

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, July 27, 2009 at 7:00 p.m.

Deputy Clerk Susan Ullery swore in Planning Commissioner Don Green into office.

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

Present: Commissioners Green, LaPonsie, Noall, Schrauben and Chair Folsom.

Absent: Jahnke.

Also Present: City Manager David Pasquale, Deputy City Clerk Susan Ullery, DPW Director Dan DesJarden, Building Inspector Doug Hopkins, Councilmember Jeff Altoft, Councilmember Sharon Ellison, Mayor Jim Hodges, Arbor Boardmember and Lowell Light and Power Boardmember Jim Hall and Water Distribution Supervisor Bob Robinson.

IT WAS MOVED BY NOALL and seconded by GREEN to excuse the absence of Commissioner Jahnke.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY LAPONSIE and supported by NOALL to approve the minutes of the regular meeting of June 22, 2009 as corrected.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA**. The Commissioners deferred Item #6 D Joint signage ordinance with Lowell Charter Township – update.

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

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **PUBLIC HEARINGS**.

- A. Establishment of Gilda's Club at 314 S. Hudson – Special Use Permit Application public hearing. Teresa Beachum of 924 Riverside stated she serves on the Pink Arrow Project committee and is working on the Gilda's Club project.

City Manager Pasquale explained Gilda's Club is looking at locating at 314 S. Hudson along with current occupant Senior Neighbors.

Since the property is zoned R-3 Multiple Family Residential, a special land use designation under Section 8.03 B provides for community center buildings. It appears appropriate for the proposed and current uses of the property to attain this special land use designation.

Beachum stated there will be shared programming. The seniors will continue to use the building from morning to 2 p.m. and then Gilda's Club will have one day a week from 2 p.m. to 8 p.m. for their programming. As membership grows, days will be added.

Commissioner LaPonsie believed Gilda's Club would benefit the community and the people who use the services.

Beachum added the seniors will also enjoy the enhancements to the building.

IT WAS MOVED BY LAPONSIE and seconded by NOALL to approve the Special Use Permit for Gilda's Club for 314 S. Hudson.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

B. Ordinance to include temporary garages in residential districts – public hearing and recommendation to the City Council. Bob Robinson of 130 N. Center Street questioned the ordinance under review. He wanted to install a portable garage or carport. He estimated the cost to be approximately \$2,500. However, if he had to abide by the ordinance being considered, the concrete alone would cost approximately \$3,600, not to mention the building. He urged the Commission to not pass the ordinance as no one would probably place this amount of investment into garages to tear it down in six years. Robinson noted he was still interested in finding out the requirements of installing a carport at a later date.

Jeff Altoft of 611 W. Main Street believed the Commission got side tracked when considering a temporary garage. The ordinance states such a garage being discussed by Robinson is allowed for three years and then the permit can be renewed for another three years. A full enclosed garage would need a cement floor.

Altoft urged the Commission to continue the review, as he wanted to know the rules of carports and temporary buildings. He traveled around the City and asked any neighbors next to one of these temporary buildings if they had a problem with such a structure. No problems were mentioned.

Hercules Andrus of 264 Jane Ellen recently found out about the proposed ordinance. He has had such a building for the past six years. He uses it to shelter his RV. None of his neighbors have a problem with the shelter.

Commissioner LaPonsie stated portable garages have never been allowed. Therefore, the Commission is trying to place such garages in compliance with the ordinance.

John Sterly of 2615 Alden Nash Avenue has rental properties in Lowell. Some are properties with no garages while others are brand new structures with footings, concrete floor, sides and an asphalted driveway. If he wanted to upgrade some of his apartments, he would not be able

to afford what the State law mandates. He hoped the Commission would consider more than just portable garages, but new and existing carports.

Jim Hodges of 422 N. Jefferson personally believed this is a very good ordinance. It would provide for temporary use for citizens with a temporary problem. He lives in a house that satisfies his needs. Individuals should consider their needs when deciding where they are going to live. When we have temporary structures we need to make sure that they are indeed temporary.

LaPonsie asked if provisions were already provided for carports. Building Inspector Doug Hopkins responded yes, for standard carports. Soft sided structures are a different issue. He noted a use can not be done if it is not listed within the ordinance.

LaPonsie stated the Commission had a consensus with gravel being appropriate. However, State requirements can not be overridden. Hopkins stated a hard surfaced driveway is a requirement within the City's ordinance for any structure housing an automobile. The building code would state a hard surface is needed to prevent liquids absorbing into the ground.

Commissioner Green asked what type of building is allowed in the ordinance. LaPonsie stated steel garages with sides and a door. Soft sided structures were discussed several times, but the Planning Commission provided a consensus that the soft sided structures were not wanted as they may not be durable enough and maintenance issues may be a problem.

LaPonsie explained the time limit comes from Barry County's ordinance. The idea is to install a temporary structure while saving funds for a permanent structure.

Andrus stated he installed his structure as an RV shelter. He paid approximately \$3,000 to protect his RV. It is a 25' trailer with no motor and there is gravel underneath. He was concerned the City would make him take his building down. His neighbors have no problem with the building. He noted it has been installed for 6 years.

DesJarden asked if a temporary garage would be considered new construction. New construction within the current ordinance requires a hard surfaced driveway and a sidewalk placed in front of the house. LaPonsie stated the Commission discussed the matter and agreed this would not be required because it is temporary.

LaPonsie suggested the following under Section C5 - "located at the end of an existing driveway, not necessarily a hard surfaced driveway". Pasquale confirmed the changes as follows: "If a temporary garage is to be used to park or store a motor vehicle, it shall be located at the end of an existing driveway providing access to the temporary garage. If a driveway does not exist, one must be installed before the temporary garage is installed". LaPonsie agreed.

Green confirmed a non motorized vehicle does not have to be stored at the end of the driveway and it can be stored somewhere else in the yard. LaPonsie responded she would be in favor of this.

Hopkins clarified LaPonsie meant if a trailer is non motorized and the setback requirements have been met, it could be placed anywhere on the property without a driveway. LaPonsie responded yes, noting people do not necessarily have drives going to their storage sheds.

Pasquale referred to "Recreational Vehicular Storage within Residential Districts" Section 4.16. It states recreational vehicles may be stored or parked to the rear of the front building line of the primary structure. Recreational vehicles may be stored or parked in a driveway not less than 10 feet from the front lot line. Recreational vehicles may be used for temporary occupancy for a period of not more than 9 consecutive days during and 6 month consecutive calendar months as long as they are otherwise in compliance with Section 4.16.

LaPonsie did not believe anyone should have to install a new sidewalk, if a temporary building is being erected. By general consensus, the Commission agreed. Pasquale stated this can placed under subsection #5. Pasquale confirmed it should state "sidewalk is not required to be installed with the erection of a temporary garage".

LaPonsie questioned the requirements of a carport. Hopkins explained the building code states two sides have to remain completely open to be a carport. However, it does not mention motorized vehicles or trailers.

IT WAS MOVED BY LAPONSIE and seconded by NOALL to table the ordinance to include temporary garages in residential districts until the August 24, 2009 meeting.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

- C. Establishment of group day care home at 529 Avery Street – Special Use Permit Application – set public hearing date (8/24). Julianne Scheid wishes to establish a group day care home for up to 12 children at 529 Avery. With R-1 zoning, a special use permit is required under Section 6.03 B. Additional site design standards for this facility are noted under Section 17.04 J.

A public hearing needs to be established for August 24 to consider the request.

IT WAS MOVED BY GREEN and seconded by NOALL to set a public hearing for August 24, 2009 to consider the special use permit application for a group day care home at 529 Avery Street.

YEA: 5. 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. Proposed establishment of commercial rental kitchen at 501 Ottawa – consideration within the Industrial District or rezoning. Robin Cunningham of 3006 Kissing Rock and Janet Tlapek of Saranac requested support of allowing a commercial rental kitchen at 501 Ottawa. The property is zoned Industrial.

Cunningham believes this will be very good for the community. The proposed business would be located in Chris Bieri's current auto body shop. It is a steel building and would meet their needs.

Commissioner LaPonsie asked if anything special needed to be done to the building considering it was an auto body shop. Cunningham stated she has spoken with a health inspector who indicated the kitchen areas will need to be covered. Professional cleaners will be hired.

Chair Folsom asked if the Industrial district would be compatible with what they desire to do. Pasquale believed there have been some very good arguments made indicating they will be compatible with Industrial District. There is a desire for commercial kitchen rentals.

The representatives did a very good job explaining what they want to do and how it is compliant to the Industrial District.

Cunningham stated she will forward the floor plan to Fire Chief Frank Martin for review. She noted Martin has already indicated this would be a non issue.

Commissioner LaPonsie believed the business would fit within the Industrial District. By general consensus, the Commission agreed.

Pasquale stated Cunningham and Tlapek should contact Building Inspector Doug Hopkins regarding necessary improvements.

IT WAS MOVED BY GREEN and seconded by SCHRAUBEN to approve the proposed establishment of a commercial rental kitchen at 501 Ottawa. It is found to be compatible with the Industrial District.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

- B. Playground and Skateboard Park project at Richards Park. John Sterly of the Lowell Rotary Club presented the information to provide new playground equipment at Richards Park. The Lowell Rotary Club had an auction this past winter and raised approximately \$12,000 toward the project. Two anonymous donors matched what was raised in the auction. Sterly noted approximately \$36,000 will be provided for the equipment.

The Rotary Club is also in the process of selling pavers from Lowell Granite. Each paver can be engraved.

The equipment will be modern and kid friendly.

Bieri Brothers Excavation has donated their time and equipment. City of Lowell will assist in fencing off the area during construction. The DPW has volunteered to move the old swing set. Miss Dig has been contacted and the utilities will be marked. Sterly also noted a building permit is not necessary. The entire project will be completed by volunteers. Lowell Light and Power has also volunteered to auger the holes and put in the fittings.

City Manager Pasquale proposed this as part of the agenda as a matter of information only. There is nothing that needs to be approved. He wanted the Planning Commission to know what is happening in the park as this is a great community effort. The bricks cost \$100 each.

Commissioner Green noted the Parks and Recreation Commission is very excited about the project.

C. Outdoor Lighting Ordinance – tabled form the previous meeting and continued discussion. A worksession was scheduled for August 10th at 7:00 p.m.

D. Joint signage ordinance with Lowell Charter Township – update – deferred from previous meetings. The issue was tabled.

Item #5. **BUILDING INSPECTOR REPORT.** Commissioner LaPonsie questioned the status of the building at 117 W. Main. City Manager Pasquale explained there is an issue with ownership. Greg Canfield has bought the two outside buildings. In order for the work to begin the entire structure has to be together. There is a common wall that abuts the street and all three buildings need to be repaired. Canfield will be undertaking these repairs.

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

Item #7. **COMMISSIONERS COMMENTS.** Commissioner LaPonsie welcomed Commissioner Green. She also appreciated receiving the public comments tonight.

Commissioner Green was very happy to be back.

Chair Folsom also welcomed Commissioner Green.

IT WAS MOVED BY LAPONSIE to adjourn at 8:32 p.m.

DATE:

APPROVED:

Douglas L. Folsom, Chairman

Betty R. Morlock, City Clerk