

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, November 24, 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, Folsom, Hodges and Chair LaPonsie.

Absent: Commissioners Doyle, Jahnke and Noall.

Also Present: City Manager David Pasquale, City Treasurer Sue Olin, DPW Director Dan DesJarden, Councilmembers Altoft and Ellison, Building Inspector Doug Hopkins.

IT WAS MOVED BY HODGES and seconded by FOLSOM to excuse the absence of Commissioners Doyle, Jahnke and Noall.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

IT WAS MOVED BY HODGES and seconded by DIMMICK to approve the minutes for the regular meeting of October 27, 2008 as written.

Commissioner Dimmick referred to the discussion at the last meeting regarding the Trombly Chiropractic dumpster. He had raised the question about medical waste and the use of steroids at the location. He meant to say the use of cortisone.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY DIMMICK and seconded by FOLSOM to approve the agenda as written.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #2. **PUBLIC HEARING.**

- A. Special Use Permit – establish of Ignite Church at Larkin’s Other Place (315 West Main) – public hearing. As discussed at the last meeting, Impact Church wished to establish a church – community center called Ignite at Larkin’s Other Place located at 315 West Main Street. This property is zoned C-2 Central Business District. 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. Building Inspector Doug Hopkins and City Manager

Pasquale have determined the proposed use would fall under this category and then qualify as a special use.

There were no proposals to increase the building's foot print and thus no site plan was 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.

Phil Struckmeyer of Impact Church referred to the issue of parking. Pasquale asked if he checked with the property owner across the street to determine if there was interest in using the parking lot. Struckmeyer responded no. Suitable parking already exists. However, additional parking may be needed as the church grows. He noted there could be a potential issue due to pedestrians crossing the road.

Commissioner Folsom questioned the mix of use. He asked how many of the parking spaces were available Monday through Friday during the day. Pasquale responded an occupancy of 30 to 80 people would require 10 to 26 parking spaces. Struckmeyer explained the thought process for this time period would be primarily students and teens traveling by foot or bus.

City Manager Pasquale read a letter into record from Suzanne Reinbold. She believed this was a marvelous plan. The theater is a historical land mark worth keeping. She encouraged the Planning Commission to vote "yes" for the special use permit.

Commissioners Folsom and Hodges believed it was a good idea. Chair LaPonsie had no problem either. However, she commented on a one year review of special use permits. LaPonsie was concerned with the parking situation and wanted to ensure it was proceeding as expected. Therefore, she suggested it be brought back in one year to ensure there are no parking issues. In all fairness, Hodges believed this should be a general policy.

IT WAS MOVED BY FOLSOM and seconded by HODGES to approve the special use permit to establish Ignite Church at Larkin's Other Place at 315 West Main with a one year review.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Ryan Kyes, who owns a local insurance agency, questioned what it meant if after a year it is decided the special use permit should be voided. There would then be a substantial investment in the building. Pasquale explained once it is approved it stays with the property, not the owner.

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. Review of Tall Grass and Noxious Weeds Ordinance – Consideration of Ordinance Amendment proposal and Recommendation to the City Council – deferred from last meeting. With reference to last month's comments, Commissioner Dimmick explained the zeropheric grasses or plants are basically vegetation which grows in arid conditions such as desert areas, which does not exactly describe the City of Lowell. Commissioner Hodges understood it involves vegetation which does not require water.

City Manager Pasquale received a call from Marilyn Andrews with a concern of leaves not being picked up. She commented on a neighbor who does not rake and the leaves blow into her yard. She feels something should be done within the ordinance to regulate leaf raking. Also, Andrews noticed the charges for yard waste has increased and requested this be addressed. LaPonsie suggested continuing with what has been presented for the lawns. Then possibly, Council could be asked if they would like the Planning Commission to review the issue. Pasquale explained this is an ordinance outside the zoning ordinance. The Commission can provide a recommendation and mention there was a public response for leaf raking. By general consensus, the Commission agreed.

IT WAS MOVED BY DIMMICK and seconded by FALSOM to recommend the tall grass and noxious weeds ordinance to the City Council as proposed.

YEA: 4. NAY: 0. ABSTAIN: 1. (Hodges) MOTION CARRIED.

It was noted Commissioner Hodges abstained from voting due to serving on the City Council.

- B. Off Street Parking Lighting Section of the Zoning Ordinance – further discussion. Commissioner Folsom stated he found another lighting ordinance from Royal Oak. The issues were addressed and was not nearly as mathematical.
- C. Temporary, portable garages – further review. Commissioner Folsom commented on the ordinances he found regarding temporary, portable garages. These he found were nonspecific and indicated anything was allowed, if the structure was under 200 square feet. This seems to be the general feeling. City Manager Pasquale stated the issue can be brought to the worksession.
- D. Civil Infractions Ordinance – review with Police Chief Jim Valentine. Police Chief Jim Valentine explained this is a Civil Infractions Ordinance which decriminalizes a number of violations, e.g. zoning which makes enforcement easier. Citations are issued, however instead of misdemeanors and the burden of proof being beyond a reasonable doubt, it is now a preponderance of the truth which is 51% versus 98% or 99%. This is handled

similar to tickets regarding speeding, stop signs and traffic lights in which an individual can admit responsibility. An explanation can be provided to a judge or magistrate, or deny responsibility and request either an informal or formal hearing. An informal hearing would involve no attorneys present for either side, while a magistrate would provide a neutral third party in which both sides would be listened to before rendering a decision. Then, if either side is not satisfied with the outcome, one could appeal to a formal hearing.

It also references a municipal violations bureau. The burden falls onto the treasurer, if an individual wanted to admit responsibility and come in and pay their fine. However, if the individual did not respond to the notice or pay the fine, a copy is then sent to the 63rd District Court.

Commissioner Folsom questioned how the cost would be handled if it proceeds directly through the district court. Valentine explained the fines would still come to the City. Under the current process, the City gets a limited amount with court costs attached in which the person responsible would pay the court. The majority of the fines are established by the ordinance and would be deposited into the City's General Fund. This is not a means of trying to enhance revenue for the City. It just happens to be the outcome of how civil infractions are handled.

LaPonsie confirmed the City would not incur any cost by going to the district court. Valentine stated the only time the City would not incur the cost would be if a person requested or appealed to a formal hearing, at which point the City attorney would be present. City staff would also need to be present during court appearances at the hearing level.

IT WAS MOVED BY FOLSOM and seconded by DIMMICK to recommend approval of the Civil Infractions Ordinance to the City Council.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

- E. Street Names. Jim Hall of 724 N. Monroe commented on the issue and confusion of street names within the City and townships. However, he requested only S. Jackson and Division Street be discussed at this time. If an RV park is created, Hall wanted it to come off S. Jackson. Chair LaPonsie confirmed this does not affect any addresses. City Manager Pasquale responded no. LaPonsie clarified the roads meet at Jackson and Division and then it is Division back to Grand River. Therefore, the Commission may want to make this all Jackson.

Pasquale noted the Kent County Road Commission would be contacted.

LaPonsie requested the issue be placed on the agenda for the worksession.

- F. Monday, December 8 Work session (7 p.m.) – set agenda. The following issues were mentioned for discussion:

- Changes to the planning and enabling act
- Lighting Ordinance
- Street Names
- Portable Garages

LaPonsie suggested the Council be asked whether or not the Planning Commission should discuss the leaf issue.

G. 2009 Meeting Dates. The Planning Commission meeting dates are as follows subject to membership approval:

Fourth Monday of each month, except December.

January	26	July	27
February	23	August	24
March	23	September	28
April	27	October	26
May	26 (Tuesday, Memorial Day)	November	23
June	22	December	14 (work session)

IT WAS MOVED BY HODGES and seconded by DIMMICK to approve the 2009 meeting dates.

YEA: 4. NAY: 0. ABSENT: 3. MOTION CARRIED.

Item #7. **BUILDING INSPECTOR'S REPORT**. No comments were received.

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

Item #9. **COMMISSIONERS COMMENTS**. Chair LaPonsie remembered issues with the master plan and zoning districts were to be discussed at this meeting. She suggested the item be added to the worksession.

IT WAS MOVED BY HODGES to adjourn at 7:38 p.m.

DATE:

APPROVED:

Maryalene LaPonsie, Chairman

Betty R. Morlock, City Clerk