

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
November 3, 2011**

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

Present: Brockman, Kostrzewa, Orlik (Chair), Quast, Rautanen, Shellady, Smith (Vice-Chair).

Absent: Holtgreive, Lux.

Staff: Gray, Murphy

II. Approval of Agenda:

Motion by Quast, support by Smith, to approve the agenda.

Motion approved

III. Minutes:

A. October 6, 2011 Regular Meeting

Motion by Brockman, support by Kostrzewa to approve the minutes from the October 6, 2011 regular meeting as submitted.

Motion approved.

IV. Zoning Board of Appeals Report:

Commissioner Brockman provided a report on the Zoning Board of Appeals meeting from October. The ZBA heard a request to reinstate a non-conforming residential use above the Risk Restaurant. The space was used as an apartment in the past, but more recently has been used for office space. The owners wish to convert it back to a residential rental unit to supplement their income. Commissioner Brockman reported that the ZBA approved the request based on the previous use, and the fact that the parking was sufficient for both the restaurant and the residential uses.

V. Public Hearings:

None

VI. Public Comments:

Chairman Orlik opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VII. Site Plan Reviews

A. SPR-11-15- 101 S. Mission. Review for a 10 x 20 foot building addition for scrap storage.

Staff reported the property location as the SE corner of Mission and Broadway, currently occupied by Muffler Man. The property is zoned C-3, as is the property to the north, south and west. The property directly to the east is zoned R-3 and is an owner-occupied single-family home.

Staff referred to the site plan provided in Board packets, showing the location of the proposed addition on the east side of the building. Staff reported that although staff met with the applicant prior to any work taking place and explained what approvals were required, the applicant chose to begin construction without the proper approvals or permits until Code Enforcement contacted him to cease work.

Staff reported that the proposed addition complies with the setback requirements of the Zoning Ordinance and based on the use of the addition, will not increase the parking needs. However, staff further reported that the Ordinance requires a 4-6 foot high masonry wall when commercial abuts residential property. Even though the property has operated without the masonry wall in the past; the proposed addition would require the site to meet this requirement. The applicant is requesting a waiver from the masonry wall requirement to allow a 6 ft. high stockade fence and landscaping to be installed instead. If the Board grants the waiver, the applicant has also asked that the Board consider his request to delay the fence installation until spring. Staff reported that the Zoning Ordinance allows the Planning Commission to consider a waiver on the wall requirement, based on the criteria in Section 154.106(4).

Staff also reported that the City's Access Management Plan calls for the consolidation of driveways with the property to the south, and would recommend the Broadway access near the east property line be retained and the access closest to Mission be closed. Based on the nature of the proposed addition, staff stated it is not likely the traffic will increase and therefore, the Planning Commission may want to determine if this project would be required to comply with the Access Management Plan.

Staff commented that the Department of Public Safety and MDOT have both expressed no concerns with the project. The Department of Public Works requirements for storm water drainage will need to be met.

Commissioner Smith asked if there had been any contact from the neighbor to the East. Staff stated we have not heard from them; however, further commented that no public hearing notices are sent out for Site Plan Reviews.

Wade Sackett, applicant, addressed the Board, stating he bought the business two years ago and wants to improve the site. The proposed addition would be used to store scrap/recyclable materials rather than keeping it inside the building. Mr. Sackett stated he would like to accomplish this prior to winter. He further stated that he would be

willing to use some vinyl siding around the building and add fencing rather than the block wall to help improve the site.

Chairman Orlik asked why he commenced construction prior to approvals being granted. Mr. Sackett stated that he needed the permission from the owners of the building and property who stated that they would not provide him a letter granting permission until he started construction, as they did not believe it would require a permit.

Chairman Orlik asked who was planning to pay for the improvements; the applicant or the owner of the property.

Mr. Sackett indicated the cost would be his responsibility.

Commissioner Kostrzewa asked why the applicant wanted to wait until spring to install the new fence. Mr. Sackett stated it was for financial reasons. Commissioner Rautanen asked if he would be responsible for the cost of the fence as well. Mr. Sackett stated he would. In addition, Mr. Sackett stated that he will likely need to put a new roof on the building as well; as the owners have not followed through on their agreement to fix it.

Commissioner Kostrzewa acknowledged that this was a new start up business in a mediocre economy and stated he could understand the request for some breathing room on the wall.

Chairman Orlik stated that the residential property is immediately to the east and sees no compelling reason to waive the requirement for the masonry wall, adding that it is unfortunate that the applicant began the construction without the approvals.

Commissioner Shellady asked if there was any precedent that the Board could stagger the projects to help the business owner handle the cost. Commissioner Smith commented that generally, if the Board grants a time-limited waiver, they require a cash deposit to assure the applicant follows through, which in this case, would not help the applicant.

Commissioner Kostrzewa asked the applicant if he knew the difference in the cost for masonry or wood fencing. Mr. Sackett stated he didn't know the actual difference; however, stated that along with the materials being more costly, there would also be the cost for labor, as he would not be able to construct a masonry wall, but would be able to put in a wood fence himself.

Commissioner Smith commented that this is a lot of cost for a small addition to store scrap and questioned if there were other options for the applicant. Staff concurred with Commissioner Smith's statement; however, explained that the addition was the trigger that puts all the other requirements into play. He further commented that the options depend on the Planning Commission's tolerance, and referred to the Planning Commission's sensitivity in the past regarding the masonry wall requirements separating commercial from residential properties.

Commissioner Brockman questioned the applicant on whether he would have started this if he had known about all the other requirements. Mr. Sackett stated that he had planned

on putting up a fence and doing some landscaping. He stated he would like to improve the appearance of the property; however, the cost of meeting the ordinance requirements discourages that.

Commissioner Quast asked if this is something the TIFA/DDA would look at. Staff replied that TIFA generally will only consider funding projects that are a benefit to the general public, such as the decorative fencing along Mission Street. This fence would go across the back of the property, which would not meet the criteria.

Commissioner Shellady questioned if there were other resources that we could assist the applicant in accessing. Staff commented that it would be difficult to come up with assistance for the wall and also stated that even the assistance for Access Management is a reimbursement, and the applicant would need to initially fund it.

Chairman Orlik referred back to the Access Management question, asking if anyone saw a need for the applicant to meet this requirement.

Commissioner Kostrzewa commented that the proposed addition is very small and does not feel like this would require him to meet the Access Management requirements. Staff commented that he isn't sure the Ordinance contemplated additions that do not increase traffic and further stated that in this case there will be no changes to traffic as a result of the addition; no safety issues, and it seems reasonable that the Access Management standards would not apply in this case. Commissioner Kostrzewa asked if every case is considered individually and if waiving the fence requirement would set a precedent. Chairman Orlik stated he feels it would set a precedent and although the fence requirement is hard on the applicant; there is no buffer between this property and the residential property.

Commissioner Smith commented that he is not a fan of masonry walls; however, further commented that if this tenant moves on, we are left with a landlord who has proven to be less than responsive to the property conditions.

Commissioner Kostrzewa again asked about the difference in cost of a masonry wall vs. wood. Chairman Orlik commented that he did not feel that was relevant as the Ordinance is not based on the ability to pay but on zoning districts.

Motion by Smith, support by Shellady to approve SPR-11-15 from Wade Sackett representing JLS Auto, Inc./The Muffler Man for the property located at 101 S. Mission Street, based on the site plan provided with the request with the following conditions:

1. The applicant shall provide a revised plan showing a masonry wall along the east property line, in accordance with the requirements of Section 154.106(A) of the Zoning Ordinance prior to issuance of a Building Permit.
2. Construction of the required wall/fence shall commence concurrent with the addition. A Certificate of Occupancy will not be issued and the addition may not be used until the required wall/fence has been installed.

3. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).
4. The applicant shall comply with the conditions of approval and obtain a Building Permit within 45 days of the approval of the Planning Commission, or the portion of the addition constructed to date shall be removed.
5. The Access Management requirement shall be waived.

Motion approved.

VIII. Unfinished Business

None

IX. New Business:

No new business.

X. Other Business:

- A. December Meeting: Staff reported that ~~his~~ **he** continues to work with Blodgett Oil regarding their plan to expand their parking lot. This may appear on the December agenda. Deadline for submissions is Monday, November 7.

XI. Adjournment:

Motion by Rautanen, support by Brockman, to adjourn to work session.

Meeting adjourned at 7:35 p.m.

bam