

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, October 27, 2008 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 Dimmick, Doyle, Folsom, Hodges, Jahnke (arrived 7:04 p.m.), Noall and Chair LaPonsie.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Councilmembers Altoft and Ellison, IMS employee Jennifer Bedell and Water Distribution Supervisor Bob Robinson.

IT WAS MOVED BY HODGES and seconded by FOLSOM to excuse the absence of Commissioner Jahnke.

YEA: 6. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY FOLSOM and seconded by DIMMICK to approve the minutes for the regular meeting of September 22, 2008 as amended.

YEA: 6. NAY: 0. ABSENT: 1. MOTION CARRIED.

Commissioner Doyle clarified her "NAY" vote with regard to the special use permit at 512 E. Main was based on parking.

Item #1. **APPROVAL OF AGENDA.** Commissioner Jahnke suggested Item 6 B & C be deferred until the November, 2008 meeting.

IT WAS MOVED BY JAHNKE and seconded by DOYLE to approve the agenda as amended.

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

Item #2. **PUBLIC HEARING.**

A. Special Use Permit – establish of Ignite Church at Larkin's Other Place (315 West Main) – establish public hearing (11/24). City Manager Pasquale suggested deferring the issue until later in the meeting when Pastor Phil Struckmeyer of Ignite Church can be present.

Item #3. **NEW BUSINESS.**

A. SITE PLAN REVIEW

1. Trombly Chiropractic – 2230 West Main – construction of a 1024 square foot addition. A site plan has been provided by Genaro Bravo for the construction of a 1024 square foot addition to the rear of the Trombly Chiropractic building. The drive thru lane which was originally built as part of Fifth Third (Old Kent) Bank will be removed.

Planner Jay Kilpatarick of Williams and Works provided his review as required by the Planning Commission.

In terms of setbacks and parking requirements, the site plan complies. The addition brings the rear yard to 35 feet from the rear lot line which does meet requirements. There are no additions to the front and no signage changes.

City Manager Pasquale read the following statements into record from Kilpatarick:

It is recommended that the Planning Commission approve the site plan for the proposed Trombly Chiropractic Building Addition at 2230 West Main Street dated October 19, 2008, subject to any or all of the following conditions, at the discretion of the Planning Commission:

1. Unless waived by the Zoning Enforcement Officer, the site plan shall be revised to illustrate the location of all existing structures, driveways and parking areas within 100 feet of the subject property's boundaries. Chair LaPonsie stated she would be comfortable with waiving this requirement. By general consensus, the Commission agreed.
2. No building on the site shall exceed the height limits of the C-3 district.
3. The Planning Commission shall determine how solid waste (and potentially medical wastes) will be handled. If an alternate dumpster pad is proposed, the site plan should illustrate it and its screening. LaPonsie stated there is no dumpster which needs to be addressed.
4. The southwest corner of the parking lot should be revised to either provide a reverse-out flange for spaces 14 and 15, or those spaces should be removed from the plan as nonfunctional. Alternatively, the Planning Commission may permit the applicant to limit the use of one or both of those spaces to employees only that would not normally need to exit the site when other spaces are occupied. Pasquale stated there are two ways to resolve this issue. The first involves the Planning Commission permitting the applicant to limit the use of one or both of the spaces to employees only or they can just be eliminated. Bravo believed an "employees only sign would

- be more appropriate". By general consensus, the Commission agreed.
5. If existing lighting and signage do not comply with the current standards for the C-3 district, the plan shall be adjusted to bring those elements into compliance. By general consensus, the Commission agreed the existing lighting and signage was in compliance with the current zoning. Pasquale suggested a statement stating there are no changes.
 6. The landscaping in the areas of removed asphalt shall be enhanced with planting areas and irrigation, if such is not already contemplated. LaPonsie referred to the drive through lane that is going to be removed. She wanted to make sure there is grass or something that is planted and maintained. Bravo believed the owner can provide a written statement stating this will be done. By general consensus, the Commission agreed.
 7. Any further conditions of approval as determined by the Planning Commission.

Commissioner Jahnke wanted it noted that their waste would be kept inside.

IT WAS MOVED BY DOYLE and seconded by NOALL to approve the site plan for the 1024 square foot addition to Trombly Chiropractic including the following recommendations as follows: (1) having site plan with the location of existing of structures, driveways and parking areas within 100 feet of the subject property's boundaries – this has been waived; (2) building will not exceed the height limits of the C3 District.; (3) the solid waste will be handled inside; (4) spaces 14 and 15 will be designated for employees only or be removed; (5) the existing lighting and signage will remain the same with no changes; (6) landscaping in the areas removed of asphalt will be planted in grass and maintained.

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

B. VARIANCES – RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS - NONE

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

- A. Review of tall grass and noxious weeds ordinance – consideration of amendments and recommendation to the City Council – deferred from last meeting. The issue was tabled until the November, 2008 meeting.
- B. Temporary, portable garages – further review. City Manager Pasquale spoke with Consulting Planner Jay Kilpatarick. Pasquale asked if in his experience have there been any ordinances which addressed portable temporary garages or accessory buildings. Kilpatarick mentioned Barry County recently adopted standards for such structures. Such accessory buildings would be considered an allowable use and proper anchoring is required. Currently the City allows two accessory buildings.

Commissioner Doyle stated she was not thrilled with the portable garage located on S. Center Street. If such a structure is near a home it should have three sides and resemble the house. Commissioner Dimmick did not like such structures either.

Bob Robinson of 130 N. Center stated such a structure has been in his driveway since 2001 with no complaints. He wished to upgrade the portable garage with a steel type structure.

Commissioner Jahnke did not want to be the one to say these garages are not allowed. However, this could open the door for a low end structure which is not maintained.

Commissioner Folsom commented on the carports located at apartments. Essentially, this is the same type of structure. Barry County approves such a structure with a three year term, at which time it is inspected and can be renewed another three years. Another issue to consider involves the installation of a hard surface underneath the structure.

Commissioner Hodges believed the focus is around the word “temporary”. He suggested adding a definition to temporary with a limitation of three to five years. Hodges would consider drifting away from requiring a permanent pad underneath it. He did not see having a portable garage as a permanent portable garage. Portable means temporary and it will be removed.

Commissioner Noall stated there are many people who rent for twenty years. LaPonsie believed a three year time frame would allow for review. If after three years, having not been maintained, it would be grounds to request removal.

Robinson stated he has lived in the City for 17 years and wishes to invest in his home.

Jahnke commented on the cost issues to the City if such inspections are done periodically. LaPonsie noted Lowell Township has a one year review policy on all special use permits. The City could check with the township to see how such issues are handled.

Commissioner Folsom stated he would place some issues and requirements together for the next meeting. LaPonsie stated she could meet with Folsom for discussion as well.

Item #5. **PUBLIC HEARING.**

1. Special Use Permit – establish of Ignite Church at Larkin’s Other Place (315 West Main) – establish public hearing (11/24). Pastor Phil Struckmeyer wished to create another church in the community. This is to help strengthen the community as a whole. Impact is partnered with Calvary Christian Reformed Church as well as other churches within the community. Other entities include YMCA and the Lowell Middle School.

It is believed Larkin's Other Place can be overhauled into a venue which meets the needs of family's with teens as well as a place to come to a Sunday worship service.

City Manager Pasquale stated the property is zoned Central Business. Building Inspector Doug Hopkins and Pasquale have reviewed the issue in terms of zoning. Under Section 11.03 Special Land Uses Item D., theaters, concert halls, or similar places of public assembly, as determined by the zoning enforcement officer are considered subject to Planning Commission review and approval. Hopkins and Pasquale agree the church-community center would fall under this category.

There are no proposals to increase the building's foot print and thus no site plan is provided. Obvious renovations would take place in the theater. With the potential of 120-200 persons utilizing the structure at once, parking is an issue requiring 40-67 spaces. Public and private lots could be used.

Chair LaPonsie asked if this was a branch from Impact Church or a separate entity. Struckmeyer stated the goal is to have its own leadership and partnership with Calvary and Impact to help it get started.

IT WAS MOVED BY JAHNKE and seconded by HODGES to set a public hearing for November 24, 2008 regarding a special use permit for establishing Ignite Church at 315 West Main.

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

Item #6.

ANY OTHER BUSINESS/ON GOING BUSINESS (CONT.)

- C. Civil Infractions Ordinance – initial review. City Attorney Richard Wendt prepared a Civil Infractions Ordinance in draft form for review. This allows a number of the ordinance violations processed as civil rather than criminal. One includes the zoning ordinance. This would simplify matters because currently it is a cumbersome process when enforcing zoning violations.

The Commissioners should review and comment.

Commissioner Folsom referred to Section 27.3 which states the following “a municipal civil infraction violation notice directing the alleged violator to appear at the municipal ordinance violations bureau”. He understood the City could either use the district court or the City can establish its own violations bureau. It appears the difference was the district court keeps the fines and if the City establishes its own, the City keeps the fines. City Manager Pasquale believed the district court would still undertake this. However, the City would have to let the Court know what the fines are.

Folsom referred to page 10 Section 27.9 regarding the Michigan Compiled Law and questioned if the Commission needed to know what that is. Pasquale stated he could find out what it is.

LaPonsie stated this can be placed on the next meeting's agenda with Police Chief Jim Valentine present to answer questions.

- D. Joint Planning Commissions Meeting – review. The Planning Commissions of the City, Lowell and Vergennes Townships met on October 15, 2008 for discussion of mutual issues and concerns.

Commissioner Dimmick questioned the Walgreen building plans. Lowell Township indicated everything has been approved. However, one Commissioner indicated Walgreen's had not even purchased the property yet. City Manager Pasquale stated from Lowell Township Supervisor Paula Bluum recently notified him Walgreen's has received a building permit.

Dimmick stated Lowell Township has also recently established an ordinance for wind turbines.

It was noted Vergennes Township will host the next joint meeting six months from now.

Item #7. **BUILDING INSPECTOR'S REPORT.** Jennifer Bedell of IMS was present for questions. No comments were received.

Item #8. **PUBLIC COMMENTS.** No comments were received.

Item #9. **COMMISSIONERS COMMENTS.** Chair LaPonsie questioned the High Street one way road. City Manager Pasquale stated Jim Valentine will be present at the next meeting, at which time this can be addressed.

IT WAS MOVED BY DIMMICK to adjourn at 8:23 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk