

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, August 23, 2010, at 7:00 p.m.

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

Present: Commissioners Barb Brown, Don Green, Clark Jahnke, Al Mathews, Maryalene LaPonsie (arrived at 7:08 p.m.) and Chair Jim Hall.

Absent: None.

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

IT WAS MOVED BY BROWN and seconded by MATHEWS to approve the minutes of the regular meeting of July 26, 2010 as written.

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

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

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

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

Item #2. **NEW BUSINESS**

A. **SITE PLAN REVIEW**

1400 Foreman Rd. – Litehouse, Inc. – 43,127 s.f.. As initially reviewed at the June 28 meeting, Litehouse, Inc. wished to construct a 43,127 square foot addition to its facility located at the southeast corner of Foreman Road and Gee Drive. Jay Kilpatrick and Brian Wegener of Williams & Works reviewed the final site plan and recommended approval, subject to six conditions.

One item mentioned involved obtaining easement from the City needed for the southwest corner of the property to accommodate truck traffic. This would be made as a condition of approval.

Kilpatrick noted their recommendation is for approval. At the June meeting, a waiver request was made regarding pavement requirements for truck parking. Also, it has been

determined the two landscape islands in the employee parking lot does not apply because the parking will not be increased more than 25 percent.

The one issue where information wasn't provided at the June meeting involved the 3,500 yards of compensating cut which will be taken from the west side of the property due to building in the floodplain. A DNRE permit is required.

Some detail was provided regarding exterior light fixtures. The lighting ordinance required there be no light trespass. This can be delegated to staff for approval rather than wait for light fixture details.

The drainage calculations are being discussed with the County Drain Commissioner.

Commissioner Mathews asked if material would be moved from one side to the other by way of the street. Dave Hendershott of Paradigm Design, Inc. explained sand and gravel will be imported to build up the parking lots. He noted the local roads would be used when necessary.

IT WAS MOVED BY GREEN and seconded by MATHEWS to approve the 43,127 square foot addition at 1400 Foreman Road – Litehouse, Inc. based on the conditions outlined by the professional planners.

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

- B. Bowes Road – Stoney Lakeside Park – addition of a skateboard park and parking lot. The skateboard equipment placed at Richards Park on the ice skating rink has answered an immediate need expressed by many in the community. There was a substantial fund raising effort along with help from the Lowell Rotary Club. It has been determined the best place to build a permanent skateboard park would be at Stoney Lakeside Park off of Bowes Road. This is a more isolated location away from residential areas, but yet there is still visibility.

Additionally, the Skateboard Park would be placed immediately east of the dog park. With the improvements provided along Bowes Road, the on street parking has not been allowed. However, many who visit the dog park have expressed the desire to have some off street parking. Therefore, 20 off street parking spaces have been proposed between the skateboard and the dog park.

Monies for the project are being allocated from the Lowell Area Community Fund and the LCTV Endowment Fund. Approximately \$37,000 of improvements have been provided by these two funds.

Kilpatrick congratulated the City for having Williams and Works review the project. He noted the parking lot is actually striped with larger spaces than required by the ordinance. It is noted there are no light fixtures proposed, but if added, this must meet the requirements of the ordinance. He also suggested a sidewalk connector between the skateboard and dog parks.

Kilpatrick noted parking islands are not required because parking will not be increased by more than 25%.

Commissioner LaPonsie questioned the path leading to the dog park and asked if the entrance would be changed. DPW Director DesJarden explained he wanted to wait to see which direction the kids prefer. Also, boulders will be placed approximately 25 feet out from the park to keep vehicles from entering the park. This will also provide an area to push the snow. Pine trees will be planted throughout the area.

Mathews mentioned the beautiful skateboard park in Ludington.

IT WAS MOVED BY MATHEWS and seconded by GREEN to approve the skateboard park and parking lot plan in Stoney Lakeside Park as presented.

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

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

A. Outdoor Lighting Ordinance review by professional planners. Commissioner Jahnke excused himself from the meeting at 7:20 p.m.

Jay Kilpatrick from Williams and Works reviewed the draft outdoor lighting ordinance. He noted this appears to be the most comprehensive and technical lighting ordinance he has seen. Kilpatrick believed the commission was pushing the outdoor lighting ordinance beyond what he would recommend.

Secondly, Kilpatrick strongly suggested the definitions not be placed in the document, but rather be relocated to the definitions chapter.

The following issues were discussed as follows:

- Horizontal plain. Light can not extend above the horizontal plain of the fixture – needs to be defined.
- Temporary lighting requirements could be a bit cumbersome. Temporary lighting is being allowed for special events up to 30 days subject to Planning Commission approval. Depending on what the Commission wants to achieve, this could be delegated to staff.
- Outdoor recreation facility exemptions are discussed, but there is no definition.
- The ordinance states any property that has been vacant for six months can not be reused unless the lighting is brought into compliance with the ordinance.
- The ordinance states a structure is not considered abandoned until it has been empty for 12 months.
- A zoning right it runs with the land.

He was impressed by the detail and the level of technical requirement of the ordinance, but would ask the Commission to seriously think whether this is something that is enforceable.

Commissioner LaPonsie asked if he had a recommendation of an ordinance from another community. Kilpatrick stated there are several.

The City should ensure all the light fixtures are down cast only. Also, thought should be given to how much light should be coming from a free standing sign.

Hall suggested Kilpatrick simplify the ordinance. Kilpatrick believed simple standards preventing light trespass and keeping the light below the horizontal plain would be fairly easy to enforce.

IT WAS MOVED BY GREEN and seconded by MATHEWS to request Jay Kilpatrick of Williams and Works to assemble a proposed ordinance draft.

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

- B. Soft-sided Accessory Structures. Jay Kilpatrick of Williams and Works provided a range of options to soft-sided accessory buildings. The current ordinance would regulate these. There are standards in the ordinance which regulates accessory buildings.

Commissioner LaPonsie wanted Hopkins to clarify the correct interpretation. Hopkins explained it was brought to his attention regarding the installation of a refurbished structure. He indicated it would not be allowed because it was never permitted. It was then brought before the Planning Commission for interpretation. From there, the issue was voted down. City Attorney Richard Wendt also agreed. LaPonsie confirmed, according to Hopkins interpretation, such structures are not allowed. Hopkins noted the City Council also voted the issue down. Such structures are not allowed within the City.

Kilpatrick believed the ordinance defines these as accessory buildings. Structure is defined very broadly. The fact the structures are covered with material such as brick, mortar or wood is not relevant because this is not part of the definition of structure. However, Kilpatrick added he does not argue with the City Attorney. If on the other hand, the City wants to regulate the structures, it could be stated accessory buildings are permitted in particular locations. Kilpatrick noted the City requires accessory buildings 600 square feet or greater must be compatible in terms of materials with the principal structure.

Kilpatrick stated the City of Walker permits such structures but also states accessory buildings 200 square feet or greater must be compatible in design with the principal structure.

Kilpatrick continued regarding the issue of temporary versus permanent. The draft ordinance would allow these up to three years with the potential of another three year extension. A number of individuals have argued this would not be temporary. Kilpatrick agreed. The building code has standards for these as temporary structures, which state these should not be in place for more than 180 days. The other idea of regulating a temporary structure would be to take the regulation out of zoning entirely and require a permit. The permit can actually be issued to the applicant. The permit is extinguished if the home is sold to another individual.

LaPonsie questioned the gray area between a 200 and 600 square foot structure previously brought up by Councilmember Schrauben. Kilpatrick stated a 600 square foot accessory building is rare and is more likely to be found in an industrial area. A two stall garage is a little over 400 square feet.

Commissioner Mathews had a problem with the length of time the structure would be up as well as the size. He suggested a 200 square foot structure be allowed for 180 days.

LaPonsie believed the structures should just be regulated as accessory buildings under the current ordinance.

LaPonsie suggested asking the City Council for their opinion if this could end up being a legal issue. It was suggested the issue be placed on the next Council agenda.

Hall questioned the status of the metal garages. Kilpatrick noted these are considered carports and are not much different than a carport at an apartment complex.

Kilpatrick believed a reasonable interpretation of the ordinance would be these are structures and the ordinance regulates structures. Therefore, it falls under the current regulatory structure. If one takes the perspective these are prohibited, it would be wise to define structure more carefully.

By general consensus, the Commission tabled the issue until further review by Council.

Item #4. **BUILDING INSPECTORS REPORT.** Commissioner LaPonsie questioned the status of 422 East Main. Building Inspector Doug Hopkins stated the civil infraction ticket for a formal issue has been issued and given to the Lowell Police Department.

LaPonsie also questioned the violation at 329 N. Jefferson. Hopkins noted this was only to find out what was going to be done with the burned down structure.

Item #5. **PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.** Dan DesJarden of 1155 E. Main Street received two phone calls from residents within the City of Lowell asking if the City had an ordinance on wind turbines. City Manager Pasquale explained a little more open space is usually preferred.

Item #6. **COMMISSIONERS REMARKS.** Commissioner LaPonsie apologized for being late.

Commissioner Mathews wanted discussion at some point regarding outside woodstoves.

Building Inspector Hopkins noted AT&T has been in contact with IMS regarding fencing. There will be a new fence installed. He questioned if this needs to come before the Planning Commission for a site plan review. Hall believed AT&T should. This building should be improved as well as landscaping. Hopkins noted a foundation to hold up the generator has been installed. He said this will be enclosed. Hopkins also said AT&T will be applying for a new fence permit. Hall noted he did not want chain link fencing installed.

IT WAS MOVED BY LAPONSIE to adjourn at 8:06 p.m.

DATE:

APPROVED:

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Jim Hall, Chair

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Betty R. Morlock, City Clerk