

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, September 28, 2009 at 7:00 p.m.

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

Present: Commissioners Green, Hall, LaPonsie (arrived at 7:13 p.m.), Noall, Schrauben and Chair Folsom.

Absent: Commissioner Jahnke.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Building Inspector Doug Hopkins, Councilmember Jeff Altoft, Mayor Jim Hodges and Water Distribution Supervisor Bob Robinson.

City Clerk Morlock swore in Commissioner Jim Hall.

IT WAS MOVED BY HALL and seconded by SCHRAUBEN to excuse the absences of Commissioners Jahnke and LaPonsie.

YEA: 5. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY GREEN and supported by NOALL to approve the minutes of the regular meeting of August 24, 2009 as written.

YEA: 5. NAY: 0. ABSENT: 2. MOTION CARRIED.

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

IT WAS MOVED BY HALL and seconded by GREEN to approve the agenda as written.

YEA: 5. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #2. **PUBLIC HEARINGS.**

- A. Establishment of a group day care home at 529 Avery Street – Special Use Permit – subject to zoning ordinance amendment approval. Julianne Scheid wishes to establish a group day care home for up to 12 children at 529 Avery. City Manager Pasquale asked if she currently had a license from the State. Scheid responded no the zoning permit must be received first.

Commissioner Green questioned the opinion from the City Council. Pasquale noted a public hearing will be held on October 5, 2009 where the zoning change will be considered. Pasquale explained it was noticed that the property was zoned R-2, Residential, not the required R-1. Thus, a zoning ordinance amendment was recommended by the Planning Commission to the City Council at its August 24, 2009 meeting to include such special uses in

the R-2 and R-3 districts. Also, the Council will be receiving the request from the Planning Commission regarding the SR district.

John Erickson of 517 Avery had no problem with the day care center. However, he wanted a different gate near the road to discourage the children from entering the street.

City Clerk Morlock stated she received three unsigned letters regarding the issue.

Scheid explained there is a fence around the property, except near the garage. The children play in the back of the home.

Commissioner Hall confirmed the issuance of the permit would be through the State of Michigan. Pasquale explained she needs to receive a license. The State mandates zoning approval be received as part of the process.

Scheid said licensing from the State of Michigan visited the daycare ran by the previous owner. All was inspected to insure the safety of the children. If something does not meet their standards, the issue must be corrected in order to keep the daycare open. Commissioner Green added the auditors are very thorough as he has been through this himself.

IT WAS MOVED BY HALL and seconded by NOALL to approve the special use permit for the establishment of a group day care home at 529 Avery Street, subject to approval of the zoning amendment by the City Council allowing this special use within the R-2 district.

YEA: 5. NAY: 0. ABSENT: 2. MOTION CARRIED.

- B. Amending zoning ordinance text to include group and commercial day care homes and facilities as a special use in the SR District – hold public hearing and recommend to City Council. The Planning Commission wished to extend group day care as a special use to all residential districts. Thus, the amendment to include the SR Suburban Residential district has been proposed.

IT WAS MOVED BY GREEN and seconded by LAPONSIE to recommend amending the zoning ordinance text to include group and commercial day care homes and facilities as a special use in the SR district.

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

- C. Ordinance to include temporary garages in residential districts – tabled, public hearing held, recommendation to the City Council. Over the past several months, the Commissioners have discussed temporary garage regulations. The issues now include: hard or soft sided garages – which are preferred? Is the ordinance proposal necessary? The Commissioners need to provide a sense of direction on this issue.

Chair Folsom stated the zoning allows for auxiliary buildings other than garages. He questioned the definition for a garage as far as the ordinance is concerned. Building Inspector Doug Hopkins was unsure if the ordinance covers a definition for a garage. The building code states a garage is all enclosed. Folsom asked where the change occurs from auxiliary building

to a garage. Hopkins stated an accessory building is a structure that is not attached. Folsom questioned the constraints on an accessory building. Hopkins explained if it is 600 square feet or larger and it must look like the building it is an accessory to. Anything less than 600 square feet is allowed, but can not be soft sided. Soft sided material is not considered traditional building products.

Commissioner Schrauben noticed the zoning did not pertain to structures between 600 and 200 square feet. However, it does state there are no limitations for a structure less than 200 square feet. Hopkins noted this information is under the building code, which states a permit is not necessary if the building is less than 200 square feet. Hopkins noted buildings between 200 and 600 square feet are allowed using traditional style building product, such as a pole barn, steel and temporary buildings recently mentioned. Even the temporary buildings which are hard sided would be allowed. It still comes back to the soft sided issue. Many communities are struggling with the same issue. Some townships allow these, while some City's do not.

Commissioner Hall questioned where the structures could be placed on the lot. Hopkins responded it all depends on the zoning district and what setbacks need to be followed. The zoning ordinance specifically states where accessory buildings can be placed, dependent upon whether it is attached or detached.

Commissioner Green questioned if action only had to be taken if the City wants to allow the soft sided buildings. Hopkins did not suggest doing it this way. It is much easier for enforcement purposes if it is actually addressed in the ordinance. Green stated if soft sided would be included, it should state it has to be kept under repair. Green wanted to see the option available, but also wanted some control so the structure does not become a ripped up old tent.

Schrauben commented on the section of the ordinance pertaining to fences. It states all fences and walls should be kept in good repair and condition. He suggested similar wording.

Hall reminded the Commissioners violations in the City of Lowell are handled on a complaint basis.

LaPonsie stated she would assemble additional information for review.

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. Outdoor Lighting Ordinance – further review. No further information was provided.

B. Joint signage ordinance with Lowell Charter Township – update – deferred from previous meetings. No further information was provided.

Item #5. **BUILDING INSPECTOR REPORT.** Commissioner LaPonsie questioned the Cahoon parking lot and asked if any additional information had been provided. Building Inspector Doug Hopkins stated a rough in inspection was completed at which time he left Cahoon a copy of the letter which was mailed. He can not get a certificate of occupancy until completion.

Item #6. **PUBLIC COMMENTS.** DPW Director DesJarden questioned the ordinance regarding temporary garages. He noted the City has a property maintenance code on buildings in the City. It states the structure has to be in good repair and up hold the laws, ordinances and rules and regulations. DesJarden believed it was covered under another ordinance. LaPonsie believed this as well. However, in the minutes from the last meeting, there is a comment from Hopkins which states the City needs to include specific language for maintenance. DesJarden believed this would fall under property maintenance code. Hopkins stated the question was if the ordinance had any language. The maintenance code is a building code for existing buildings and keeping them safe, painted and screens taken care of. He believed the Commission would want something in the ordinance similar to what was done with fences. He noted fences are also included under the maintenance code as well.

DesJarden also stated, as a property owner, if you are building a structure which requires a permit, does this make the taxable value of the property go up. The way the ordinance is written, you are asking the landlord to also sign the application. The application should indicate that the taxable value of the property may go up. He believed the application should state it may go up if it is allowed. Folsom did not believe this was a necessity. It is a permanent improvement if there is a foundation and cement slab. It is a taxable event.

Item #7. **COMMISSIONERS COMMENTS.** Commissioner Noall noted the joint Planning Commission will be held on Tuesday, November 10th, 7 p.m.

Commissioner LaPonsie apologized for being late.

Chair Folsom thanked Commissioner Hall for serving on the Planning Commission.

IT WAS MOVED BY GREEN to adjourn at 7:43 p.m.

DATE:

APPROVED:

Douglas L. Folsom, Chairman

Betty R. Morlock, City Clerk