

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

For the Regular Meeting of the Planning-Citizen Advisory Commission on Monday, November 22, 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 Dave Cadwallader, Maryalene LaPonsie, Amy Hayes, Al Mathews, and Chair Jim Hall.

Absent: Commissioner Don Green.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Building Inspector Doug Hopkins, Zoning Administrator Adam Lynema, Mayor Jim Hodges and Mayor Pro Tem Sharon Ellison.

IT WAS MOVED BY LAPONSIE and seconded by MATHEWS to excuse the absence of Commissioner Green.

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

IT WAS MOVED BY MATHEWS and seconded by CADWALLADER to approve the minutes of the regular meeting of October 25, 2010 as corrected.

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

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

IT WAS MOVED BY LAPONSIE and supported by CADWALLADER to approve the agenda as presented.

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

Item #2. **PUBLIC HEARING.**

- A. Outdoor Lighting Ordinance – recommendation to the City Council. As noted at the last meeting, Planners Jay Kilpatrick and Brian Wegener of Williams & Works prepared a simpler set of outdoor lighting standards which the Commission has reviewed for a period of time. The text was placed into ordinance form by City Attorney Richard Wendt and advertised for public hearing.

Three articles from American City & Country magazine regarding outdoor lighting ordinance was provided for review.

No public comments were received.

IT WAS MOVED BY LAPONISE and seconded by MATHEWS to recommend approval of the Outdoor Lighting Ordinance to the City Council.

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

- B. Soft sided accessory buildings ordinance – recommendation to the City Council. A proposed ordinance regulating accessory structures, in particular soft sided buildings was prepared by Planners Jay Kilpatrick and Brian Wegener of Williams & Works. Based on discussion held at the October meeting, accessory buildings greater than 200 square feet must comply with building codes and be compatible with the main structure in design.

Also, gazebos, pergolas (a garden feature forming a shaded walk or passageway of pillars that support cross beams and a sturdy open lattice) or other accessory building erected and used by retail or commercial business may be erected and used by such businesses for no more than 180 days during a twelve month period. Further, these structures can be erected for no more than 3 consecutive days during three consecutive months for such event (weddings, graduations and reunions), being exempt from the structural requirements.

After holding a public hearing, the Commission may recommend the proposed ordinance to the City Council for consideration.

Commissioner LaPonise understood this was put together in part to eliminate the soft sided structures in the City. She believed the ordinance was too restrictive. The City would be eliminating an option for homeowners and taking away their rights.

Jim Miles of 718 Lincoln Lake asked if the proposed ordinance has been available to the public. City Clerk Betty Morlock stated the ordinance has been available for review at the library, City Hall and on the City's website.

Miles noted he has had such a structure for 10 to 15 years. Prior to originally assembling the structure, he called City Hall and was told one was allowed as long as it was less than 200 square feet.

Miles said the petition which had been signed by many in his neighborhood stating they were not opposed to such structures.

He commented on receiving a letter from the City of Lowell stating he is now in violation with the structure. Miles then received a letter from a lawyer stating the structure needed to come down or he would be ticketed. He did not see where he violated the ordinance. Therefore, Miles did not take the structure down and received a ticket. Chief Hinton then indicated the ticket could not be supported because the ordinance does not affect structures under 600 feet.

Miles suggested the issue be left alone or at least follow State guidelines, which suggests regulating structures 200 square feet and above.

Commissioner LaPonsie confirmed the ordinance reads any structure less than 200 square feet would have no requirement regarding the material it is made out of. Kilpatrick noted this was correct.

Commissioner Mathews questioned the opinion of the new Commissioners. Cadwallader believed 200 square feet summed up most one stall carports. Kilpatrick explained the ordinance applies to structures in excess of 200 square feet or more. A 20 x 10 structure would trigger this requirement.

Commissioner Hayes did not feel educated enough on the issue.

IT WAS MOVED BY MATHEWS and seconded by CADWALLADER to recommend the ordinance regarding soft sided accessory buildings to the City Council.

YEA: Commissioners Cadwallader, Mathews and Chair Hall.

NAY: Commissioners Hayes and LaPonsie.

ABSENT: Commissioner Green. MOTION CARRIED.

- C. 2111 West Main Street – establishment of a farmers market – Lowell Area Chamber of Commerce – special use permit (open air business). Chamber Director Liz Baker wishes to relocate the farmers market from the Fairgrounds to in front of Tractor Supply on West Main Street to provide better visibility.

Since the property is zoned General Business (C-3), the farmers market is an open air business. This requires a special use permit with in Section 17.04 (W).

A public hearing needs to be scheduled for the Monday, January 24, 2011 meeting. A layout plan should be provided by that time.

Commissioner LaPonsie confirmed this would not take away from Tractor Supply's required parking. City Manager Pasquale responded no. LaPonsie was concerned with placing the market in the parking lot with the traffic. However, she feels better seeing it off to the side.

Baker noted 25 spaces will be available at the market. She also stated the sign placed at the fairgrounds will be 2 x 12 x 16 feet and would be placed 10 feet into the air. It would be two sided. She is requesting the sign be placed May through September. The market would run June through September.

Chair Hall noted the traffic at the fairgrounds has fallen off substantially. The new location would be more visible.

IT WAS MOVED BY MATHEWS and seconded by LAPONSIE to set a public hearing on January 24, 2011 for the establishment of the Farmers Market held in the Tractor

Supply parking lot store. It was also noted the \$250 special use permit fee would be waived.

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

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

A. Outdoor Wood Burning Furnaces – further review and consideration. The City Council had an opportunity to review the issue of regulating outdoor wood burning furnaces. Jay Kilpatrick of Williams and Works provided a narrative of the issues involved with such devices.

By general consensus, the Council agreed the regulations be included under zoning requirements and should be kept simple and with setback requirements.

Chair Hall believed there should be regulations. He noted the City Council did not want these banned.

Kilpatrick explained such furnaces are typically regulated as accessory buildings. This would be an accessory to a permitted use. These can establish standards for setbacks and property lines and from adjoining buildings. A minimum lot area may or may not work. It would be smart to consider an isolation radius around the unit itself. Kilpatrick also suggested the burning of noxious materials be prohibited. Commissioner LaPonsie agreed there should be requirements regarding burning acceptable material.

By general consensus, the Commission requested a suggested ordinance be put together.

B. December 13 work session, establishment of 2011 Goals. Over the past several years, the Commission has held a work session in December to discuss various topics. Did the Commission want to meet.

Chair Hall suggested a work session be held at a later time when the new Commissioners have more experience.

Commissioner LaPonsie proposed a training session be held once the last position is filled. City Manager Pasquale suggested the training session be discussed during the January meeting.

C. 2011 Meeting Dates. The Planning Commission meeting dates are as follows subject to membership approval:

Fourth Monday of each month, except December.

January	24	July	25
February	28	August	22
March	28	September	26
April	25	October	24
May	23	November	28

June 27

Chair Hall suggested skipping a month if there is little to discuss. It seems there is more to discuss during the spring and fall. It was suggested the meeting dates be kept as scheduled. However, one could be canceled if there is no reason to meet. Hall noted State law requires the Commission meet at least 4 times a year.

IT WAS MOVED BY LAPONSIE and seconded by CADWALLADER to approve the 2011 meeting dates as presented.

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

Item #4. **BUILDING INSPECTORS REPORT.** Commissioner Mathews noted the house on North Jefferson that burnt has been demolished and looks great.

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

Item #6. **COMMISSIONERS REMARKS.** Commissioner LaPonsie welcomed Amy Hayes and Dave Cadwallader to the Planning Commission. Also, in addition to the training offered by the Commission, MSU Extension also provides Citizen Planner Trainings as well as Michigan Municipal League.

IT WAS MOVED BY MATHEWS to adjourn at 8:01 p.m.

DATE:

APPROVED:

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Jim Hall, Chair

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Betty R. Morlock, City Clerk