

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
April 1, 2010**

I. Chairman Orlik called the meeting to order at 7:00 p.m.

Present: Brockman, Kostrzewa, Lux, Orlik (Chair), Rautanen, Robinette, Smith (Vice-Chair)

Absent: English – excused; Holtgreive - excused.

Staff: Gray, Morrison, Murphy.

II. Approval of Agenda:

Motion by Robinette, second by Rautanen, to approve the agenda. Motion approved.

III. Approval of Minutes

A. March 4, 2010 Regular Meeting.

Motion by Brockman, second by Kostrzewa, to approve the minutes from the March 4, 2010 regular meeting as written. Motion approved.

B. March 8, 2010 Joint City Commission/Planning Commission Meeting.

Motion by Brockman, second by Lux, to approve the minutes from the March 8, 2010 joint meeting as written. Motion approved.

C. March 18, 2010 Special Meeting

Motion by Lux, second by Brockman, to approve the minutes from the March 18, 2010 special meeting as written. Motion approved.

IV. Zoning Board of Appeals Report.

Commissioner Brockman reported that the ZBA heard two cases at their March meeting.

- 2150 JBS Trail was granted a side yard variance to allow an addition to their building with the stipulation that any future addition on the neighboring property (also in part ownership of the applicant) maintains a setback of 60' between buildings.
- 306 S. University was granted a variance to reduce the on-site parking requirements based on their number of employees and the fact that there are several municipal parking lots in the area. A stipulation was placed on the variance that if the number of employees increases to 6, then the property be included in the special parking assessment and be charged an annual fee which helps maintain the parking lots. In addition, the property was granted a side yard setback variance to allow a small addition to be built within 2 ½ foot of the property line to house an

elevator and barrier free access. The Board felt that the applicant was limited in their placement of the elevator due to stipulations that were attached to the home when it was gifted to the foundation. In addition, the Board noted the support of the neighboring properties.

V. Public Hearings:

Chairman Orlik explained board proceedings and asked staff to introduce the first case.

- A. **Z-10-01 – 121 N. Lansing** – Martin Paudrups and Christian Unity Restoration Home (CURH) - Request to rezone property from OS-1 to M-2 for use as a homeless shelter. Staff gave some background information on this case, explaining that discussion began with the applicant back in June of 2009. As homeless shelters are not listed in the Zoning Ordinance as a designated use, staff requested an operations plan to review to help evaluate the most appropriate area for this type of operation and to offer guidance on acceptable locations. Based on the information received, staff determined the use would be most similar to a hotel/motel, which is an allowed use in the C-3 zoning district. When presented with the group's interest in the property at 121 N. Lansing, it was suggested to the applicant that they consider a Conditional Rezoning to C-3, which could include conditions related to the operation of the facility. Staff explained that with conditional rezoning, the zoning is tied to the use, and if the use discontinues, the zoning could revert back, whereas with conventional rezoning, the city cannot impose conditions. Staff stated that the applicant chose to pursue a conventional rezoning to M-2, claiming the use was similar to a rooming/boarding dwelling. Staff stated that the city views the use to be similar to the hotel/motel designation, which is not allowed in a M-2 district. Staff stated that an article in the Morning Sun indicated the applicant may have changed their direction and may intend to request that the use be approved by Special Use Permit in the existing OS-1 district and suggested it may be appropriate to get clarification from them on their request.

Chairman Orlik asked for a representative for the case to come forward and clarify their request.

Linda Oates, chairperson for CURH addressed the Board, stating they feel the OS-1 zoning classification with some type of variance or Special Use Permit would be appropriate. Ms. Oates stated the group did not feel the C-3 zoning district suggested by staff was a desirable option and stated they felt the M-2 or OS-1 zone was closer to what they were looking for, as they feel the operation would be closely related to a rooming/boarding dwelling.

Chairman Orlik summarized what appeared to be the three options the applicant has considered:

- 1) Re-zone to M-2: Chairman Orlik explained to the applicant that under this scenario, the Planning Commission would make a recommendation to the City Commission to approve or disapprove the re-zoning. If the City Commission approved a re-zoning, then the applicant would require a Special Use Permit from the Planning Commission to operate a rooming/boarding dwelling. Based on the size of the lot and the structure, the occupancy would be limited to 9. The applicant could seek a variance through the ZBA if they wished to pursue additional occupants.
- 2) If the applicant wished to remain OS-1, the Planning Commission would need to

determine if they were comfortable proceeding with the request or if they would refer the applicant to the ZBA to make a determination on whether this is an allowable use in the OS-1 zoning district.

- 3) If the applicant seeks a conditional rezoning to C-3, then they would be required to offer up uses and procedures to convince the Planning Commission that the use would be appropriate for this location. If approved, and if the property changed uses, the zoning would revert back to OS-1.

Ms. Oates asked for clarification on whether the conditional re-zoning would be tied to the property deed. Staff explained that the document would run with the property, however the conditional re-zoning agreement could run with the use and could be recorded in a way that if the use ceases, the zoning would revert back.

Ms. Oates described their operation and explained that the shelter would not house derelicts, perverts, criminals, those who are mentally ill, etc. Ms. Oates addressed some of the community concerns that were stated at a meeting they held earlier this year. Ms. Oates stated that all those who stay at the shelter will be required to provide a picture ID. She stated the home will be restored and maintained inside and out. The shelter will be staffed by volunteer workers and will have surveillance cameras and a security system in place. Ms. Oates stated they will not allow drinking or drug use and will not house felons. In addition, she stated that they have access to an internet database which allows them to do background searches. Any violent or threatening behavior will result in the person being asked to leave. If there are any problems with individuals loitering, etc., the Police Department will be called. Although there will not be smoking allowed inside, Ms. Oates stated there is a large back yard where residents can smoke. Ms. Oates stated they are not a treatment facility. Ms. Oates stated that to address the neighborhood concerns of loitering, they have changed their proposed policy of having the men leave during the daytime, to keeping the doors open. Those who choose to stay during the day will have chores to do. In addition, they have considered having a kitchen suitable for making and selling baked goods. They have also explored the idea of doing bicycle repair out of the basement of the home. Ms. Oates stated the home will have a house manager who will live on site, along with two resident assistants to assure house rules are met. She further indicated that Listening Ear has offered some training for the staff.

Chairman Orlik asked for clarification on what the applicant is asking the Planning Commission to consider.

Ms. Oates stated they would like to pursue a Special Use Permit for the OS-1 Zoning District.

Commissioner Lux asked if the residents would be provided transportation to seek job opportunities, and if there will be any supervision to assure they are looking for employment.

Ms. Oates indicated they have chosen this location to make transportation easier for the residents. They hope to have bicycles available and ICTC. In addition, they will expect some type of proof that they are seeking employment.

Commissioner Kostrzewa asked if those using the shelter would be from the local community, why they are in need of housing and how they would know if someone had mental health issues. He further questioned if there was a demand/need for a homeless shelter in this community.

Ms. Oates stated the residents would be from this community and they may have just lost their job, may be going through a divorce, may be a recovering alcoholic, etc., and have gotten into a situation where they have lost their homes. She further indicated that they will guide them to the organizations that are best designed to help their particular situation. Ms. Oates stated that people who have experienced homelessness have helped get this started and have indicated that there is not anything available in this area – that when they found themselves in this situation there was no where to go and they had to seek help elsewhere. She further stated that since the news has gotten out that a homeless shelter may be going in, she has received numerous calls from those in need.

Commissioner Smith questioned how someone would locate them. Ms. Oates stated that the Police Department, hospital, Listening Ear, etc. would know of their existence and location and could direct people to them, as well as other shelters and word of mouth.

Commissioner Kostrzewa asked who currently owned the property and if it is currently on the tax ~~roles~~ *rolls*.

Ms. Oates replied that it is currently owned by the Paudrups, and would be taken off the tax roles if opened as it would be operated as a non-profit organization. Commissioner Kostrzewa questioned how the organization would keep up with bills and expenses. Ms. Oates indicated they have received donations and grants, etc., and are currently applying for additional grants. She further indicated they have received some funding from the Saginaw Chippewa Indian Tribe.

Commissioner Lux asked how they would handle those who bounce back and forth from other cities. Ms. Oates stated that the occupants at the shelter will be expected to attend prayer meetings, church services, etc., and will also be expected to do chores, etc. around the shelter, and she does not think that those who may be inclined to bounce back and forth would be willing to abide by the rules. She did not feel like this would be an issue.

Commissioner Robinette expressed concerns with where those who are turned away due to drinking, drugs, criminal behavior, mental illness, etc. will go. Ms. Oates stated that the organizations who are referring or bringing people to them will know the rules and stipulations and will not refer people with those issues to them. They are not expecting people to just start showing up on the doorstep.

Commissioner Lux asked if they could provide any information from other communities who have similar shelters on how the homeless population interacts with the community and if they could provide any information from the police departments in those communities.

Chairman Orlik asked Ms. Oates to describe the screening process for someone who shows up

at their door. Ms. Oates stated they would be asked to provide a picture ID. They would run a background check on the individual and in addition, there is a checklist of information that they will be required to complete. Chairman Orlik asked how they would handle this if someone was illiterate. Ms. Oates indicated staff could help in that situation; however a photo ID would still be required.

Commissioner Rautanen asked if the data base used for the background checks was similar to the one accessed by the Police Department, to which Ms. Oates stated it was.

Commissioner Brockman asked if the applicant had looked at other locations. Ms. Oates stated they have looked for more than a year and feel this location is appropriate due to its proximity to the jail, the downtown and there is a parking lot directly behind it. She further stated that there are rental units located in close proximity which offer a buffer to the owner-occupied residential properties.

Chairman Orlik reminded Commissioners and the audience that the property is currently zoned OS-1 and the applicant wishes the Commission to conclude that the use is appropriate in this district with a Special Use Permit.

Chairman Orlik stated that the Planning Commission was presented with two letters at tonight's meeting— one in favor of the shelter and one opposed. In addition a petition with 33 signatures of those in the general area was presented to the Board, opposing the shelter.

Chairman Orlik opened the public hearing.

Kenneth Sanney, 415 E. Chippewa, spoke in opposition of the request. Mr. Sanney voiced concern with putting indigent clients in the middle of a residential neighborhood without the neighborhood support and feels this is setting them up for scrutiny and failure. Although he stated he commends the effort, he questions whether this is the way to help these individuals. He voiced additional concerns over the staff's capacity to screen for mental illness. Mr. Sanney further stated concerns with running a business out of a residential neighborhood (bakery and bike repair) and expressed surprise that the group would have access to the database to do background checks and suggested their access would be limited.

Charles Campbell, 211 N. Lansing, spoke in opposition to the request, citing it's proximity to Sacred Heart. Mr. Campbell further stated that a homeless shelter for men is not appropriate in a residential neighborhood and suggested they look at properties such as the old police post on Mission Street as a better option.

Alice Gardner, 322 N. University, spoke in opposition of the request. Although she indicated she feels there is a need in the community for a homeless shelter, she is against it being located in a residential area. Ms. Gardner also referred to the city's Residential Owner Occupied Incentive program, which encourages the conversion of rental units back to single family owner occupied housing, and stated that this location falls within that target area. She further expressed concern over the number of occupants there would be in the home.

Ben Hatt, 114 N. Lansing, spoke in opposition of the request due to its location in a residential neighborhood. Mr. Hatt stated he felt they were painting a “pretty rosy picture”, as typically homeless individuals have other issues they are dealing with and he questioned the qualifications of the staff in identifying and dealing with these issues. He further spoke of the increased concern over the safety, whether real or perceived, of the neighborhood children and women. He questioned what would happen if the shelter ran out of funding in the middle of the proposed renovations.

Wendy Popa, 315 E. Chippewa Street spoke in opposition of the request, citing some statistics of other problems facing a large number of the homeless population, and expressed concern with the staff’s expertise in dealing with this population. She further questioned where the individuals who are turned away would go. She reiterated many of the neighborhood’s comments that she is not against a homeless shelter, but it needs to be in a different location – not in a residential neighborhood.

Dana Gingrich, 1301 S. Washington spoke in favor of the request, stating she works with community organizations and people affected by poverty and homelessness daily and feels this is an overlooked need. She further stated that she feels there is a tendency to assign labels and issues to this population when in reality, in today’s economy, homelessness is experienced by more and more people who had credible employment and now do not. She feels the idea of “not in my backyard” is at work.

Jeffrey Ellis, 213 N. Fancher spoke in favor of the request, stating he does not feel this poses a risk to the community. He further commented that this neighborhood is already stressed in regards to property values and feels that some of the vacant properties and rental properties pose a more immediate threat to the neighborhood. He further stated the city would be able to determine the number of clients.

Jan Fokens, 318 N. Fancher, spoke in opposition of the request, expressing a concern with the number of clients and the increased foot traffic. He further indicated that this would be detrimental to the city’s efforts to foster a positive downtown image. He also expressed concerns with the commercial enterprises mentioned in regards to a bakery and bicycle repair shop.

Elizabeth Pollard, 405 N. Franklin/407 E. Broadway, spoke in opposition to the request, stating that reality is very different from the plan and expressed concerns with the organization’s ability to handle this endeavor. She stated she is not against a shelter, just not in a residential area, and she stated she feels it would be very detrimental to the North end.

Marvin, Alma, MI, spoke in opposition of the request, speaking from 40+ years of experience working with EAP programs and with dysfunctional individuals. He expressed that pushing religion at them is not a cure. In addition, he expressed doubt that the organization would have access to check criminal backgrounds as the access to those databases is limited. He further questioned whether, based on their guidelines, whether the Tribe would be able to provide grants to a Christian based organization. He stated that he did not feel this was a workable plan – not in his experience, and that it would be detrimental to the neighborhood.

Caroline Sanney, 415 E. Chippewa, spoke in opposition of the request, acknowledging that although religion can offer hope, she questioned the expertise of the staff in identifying and dealing with other problems these individuals may be struggling with.

Aaron Colson, 714 S. Oak Street, spoke in support of the request, as a member of the Board of Directors for CURH. He stated he feels there is a lot of a misconception regarding the proposed shelter and stated they are trying to provide help to those who want to help themselves. He stated there would be criteria set up before opening the shelter. He further indicated that for those that are turned away, they will offer information on places that are better qualified to help them.

Larissa Niec, 121 N. Fancher, spoke in opposition of the request, stating that she is opposed, not out of fear or ignorance, and stated that rather than a “not in my backyard” response, it is a “not *this model* in my backyard.” As a clinical child psychologist, she spoke of her background working with people and feels the organization has an unrealistic expectation and is not ready to deal with this population. She further cited concerns over the lack of options in regards to rule violations.

Marvin Chudej, 418 N. Franklin, spoke in opposition of the request based on the location. He further cited concerns with a proper amount of enforcement from the city to control the situation.

Todd Olivieri, 805 Canal Street, questioned whether the Planning Commission had the authority to interpret whether the use was appropriate for the zoning district. He further stated he is opposed to the location, it’s proximity to schools, etc., and stated that he does not feel like the plan is congealed which could result in dire consequences. He further questioned the access to the database to check criminal records, stating that at best, it would be for only Michigan violations.

There being no one else who wished to speak, the public hearing was closed.

Board Discussion:

Chairman Orlik reminded Commissioners that the applicant wishes to pursue a Special Use Permit in an OS-1 District. He stated that this number of people is inappropriate in an OS-1 District and he could not support this density.

Commissioner Smith expressed concerns in the technical aspect of whether the Planning Commission could make a determination on the use.

Staff stated that in his view, the use is not allowed in an OS-1, that generally multiple unrelated individuals in a single home is allowed in M-2 districts. OS-1 does allow some multiple family uses, however it is generally multiple *single-family* units.

Commissioner Lux stated she feels it would be a positive step for the community to have a

homeless shelter, however feels this location would have a negative impact on the neighborhood. She further indicated she did not feel it was appropriate in an OS-1 district.

Commissioner Smith asked about a time-frame for the applicant to reapply if denied.

Staff stated that the applicant could choose to go to the ZBA for a determination on the use in an OS-1 district, or they could appeal the Planning Commission's decision to the ZBA. If they wish to apply for the same request, they would be required to wait a year, however, they could come back sooner with a different request.

Commissioner Brockman stated he did not feel the plan was well enough conceived to consider changing the zoning. He further stated they have not shown proof of the problem nor have they shown proof that they are qualified to handle this endeavor. He further stated he did not feel that they have exhausted their search to find a more appropriate location and questioned why they considered being close to the jail was favorable, if they were not taking on residents with law-enforcement issues.

Commissioner Rautanen commended the group for what they are trying to achieve and acknowledged that he agrees there is a need for a shelter in the community, however, stated that in the current state, he does not feel ready to move ahead with the plan as it is laid out.

Motion by Smith, support by Rautanen, to deny the request for a Special Use Permit for a homeless shelter as proposed by Christian Unity Restoration Home and Martin Paudrups at 121 N. Lansing St. The Planning Commission has determined that the current application for the homeless shelter does not satisfy the standards and requirements found in Section 154.171 of the City's Zoning Ordinance governing the issuance of special use permits.

Motion to deny was approved unanimously by roll call vote.

- B. 1023/1025 S. Washington – Jeff Jakeway:** Request for Special Use Permit to allow new Rooming Boarding Dwellings (one dwelling on each site). Staff explained that Mr. Jakeway has asked to postpone this case to allow him time to go before the Zoning Board of Appeals to seek additional variances. Due to the fact that the Public Hearing was published, staff gave a brief description of the request in the event there was someone who wished to comment on the request.

Chairman Orlik opened the Public Hearing. There being no one who wished to speak, the Public Hearing was closed.

Chairman Orlik stated that the Planning Commission prefers any case that involves ZBA action to go before the Zoning Board prior to their request coming to the Planning Commission and suggested it may be appropriate to postpone the case indefinitely.

Motion by Rautanen, support by Robinette to postpone Case #SUP-10-02 and SPR-10-07 to allow the applicant to go before the Zoning Board of Appeals.

Motion approved unanimously.

VI. Public Comments:

Chairman Orlik ~~Vice Chairman Smith~~ opened the floor for public comments.

Jeffrey Ellis, 213 N. Fancher, addressed the Board regarding concerns with the property located at 207 N. Fancher, which has been vacant since 1990. Mr. Ellis stated he has received reports that the home is infested with black mold and he has called in complaints to Code Enforcement and City Commissioners and yet nothing has been done. He further expressed concerns with yard parking at 207 N. Lansing. *Chairman Orlik requested staff look into Mr. Ellis' concerns.*

There being no one else who wished to address the Board, the public comments session was closed.

VII. Site Plan Reviews

- A. SPR-10-01 – 2150 JBS Trail** – Request for site plan review to allow a 2,500 square foot addition to an existing industrial building.

Staff stated this case was postponed from last month to allow the applicant to seek a side yard variance from the Zoning Board of Appeals. The Zoning Board approved the variance request with the stipulation that any future addition to the building on the neighboring property maintains a 60' distance between buildings.

Motion by Lux, support by Rautanen, that pursuant to the requirements of Section 154.022(B) of the Zoning Ordinance, the Planning Commission grant a waiver to the requirement to install sidewalks in the public rights-of-way on a finding that the property is not located on a street designated as a school walking route and there are no existing intermittent public sidewalks on the streets within the block where the property is located, and to approve SPR-10-01 for the property located at 2150 JBS Trail, based on the site plan dated January 21, 2010 and prepared by JBS Contracting, Inc. for Q-Sage, with the following conditions:

1. The applicant shall comply with the requirements of the Zoning Board of Appeals.
2. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

- B. SPR-10-03 – 306 S. University – Mt. Pleasant Community Foundation.** Site Plan Review for an addition to the existing building. Staff explained that the applicant is proposing a small addition to the southwest corner of the building to house an elevator and barrier free access to all levels of the building. The only other change indicated would be the addition of lighting to light the parking lot.

Steve Martineau, President of the Community Foundation, was in attendance as representative for the case.

Commissioner Kostrzewa expressed concern with the proposed parking area, stating he did not feel it was appropriate to lose the green space/yard area considering the fact that there are only 2 ½ employees and there are municipal lots nearby. He questioned why they would destroy the back yard.

Mr. Martineau stated he had not attended the Zoning Board of Appeals meeting so he could not address their decision for 6 spaces; however the ordinance requires 16 spaces for the use which is why they asked for the variance.

Chairman Orlik stated that the Planning Commission could not change the decision made by the Zoning Board of Appeals.

Commissioner Brockman stated that there were several stipulations put on the gift of the home to the foundation by the Hersee family, which limited the placement of the elevator. The six parking spaces were approved by the ZBA as requested by the applicant.

Motion by Lux, support by Brockman to approve SPR-10-03 for the property located at 306 S. University, based on the site plan dated March 2, 2010 and prepared by CMS&D Surveying/Engineering, for Mt. Pleasant Community Foundation, with the following conditions:

1. The applicant shall demonstrate that the new site lighting meets the requirements of Section 96.13 of the City Code prior to issuance of a building permit.
2. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

- C. SPR-10-04 – 1205 N. Fancher - Weaver Pamela Living Trust** – Site Plan Review for a new 1500 square foot addition to the existing building. Staff reported that previous construction on this site was granted a variance to encroach into the required setback; however the proposed addition meets all setback requirements. Staff further reported that the site was granted a sidewalk waiver in 1993 due to the location of existing buildings and Calvary Cemetery. Staff stated that in his view, there have been no changes in pedestrian traffic to warrant the installation of sidewalks at this time. Staff stated the Planning Commission has two actions to consider with this request; to decide whether or not to affirm the sidewalk waiver and to approve or disapprove the proposed site plan.

Tom Weaver, applicant and owner, was in attendance to answer Board questions.

Motion by Smith, second by Robinette, to grant a waiver to the requirement to install sidewalks in the public rights-of-way on a finding that the property is not located on a street designated as a school walking route and there are no existing intermittent public sidewalks on the streets

within the block where the property is located.

Motion approved unanimously.

Motion by Robinette, support by Rautanen, to approve SPR-10-04 from Weaver Pamela Living Trust for the property located at 1205 N. Fancher, based on the site plan received on March 4, 2010 with the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

D. SPR-10-05 – 1416 S. Mission – Tancor Corporation. Site Plan Review for renovation of existing MC Sports building, including reworking the existing façade. Staff explained that the proposed work includes removing the vestibule on the building as part of the façade renovation. The applicant will also be reconfiguring the interior of the building, however, that is not subject to Site Plan Review. Staff stated the renovation will include the addition of some brick on the exterior, new elevation and site lighting to improve the existing site. Staff stated there will be no change to the parking requirements and access management issues were addressed with a previous project.

Corey Mindel, Tancor Corporation was in attendance to address Board questions.

Commissioner Smith asked for clarification on the site plan, which referred to a gun bench.

Commissioner Lux stated she feels this project is in line with the direction they would like to see on Mission Street.

Motion by Rautanen, support by Brockman to approve SPR-10-05 to allow the demolition of the existing vestibule, modification of the building façade, and associated site improvements to the property located at 1416 S. Mission Street, based on the drawing prepared by Rowe Incorporated for the MC Sports Remodel (Job No. 09M0110) dated March 16, 2010 with the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and Division of Public Works (DPW).

Motion approved unanimously.

VIII. New Business:

None

IX. Other:

- A. May PC Meeting: Staff stated we will have the request from Mr. Jakeway on the May agenda. We have not received any new applications at this time; however, there is still time, as the deadline isn't until April 12.

X. Adjournment:

Motion by Brockman, support by Robinette to adjourn. Motion passed unanimously. Meeting adjourned at 9:20 p.m.