

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 27, 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 Don Green, Al Mathews, Maryalene LaPonsie and Chair Jim Hall.

Absent: Commissioners Barb Brown.

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

IT WAS MOVED BY LAPONSIE and seconded by HALL to excuse the absence of Commissioner Brown.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY LAPONSIE and seconded by GREEN to approve the minutes of the regular meeting of August 23, 2010 as corrected.

YEA: 4. 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: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **NEW BUSINESS**

A. **SITE PLAN REVIEW**

1301 Bowes Road – Wolverine Water Treatment System – Construction of a 360 Square foot open sided storage building. Wolverine Water Treatment Systems submitted a site plan to construct a 360 square foot open sided storage building for salt products, next to the existing structure located on the north side of Bowes Road just east of Valley Vista Drive.

As provided, Jay Kilpatrick and Brian Wegener submitted a review of the plan and accompanying materials. They recommend approval subject to conditions outlined.

Commissioner LaPonsie questioned why the building would be open sided. Keith Pinkelman from Lynnman Construction noted a slider door or gate system would be installed. The reason for the storage building is to cover the items being stored outside as well as to keep the products from being stolen.

LaPonsie asked if any trees would be removed. The plan noted a small tree will be removed. LaPonsie requested another tree be planted elsewhere. The company intends to plant pine trees along the edge outlining the property line.

Commissioner Green asked if a hard surface would be poured. Paul Mahaney, owner, responded lime stone or similar will be placed. He noted pavement will also be placed leading up to the building.

IT WAS MOVED BY LAPONSIE and seconded by GREEN to approve the site plan at 1301 Bowes Road – Wolverine Water Treatment System – construction of a 360 square foot open sided storage building with the requirement that trees will be planted outlining the property. Also, the plan must also include the recommendations noted by Williams and Works.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

- B. 119 N. Hudson – AT&T Corporate Real Estate – upgrade generator with module enclosures. AT&T has provided plans to replace the existing back-up generator within the enclosure with pavement to establish a parking area and to install a new generator and screening enclosure north of the building located at the southeast corner of North Hudson and Chatham.

Jay Kilpatrick and Brian Wegener of Williams & Works provided a detailed site plan review. They recommend the plan be approved subject to three conditions as follows:

- Evergreen trees or other vegetated screening shall be planted in such a manner as to screen the proposed fence. Planting shall be of sufficient height to screen the fencing within one year of planting.
- Noise produced by the generator shall not exceed 65 decibels beyond a distance of 15 feet from the module.
- Any additional conditions of approval as established by the Planning Commission pursuant to Section 18.05 pertaining to hours of operation, lighting, fuel delivery, and any other aspect of the application.

Chair Hall noted the plan refers to screening but does not designate the color of the screening. This should be addressed. He would prefer gray or black with evergreens in front.

Also, in addition to the screening recommendation, Hall said the site has deteriorated substantially over the years. Trees which have been removed should be replanted as well

as the site being watered. AT&T should take more pride in their building as well as the City.

Commissioner Mathews agreed. The area should be cleaned up.

LaPonsie questioned if the City was stepping beyond what has been required from other businesses.

Green was curious as to what could and could not be required. Kilpatrick explained the Commission has the authority to require conditions on site plan approval, especially on any major changes. A large piece of equipment is being installed and needs to fit within the area. Normally, landscape standards are incorporated within an ordinance which would require either sprinkling or alternatively some other form of irrigation so the landscaping is established. As an alternative, a performance bond could also be required to make sure it is established.

Because Hall did not want to hold up the construction, he asked the City to take responsibility to ensure the requirements listed above are being accomplished.

Hall requested three trees be placed on Chatham and two on N. Hudson. Each should be a non ornamental variety (Maples). The trees should be set back appropriately as to not interfere with the power lines. The foundation plantings should be placed on three sides. The pine trees recommended for screening the generator should be placed. A sprinkling system or an approved amount of bonding to guarantee the plantings will survive should also be in place.

Pasquale confirmed the plan would include the following:

- Five maples – two on N. Hudson and three on Chatham – 12 feet in height.
- Cedar and or regular pine trees. The cedar should be planted in a straight line and pines should be staggered. These should be planted in front of the chain link screening. More than likely on two sides. The side facing the post office does not have to be screened.
- Sprinkler system.
- Foundation plantings – should be of adequate size.

IT WAS MOVED BY GREEN and seconded by MATHEWS to approve the site plan at 119 N. Hudson - AT&T Corporate Real Estate to upgrade generator with module enclosures provided the above recommendations are met.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

- A. Outdoor Lighting Ordinance proposal from Williams & Works. Jay Kilpatrick of Williams and Works presented the prepared Outdoor Lighting ordinance which has been simplified and made easier to understand. The standards accomplish the same with less text. The City is trying to establish lighting requirements that are related to light trespassing, light

extending off the property and intruding onto other properties as well as the light casting above the horizontal plain of a fixture.

Kilpatrick said this is an objective standard ordinance, suggesting the term "Foot Candle" to be defined. The City will ultimately be required to get a photo meter to measure the light output.

Another suggestion includes a fairly broad residential exemption. When working with other communities on lighting ordinances, the biggest problem comes when a standard is made which creates nonconforming conditions in residential neighborhoods. This would exempt such lighting as a front porch light. The issue involves high intensity parking lot lights, new commercial lighting and signage.

Also, rather than try to regulate or exempt temporary lighting for special events, such standards should be set aside in a Police Power Ordinance.

This would apply to new developments and renovations which require site plan approval. The ordinance has also been expanded to provide lighting standards for signage. Some of the biggest complaints actually come from signs.

The measurable standards incorporated state the light must cast down, screened so it does not exceed ½ foot candle at the adjoining property line. It also requires all fixtures be shielded and not cast a horizontal plain. This would apply to any light source which the ordinance would apply to. This also gives the City the authority to impose additional standards on illumination. If a large shopping center was built within the City, it would give the City the authority to ask for photo plans in order to view the lighting wash.

The other standard includes 10 foot candles measured four feet from the perpendicular base of a sign. This is not very bright.

This also gives the City the authority to grant departures. Higher standards can be applied or the City can talk to the business about potentially departing from standards on lighting if they can do reasonable measures to mitigate the concerns. The City needs a flexible ordinance to accommodate such issues.

Building Inspector Doug Hopkins, as well as the Electrical Inspector, reviewed the ordinance and favor it much more.

LaPonsie requested the suggestions be put in ordinance form. By general consensus, the Commission agreed.

IT WAS MOVED BY MATHEWS and seconded by LAPONSIE to set a public hearing for October 25, 2010 regarding the Outdoor Lighting Ordinance.

YEA: 4. NAY: 0. ABSTAIN: 0. ABSENT: 1. MOTION CARRIED.

- B. Soft-sided Accessory Structures. Jay Kilpatrick of Williams and Works provided an opinion regarding soft sided structures less than 600 square feet. Basically, the ordinance does

cover such structures and can not be prohibited unless steps are taken to make these prohibited. There is language in Section 4.08 which states anything greater than 600 square feet needs to be compatible with the principal structure. The smaller structures seem to be a greater problem. There are very few over 600 square feet. Most structures are the size of a one or two stall garage.

The City of Walker has dealt with this issue by requiring structures 200 square feet or greater be compatible in terms of materials and finishes with the principal structure. The simple fix would be to lower the City's requirement of 600 square feet to 200 square feet. He would also suggest defining language of what compatibility means.

Chair Hall agreed it would be a good idea to reduce the square foot requirement. However, he believed it should be dropped down to 150 square feet.

Commissioner LaPonsie did not believe it was the Commission's place to dictate what sort of accessory building residents put in their backyard. Therefore, she could not support this. Hall believed people have a responsibility to uphold when living in a neighborhood.

Commissioner Green agreed with the 200 square foot requirement, but was unsure about going any lower. Green wanted a proposal in which it can be recommended to the Council.

LaPonsie questioned if the issue referred to just residential or business areas as well.

Commissioner Mathews did not agree with tent structures. He has seen too many torn. Mathews agreed the square footage should be lowered.

Kilpatrick stated the discussion regarding residential versus commercial and industrial is very appropriate. It is easy to draft language which calls out these accessory buildings as being prohibited or regulated heavily in the R1 and R2 districts and not so heavily regulated in the commercial/industrial areas. Hall would like to see these banned in all districts. However, leave the issue open to further discuss permission of such structures in the industrial district only.

Hall clarified the City has temporary businesses in town who use this type of structure for five months out of the year. City Manager Pasquale noted a special use permit is given to such businesses.

Dave Clark of 712 Lincoln Lake asked if the Commission decided there would be no soft sided structures or has there been several complaints regarding these structures. Hall responded both complaints and support on the structures have been received. Clark suggested the issue be left as is. He did not believe it was right for the Commission to be able to tell others what they can and can not do.

It was noted Kilpatrick would provide standards at the next meeting for review.

Item #4. **BUILDING INSPECTORS REPORT.** Commissioner LaPonsie requested an update on 422 E. Main. Building Inspector Hopkins noted a Civil Infraction ticket has been issued for a formal hearing regarding the lot being paved.

Chair Hall questioned the status of 329 N. Jefferson. Hopkins noted a letter has been sent, but he has heard nothing as of yet. He would check into again.

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

Item #6. **COMMISSIONERS REMARKS.** Commissioner Mathews questioned the outside woodstoves. Kilpatrick stated he would provide information at the next meeting.

LaPonsie commented on the bridge being opened.

IT WAS MOVED BY MATHEWS to adjourn at 8:04 p.m.

DATE:

APPROVED:

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Jim Hall, Chair

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Betty R. Morlock, City Clerk