield was hopeful to have a site plan review scheduled for the next meeting. Pasquale believed the Commission could still review and provide any approvals, subject to the rezoning. Canfield also felt a hearing for a variance would have to be set due to it being a corner lot with two front yards. The side and rear setback in Light Industrial is 50 feet. The current building on the site is built six inches from the property line. There will need to be an eight foot variance on either the north or south side. Canfield believed it would be more appropriate to keep the 50 foot setback on the north side which borders the residential property and request an eight foot variance on the side which faces Front Street. This would provide a 42 foot front

yard setback instead of the normal 50 feet. Pasquale explained the Commission would probably make a recommendation at the next meeting for the variance. This can be completed at the same time a site plan review is being done.

- C. Proposed ordinance amending the keeping of fowl, rabbits and similar animals – review and consider holding a public hearing (4/23). Chair LaPonsie referred to the summary prepared by City Manager Pasquale. She questioned the statement “special use permit if lot is less than one acre”. Should this state “at least ½ acre”?

LaPonsie also referred to set back requirements do not apply to if these animals are housed inside. She believed it should state “in the living space of a residence”. Pasquale asked if there was anything within the proposed ordinance itself which should be changed.

Pasquale read the following:

Section 1. Amendment to Subsection C of Section 4.19.

As long as applicable public health standards are met, fowl (excluding roosters), rabbits or similar animals may be kept within the living space of a residential unit in all residential zone districts. Fowl (excluding roosters), rabbits or similar animals kept outside or in an outside enclosure in any residential zone districts is (i) permitted by right if the lot is at least an acre in size and (ii) permitted by special use permit if the lot is less than an acre. Two (2) such animals are permitted for each one-half (1/2) acre in lot size. Roosters may not be kept either inside or outside in any residential zone district. Any outside structure housing such animals shall be located fifty (50) feet from all adjoining lot lines. Setback requirements do not, however, apply to such animals housed within the living space of a residential unit.

LaPonsie referred to item (2). She believed it should state “permitted by special use permit if the lot is less than 1 acre but at least ½ acre”. Commissioner Mundt clarified at least one acre is needed and one would be allowed four animals outdoors.

Commissioner Teelander did not realize two animals per ½ acre was being considered. She was not in favor of this. Commissioner Berry agreed with Teelander. He was not fond of having fowl within the City. He was bothered by not setting a limit inside the home. LaPonsie stated she would not be opposed to having a limit inside. She understood dogs are limited because they live in and out of the home. She questioned what would be a good limit. Berry wanted to leave it at three, even if it is a combination of animals. LaPonsie suggested adding a line stating “a limit of two chickens within a living space of a residential unit is allowed”. Mundt did not believe a limit within the house could be set. He did not feel the City needed to regulate individuals in their homes anymore than what is already being done. Whether it is one or ten animals, it will depend on the individual homeowner and how well they maintain their residence. He referred to the first statement “as long as applicable public health standards are met”.

Commissioner Noall questioned if there were any other townships or cities with a similar ordinance. LaPonsie said other ordinances have been reviewed regarding the allowance of chickens outside. She believed some are too restrictive. LaPonsie was unsure of what other

townships and cities had as far as other animals inside.

Berry believed fowl should be limited to the same amount as dogs.

LaPonsie noted the one change in the ordinance “permitted by special use permit if the lot is less than an acre, but at least a ½ acre”.

IT WAS MOVED BY MUNDT and seconded by HALL to hold a public hearing for April 23, 2007 regarding amendments to the section on keeping of fowl, rabbits and similar animals as well as include the change involving the special use permit.

YEA: 6. NAY: 1. (Berry) ABSENT: 2 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. Professional Planning Services. City Manager Pasquale explained he contacted LSL Planning due to an issue regarding what reimbursable expenses there would be. An email was received from Paul LaBlanc of LSL Planning who explained the reimbursable expenses related to presenting a workshop would likely be limited to travel and printing handout materials. Both of which would be minimal. He estimated the cost of mileage at \$22 and printing \$20.

Additionally, as a matter of courtesy, McKenna Associates was also asked to provide a proposal.

Chair LaPonsie believed the expenses from LSL Planning would be minimal. She felt it would be more appropriate to have the training in the evening at City Hall. Other townships can be invited as well.

By general consensus, the Commissioners agreed.

LaPonsie suggested a training session on Monday, May 14, 2007. Pasquale stated he would check into the date.

LaPonise referred to the Plan Review. Pasquale explained this was initially started before the City considered the idea of having a professional review of the site plan done. LaPonsie believed it would be worthwhile for the Commission to go through the training.

Jim Breuckman of McKenna Associates stated many communities have it written in their

Zoning Ordinance or policies regarding which issue is forwarded onto a consultant. He explained a simple policy can be established, such as projects being reviewed which are greater than 2000 square feet.

Commissioner Teelander believed each proposal was presented entirely different.

Commissioner Berry noted Williams and Works has a rate based upon plans. Pasquale said LSL bases their price of the plan per hour.

LaPonsie did not believe Prein & Newhof fit the needs of the City.

Parks and Recreation Commission Chairman Perry Beachum suggested each company present what type of work they would provide.

Commissioner Mundt stated Williams and Works seems to have the lowest rate based on per hour. He suggested the Planning Commission use Williams and Works. By general consensus, the Commission agreed. Pasquale noted LSL Planning will be used for training.

- B. Advertising signs in parks - ballfields. Parks and Recreation Commission Chairman Perry Beachum and Toby Alderink of the Lowell Little League were present for discussion.

At the last Parks and Recreation Commission meeting, the Lowell Little League reviewed the idea of providing advertising signs along the homerun fence at Creekside Park. Due to time constraints, the City Council approved the idea for this year only.

Perry Beachum explained the recommendation from the Council is to allow Lowell Little League and Xtreme Softball to place advertising signs on the fence for this season only. The signs shall not exceed 32 square feet. The Council has requested the issue be further reviewed by the Planning Commission for future use.

The Parks and Recreation Commission is working on agreements for these groups. It has also been determined there will be a minimal charge for each participant who use the athletic fields during 2008. Beachum noted the signs will only be placed during the spring and fall seasons.

Alderink stated the signs are made of compressed aluminum. Each will be framed as well as being very durable and weather resistant. The signs will be 2 X 4 feet and will not exceed 4 X 8 feet. Each will be attached to the fence with a lock type system.

Building Inspector Doug Hopkins understood the signage was being placed at the ballfields. However, he did not realize the signs were vendor advertising signs. The ordinance does not address this. Pasquale stated only the company name and logo are placed on the signs. There will be no advertising specials allowed.

Commissioner Mundt stated the Lowell Little League and other sports organizations are worthwhile causes and need to have support from the Community. However, he did believe it

requires a policy or a change in the ordinance. The ordinance specifically prohibits such signs.

Commissioner Dimmick believed the Commission needed to study the issue further before providing a recommendation.

Commissioner Noall believed the ordinance needed to be changed with some limits.

Commissioner Berry inquired if there was a limit set on the number of signs which can be placed. Alderink responded no. It was noted advertising would only be placed on one side of the fence. He stated there is only one fence which surrounds an entire field.

Beachum explained their intention was to have the Planning Commission discuss the issue over the next several months. The Council has approved the signage for the upcoming year.

LaPonsie suggested the issue be reviewed during the April meeting. She wanted discussion regarding a proposed ordinance.

Mundt stated he would seek other ordinances from communities regarding it being set as an ordinance or policy.

Dimmick inquired regarding the cost to advertise. Alderink responded a one year commitment is \$250 per sign. Dimmick questioned who would be responsible for placing the signs and removal of the signs. Alderink responded Little League Boardmembers.

- C. Master Plan Update – review of future land use map and future land use chapter. Jim Breuckman of McKenna Associates presented the future land use plan. The land use chapter includes discussion of the land use categories in terms of meaning and what should be permitted. Also, included was a detailed section on downtown design guidelines. The focus of this section is enhancing and building off of the existing downtown character and to ensure development occurs properly.

The future land use area includes categories of low density single family, single family one and single family two. These three land use categories were structured to correspond with the existing residential zoning districts. The low density single family plans for two units an acre because the suburban residential district calls for 23,000 square foot lots. The single family one calls for three ½ units per acre, which corresponds with the R1 zoning district, while the single family two corresponds with the R2 zoning district.

Breuckman noted one zoning ordinance change would be to add flexibility to lot sizes without changing the density. This can add character to the neighborhood instead of having the same lot size repeated several times.

A mixed residential category involves a bridge between the multiple family land use category and single family districts. This mixed residential calls for approximately six units per acre with specific design guidelines. It allows for a mixture of attached and detached units. This allows for a transition in a logical way.

There is also a multi family residential land use category which is intended to correspond with the existing R3 zoning district.

The highway business category is intended to correspond to the C3 zoning district similar to how West Main Street has developed.

The downtown land use category traverses along E. Main Street between Jackson and the railroad tracks. The firm recommends the downtown area regulate more by design and much less by land use. The important issue is to have the buildings appear as if these fit in the downtown area. There can be buildings which are considered industrial uses as long as the design criteria is set correctly. The benefit of regulating less by use provides more flexibility to land owners.

The downtown edge is slightly different. It is intended to be consistent in design and keeping a walkable feel. The uses are more limited in which one is transitioning from downtown Main Street into the surrounding neighborhoods.

The mixed use category was planned per the discussion in January. This is intended to permit the mixture of residential, office and commercial uses. Such a category provides the City with an opportunity to create new areas. The mixed use land areas are planned for the north side of West Main Street between Church and Valley Vista Drive. The western and eastern gateways of the City have also been included. Breuckman noted the library and school site along the river is also being considered. These are places where the City may want different types of land uses in the building. He noted the City may want to use the existing school building for something else.

The Industrial district shows very little change.

The Public area encompasses the municipal facilities. While the Parks and Recreation district includes the parks.

The category includes private open space. A feature land use map provides an open space within a subdivision where there is a clustering concept. Such a map shows the open space land should be preserved.

Commissioner Berry questioned mixed residential and asked if Breuckman was referring to townhouses and condominiums. Breuckman responded yes. The idea pertains to 40 percent of the units can be attached, while the remaining units must be detached single family houses.

Breuckman explained the intent in writing the downtown design guidelines is to guide one with the implementation of the plan. Ultimately, in order to implement the downtown, downtown edge and mixed use land use areas, one must either use a PUD process or create new zoning districts for the Zoning Ordinance. However, a PUD process involves negotiation for all issues. These design guidelines are important because as it provides reference and a foundation if an individuals presents a PUD to implement some of these land use concepts.

The downtown edge area would provide for building heights to be a maximum of two stories in height. However, in some areas three stories may be appropriate. The downtown area would provide buildings to be a maximum of four stories in height.

Breuckman noted sidewalk standards have also been included. It is important to make sidewalks wide enough. Pasquale noted the Downtown Historic District Commission has spent a great amount of time discussing sidewalk size.

One of the most difficult management challenges in a downtown area involves parking. The City of Lowell actually has a fair amount of parking in the downtown. It is important to not have parking located in the front of a building. Breuckman suggested a parking fund be established which would provide payment in lieu of providing the actual parking spaces to the parking fund for the City. It provides its own municipal parking lots which benefits all.

Breuckman referred to "Green Building Design". It even involves materials used to build the building as well as shading windows in order to provide heat gain and less air conditioning being used in the summer.

Breuckman stated the next step involves the implementation section. The goals and policies section of the old plan will be revisited and possibly updated.

Pasquale noted Breuckman will present additional information to the Planning Commission on May 29, 2007.

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

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

Item #7. **COMMISSIONER COMMENTS**. Commissioner Mundt appreciated the Commission moving forward with the ordinance regarding the completion of exterior features of structure during his absence. Mundt referred to the Council decision regarding the reduction of Planning Commission members. He suggested the three members with terms expiring not be reappointed. Having said that his term expires and he would offer his seat. Pasquale noted Commissioners Jahnke, Berry and Mundt all have terms expiring. Commissioner Teelander stated she already offered her resignation.

Chair LaPonsie stated she received information from Citizen Planner. They are doing a form based codes forum. Anyone interested may also attend a session in East Lansing or Clinton Township. Also she has been receiving emails regarding their Citizen Planner Online Program. The program is through MSU Extension.

IT WAS MOVED BY HALL to adjourn at 8:54 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk