

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, February 22, 2010 at 7:00 p.m.

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

Present: Commissioners Doug Folsom, Don Green, Jim Hall, Clark Jahnke, Maryalene LaPonsie and Chair Laurie Noall.

Absent: None.

Also Present: City Manager David Pasquale, Deputy City Clerk Susan Ullery, Building Inspector Doug Hopkins, Historic District Chair Steve Doyle, Lowell Light and Power Boardmember Greg Canfield, Mayor Jim Hodges, Water Distribution Supervisor Bob Robinson and Chris Flezar.

IT WAS MOVED BY LAPONSIE and seconded by HALL to approve the minutes of the regular meeting of January 25, 2009 as presented.

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

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

IT WAS MOVED BY GREEN and supported by FOLSOM to approve the agenda as presented.

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

Item #2. **PUBLIC HEARING.**

A. Ordinance to include temporary soft sided garages in residential districts – public hearing and recommendation to the City Council. City Manager Pasquale explained City Attorney Richard Wendt has provided an ordinance based upon discussion from the January 25, 2010 meeting regarding temporary soft sided garages. He suggested the Commission review this prior to receiving public comments.

After a lengthy discussion the Commission made several changes to the ordinance.

Pasquale noted the following emails were received regarding the issue:

- William Gerst of 682 Birchwood Ct. stating he was against the proposal.
- Mathew Weidman of 946 Lincoln Lake also did not support the ordinance.

- Donna Ford of 671 Birchwood Ct. did not support the ordinance either. She believed the structures would deteriorate over time.

The Commission discussed hard surfaced driveways. Commissioner LaPonsie did not believe a hard surface would be necessary if it is not being used on a daily basis. Chair Noall was concerned with gas and oil leakage and believed there should be some type of hard surface to catch it. Commissioners Hall and Folsom agreed.

Bob Robinson of 130 N. Center Street believed the previous meeting minutes indicated there was discussion stating if there is an existing gravel driveway one would be allowed to have a temporary garage with compacted road gravel. If it was a non existing driveway, asphalt or concrete had to be placed. He suggested the Commission review the minutes again.

Chris Flezar of 417 Howard opposed the ordinance. It would not better the community and would lower the City's standards, making Lowell a less desirable place to live. Flezar collected 45 signatures from other City residents who were not in favor of the ordinance. Flezar urged the Commission to abandon the entire proposal and draft a new ordinance to reflect the quaint nature of the historic community.

Steve Doyle of 706 Riverside also opposed the ordinance. He referred to the original ordinance, which called for weather proof ridged walls. This changed to soft sided material. He believed such material was unacceptable and would depreciate property values.

Pasquale noted the public hearing would be advertised again.

After much discussion the ordinance was changed as follows:

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 10-___

AN ORDINANCE TO ADD SECTION 4.24, "TEMPORARY SOFT SIDED ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS," TO CHAPTER 4, "GENERAL PROVISIONS" OF "APPENDIX A – ZONING ORDINANCE" OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember _____, supported by Councilmember _____, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Addition of Section 4.24 to Chapter 4. Chapter 4, "General Provisions," of "Appendix A – Zoning Ordinance" of the Code of Ordinances of the City of Lowell is amended by adding Section 4.24, "Temporary accessory buildings in residential districts," to read as follows:

Section 4.24. Temporary soft sided accessory buildings in residential districts.

- (a) Any temporary soft sided accessory building with a floor area of 300 square feet or less may be of a soft-sided or non-permanent construction, as determined by the zoning enforcement officer, and shall:
- (1) Have a height, measured at the highest point of the structure, not exceeding fourteen (14) feet, provided, in no event shall the height exceed the height of the main building located on the same lot or parcel;
 - (2) Have a sloped roof to prevent excessive snow and rain loads;
 - (3) Be securely anchored, which shall at a minimum be in accordance with manufacturer instructions;
- (b) Upon application, the zoning enforcement officer may issue a permit upon payment of a fee as may be established from time to time by the city council for a temporary soft sided accessory building meeting the requirements set forth in this section for location in any residential zoned district. If the applicant applying for a permit is a tenant of the property for which the permit will apply, the owner of such property shall also sign the application.
- (c) When considering the issuance of a permit, the zoning enforcement officer shall make the following determinations:
- (1) The temporary soft sided accessory building will not have an unreasonable detrimental effect upon adjacent properties.
 - (2) The temporary soft sided accessory building will not adversely impact the character of the surrounding neighborhood.
 - (3) Access to the temporary soft sided accessory building is located at a safe location.
- (d) A permit issued pursuant to this section shall be for an initial term not to exceed three (3) years and may be extended at the end of the initial term upon application of the permittee at the discretion of the zoning enforcement officer for one (1) renewal term of not to exceed three (3) years.
- (e) A temporary soft sided accessory building must meet the following requirements:
- (1) The temporary soft sided accessory building must have four (4) exterior walls and a roof fully enclosed and water proof with at least one (1) access door.
 - (2) The temporary soft sided accessory building must be a prefabricated or premanufactured structure and shall be anchored to the ground in accordance with the manufacturer's instructions.
 - (3) A temporary soft sided accessory building shall at all times be kept in good repair and in compliance with all applicable laws, ordinances, rules and regulations. Upon failure to do so, the city may order the temporary garage be removed and if the

permittee fails to promptly do so, the city may remove it and the cost thereof shall be a lien upon the property where it is located and it may be collected in the same manner as delinquent property taxes.

(4) If a temporary soft sided building is to be used to park or store a motor vehicle, it shall be located at the end of a hard surface driveway providing access to the temporary garage. If a hard surface driveway does not exist, one must be installed before the temporary garage is installed.

(f) At the end of the permit term, the temporary soft sided accessory building must be removed. If it is not removed, the city may remove it and the cost thereof shall be a lien upon the property where it is located and it may be collected in the same manner as delinquent property taxes.

Section 7. Publication. After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City at least ten (10) days before its effective date.

Section 8. Effective Date. This ordinance shall take effect ten (10) days after it or a summary thereof, as permitted by law, along with the date of its adoption is published as provided in Section 2 above.

B. Cherry Creek Elementary School (12675 Foreman) – installation of a radio antenna – special use permit – set public hearing date (3/22). Representing Lowell Area Schools, Al Eckman explained 5th grade teacher James Kovack of Cherry Creek Elementary has received an equipment grant from the American Radio Relay League, who oversees amateur radio. Kovack wished to start amateur radio in the classroom and throughout the school. The grant received includes equipment valued between \$1,500 - \$2,000.

Eckman requested approval of a vertical antenna. This would allow the equipment to be used on six separate radio bands. The antenna is approximately 24 feet high. It is a single shaft with some traps. The antenna would be mounted on top of the school roof in the northwest section of Cherry Creek Elementary.

City Manager Pasquale noted he would inquire whether school board approval was necessary.

IT WAS MOVED BY LAPONSIE and seconded by JAHNKE to set a public hearing for March 22, 2010 regarding a special use permit for the installation of a radio antenna at Cherry Creek Elementary School.

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

C. 115 – 117 – 119 W. Main - Greg Canfield – establishment of a second floor for residential purposes – set public hearing date (3/22). Greg Canfield of 403 N. Washington purchased and is renovating the buildings at 115, 117, and 119 W. Main. He is combining all three spaces into one single space. He noted a tenant has already been lined up.

During the demolition process, it was discovered there is an old stairway leading up to the second floor. Canfield's intent is to restore this to a two story building as when it was built

in the early 1900's. He wished to place a residential luxury apartment above the store and is required to request a special use permit.

City Manager Pasquale noted the building is located in the downtown business district. Therefore, public parking takes care of the parking requirements.

IT WAS MOVED BY GREEN and seconded by JAHNKE to set a public hearing for March 22, 2010 to consider a special use permit for the establishment of a second floor for residential purposes at 115, 117 and 119 W. Main Street.

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

- D. 130 N. Center – Robert Robinson – installation of a radio antenna – special use permit – set public hearing date (3/22). Bob Robinson wished to establish a radio antenna at his residence located at 130 N. Center. He also requested permission to erect a tower which would be no higher than 70 feet.

Robinson provided a letter from his insurance company stating he was insured. He also provided a letter from the landlord with his approval. Robinson noted he spoke with three neighbors. Two had no problem with the antenna while the third one did not want the antenna to hang over onto his property.

City Manager Pasquale questioned the height of the antennas. Robinson responded one would be approximately 15 feet off of the ground and the other 35 feet from the ground to the top. There would be a total of two antennas and a tower, all being mounted on the ground.

IT WAS MOVED BY LAPONSIE and seconded by GREEN to set a public hearing for March 22, 2010 regarding a special use permit for the installation of a radio antenna at 130 N. Center.

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

Item #3. **ANY OTHER BUSINESS/ON GOING BUSINESS.**

- A. Outdoor Lighting Ordinance – further review. The item was deferred until the March 22, 2010 meeting.
- B. Joint signage ordinance with Lowell Charter Township – update – deferred from previous meetings. The item was deferred until the March 22, 2010 meeting.

Item #4. **BUILDING INSPECTORS REPORT.** No comments were received.

Item #5. **PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.** No comments were received.

Item #6. **COMMISSIONERS REMARKS.** Commissioner Noall thanked everyone for nominating her as Chair of the Planning Commission.

Commissioner Hall asked if the definition of “door” should be reviewed. Building Inspector Doug Hopkins noted a door is not an opening. A flap can be considered a door if it is keeping something out. Hopkins did not believe a definition of “door” was necessary.

IT WAS MOVED BY JAHNKE to adjourn at 8:12 p.m.

DATE:

APPROVED:

Laurie L. Noall, Chair

Betty R. Morlock, City Clerk