

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
June 4, 2015**

I. Chairman Cotter called the meeting to order at 7:05 p.m.

Present: Cotter, Dailey, Driessnack, Friedrich, Hoenig, Horgan, Irwin, Ranzenberger

Absent: Kostrzewa

Staff: Kain, Murphy

II. Approval of Agenda:

Motion by Ranzenberger, support by Dailey to approve agenda.

Motion approved.

III. Approval of Minutes

A. May 7, 2015 Regular meeting

Motion by Dailey, support by Hoenig to approve the minutes from the May 7, 2015 regular meeting as submitted.

Motion approved.

IV. Zoning Board of Appeals Report for May:

Commissioner Friedrich reported that the ZBA heard two cases at their May meeting. The first case was an appeal for a restaurant at 120 S. University, requesting a variance to allow a dumpster to remain in the alley without an enclosure. Following discussion, the ZBA denied the request based on the fact that the site plan recently approved by the Planning Commission showed the site could comply.

The second case was a request by a property owner asking the ZBA to repeal the Special Use Permit granted by the Planning Commission for a duplex at 220 N. Kinney (SUP-15-06). The ZBA upheld the Planning Commission's decision, as the applicant lived more than 300' from the property and was unable to show that he was an "aggrieved party," defined as someone who must have "suffered a substantial damage not common to other property owners similarly situated."

V. Public Hearings:

Chairman Cotter noted that Case SUP-15-09 -715 Edgewood, is postponed and that Case ZC-15-02 for 618 E. Illinois has been withdrawn by the applicant. The remaining Public Hearing is for TC-15-04.

TC-15-04 - First-floor residential uses in the Mission Redevelopment Overlay Zone

Kain introduced TC-15-04 noting that this is a proposed change to Amend Section 154.068 of the Zoning Ordinance to allow the Planning Commission more latitude to approve residential uses in the Mission Redevelopment Overlay Zone.

Kain explained that current language allows first floor residential uses if they could function as a transition between commercial and single-family residential uses. Kain explained that this language is pretty narrow and doesn't take into consideration the adjacent uses. Kain noted that he has received a concept plan for a Mission Redevelopment Overlay project on Mission Street, north of Broomfield, that backs up to CMU property. The applicant is interested in having residential units to the rear and commercial to the front.

Kain commented that reviewing this standard, he feels there may be more situations where residential units on the ground floor may make sense. The proposed text change would allow the Planning Commission to consider projects that provide a transition between commercial uses and the M (Multiple Family), R (Residential) or U (University districts) - basically all districts where you would expect to see residential uses. Kain also assured the Commission that these developments would still be subject to Planning Commission review under a Special Use Permit.

Chairman Cotter opened the public hearing.

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

Board Discussion:

Motion by Ranzenberger, support by Friedrich the Planning Commission recommend that the City Commission approve Text Change 15.04.

Motion approved.

VI. Public Comments:

Chairman Cotter opened the public comments section of the meeting. There being no one who wished to speak, public comments was closed.

VII. Site Plan Reviews:

A. SPR-15-07 - Eagle Point

Commissioner Ranzenberger noted that he is a resident of the Eagle Pointe condominium project; however he added that there will be no financial impact to him personally with this request. It was determined that there was no conflict of interest.

Kain introduced SPR-15-07, noting this was a request from Olivieri Builders to amend a previously approved site plan to change 24 proposed multi-family units (96 total units) to 24 two-family attached units (48 total units). Kain reported that the development was originally approved in 2004 under different ownership.

Kain noted that the zoning on the property is M-1 Multiple Family, with a mixture of zoning surrounding it, including M-1 to the north; OS-1 Office Service and C-3 General Business to the east; OS-2 Office Service, M-1 Multiple Family and C-3 General Business to the south and R-2, Residential, R-3 Residential and OS-1 Office Service to the west.

Kain shared an overview of the property, noting that the single-family units in the middle of the project are not a part of the site plan under consideration.

Kain shared photos of some of the existing units as they appear today. Kain further shared the site plan noting the location of the existing units, along with those that are proposed for change.

Kain reported that two-family dwellings are a principal use allowed in the M-1 Multiple-Family zoning district and are regulated in accordance with the standards in the R districts. Kain reviewed the conditions for two-family dwellings, noting that the plan meets these requirements. In addition, Kain noted that the project also meets the site plan requirements and concluded his report with the recommendation for approval with the conditions listed in the staff report, including the applicant removing the note stating "Existing mound of dirt to be removed by the City of Mt. Pleasant."

Joe Olivieri, 1933 Churchill, addressed the Board, offering to answer any questions.

Commissioner Friedrich asked why they were changing the plan from four-unit dwellings to two-unit dwellings. Mr. Olivieri responded that they are responding to the market, explaining that they have only 16 units sold in the 4-unit buildings; and 28 of the duplexes sold.

Commissioner Ranzenberger asked about the timeframe for building the new units. Mr. Olivieri estimated 4 units a year. He explained that they put up a duplex and when one side sells, they start another.

Mr. Olivieri also commented that the dirt piles referred to in the conditions are now gone.

Board Discussion:

Motion by Driessnack, support by Horgan to approve SPR-15-07 with the following conditions:

1. The applicant shall remove the note which states "Existing mound of dirt to be removed by the City of Mt. Pleasant."
2. The applicant shall comply with the requirements of the Divisions of Public Works (DPW) and Public Safety (DPS).

Motion approved.

B. SPR-15-13 - 715 Edgewood. (postponed)

C. SPR-15-14 1500 W High.

Kain introduced SPR-15-14 noting this was a request for Site plan approval to expand the existing parking lot and pave the existing gravel lot.

Kain noted that there is currently a rehabilitation practice in the building and also noted that the proposal includes three parcels, one fronting on West High and two parcels fronting Burch Street, one under separate ownership.

Kain shared the site plan and photos of the site, noting that the previous owner had added some gravel spaces without approval and the applicant sought to improve the lot by paving it, and was not aware that this action would require site plan approval.

Kain noted the zoning on the site is C-3 General Business, with R-4 Residential to the north; C-3 General Business to the East; R-1 Residential to the south and C-3 General Business to the west.

Kain noted that the request is recommended for approval with the condition that the applicant provides the required landscaping to meet the requirement for greenbelts.

Manish Bondale, applicant, addressed the Board offering to answer any questions. The Board had no questions.

Kain commented that he appreciates the applicant's patience as we worked through this process.

Board Discussion:

Motion by Dailey, support by Ranzenberger that the Planning Commission approve SPR-15-14 with the following conditions:

1. The applicant shall provide a greenbelt around the proposed parking consistent with the requirements of Section 154.106(C).
2. The applicant shall comply with the requirements of the Divisions of Public Works (DPW) and Public Safety (DPS).

Motion approved.

D. SPR-15-15 - 510 W. Pickard - P & A Development.

Kain introduced SPR-15-15 noting this was a request for the construction of 11 new industrial buildings and associated site improvements. In addition, the applicant is requesting the Board consider potential uses allowable under the I-1 zoning district.

Kain shared the site plan, noting the properties involved with the project. Kain commented that the bulk of the construction would take place behind Mountain Town Brewing Company and McGuirk Sand & Gravel. Kain also noted that the proposed development is limited to the portions of the property that are zoned I-1 Industrial, as a portion of the site is under conditional C-3 zoning.

Kain noted the zoning of the surrounding property is Industrial.

Kain reported that all eleven proposed buildings meet the height bulk and density requirements and the setback requirements are also met. Signage will be handled under a separate permit and the sidewalks are already existing along West Pickard.

Kain reported that a number of dumpsters are proposed for the site, which satisfies the requirements of the zoning ordinance.

Kain commented that there are landscaping requirements for industrial areas and referred to an existing slurry wall that may make the placement of trees along the riverbank challenging; however, the applicant has indicated they are willing to do what they can.

Kain referred to section 154.084(B)(12) of the Ordinance which describes the permitted uses in the Industrial zone and the statement "*any other use which shall be determined by the Planning Commission to be of the same general nature.*"

Kain commented that staff has worked with the applicant to provide a list of uses for the site that are specific enough for comfort on both sides; that staff feels fits with the zoning classification of the area and yet not so specific as to prevent the owner to rent their properties.

Commissioner Irwin asked how wide the entrance is and whether it is wide enough for emergency vehicles. Kain responded that it is 30' wide and the Fire Department requires only 21' - 26'.

Commissioner Ranzenberger asked if the owner was able to secure a tenant with a use that was not in the list, if they would need to come back to the Planning Commission for approval. Kain indicated they would.

Commissioner Dailey asked for clarification on the list referred to. Kain noted there was a copy of the list in the memo from Tim Bebee, which includes:

1. Contractor/Construction related businesses.
2. Service/Maintenance/Repair related businesses.
3. Equipment and/or Vehicle parts, sales, service or rental.
4. Recycling related businesses.
5. Storage/Warehousing/Distributor related businesses.
6. Related office/support services.

Commissioner Ranzenberger asked if the list would apply only to this site or across all I-1 Districts.

Kain responded that it would be a general finding for all I Districts, noting they will find a lot of existing uses in the I-1 District that didn't specifically get Planning Commission approval, and currently the I-1 District is not in line with typical industrial uses. The applicant's request is responding to the current market.

Tim Bebee, Central Michigan Surveying & Development, addressed the Board as representative for the applicant.

Commissioner Ranzenberger asked about the contamination on the site. Mr. Bebee noted that he is not the environmental engineer; however, a lot of remediation work has taken place on the site and it has been going on for quite some time. He noted it is a long process and he believes it is nearly complete, and will result in a cleaned up, revitalized piece of property.

Chairman Cotter asked if the applicant proposes a quick construction schedule or if it will take place in phases. Mr. Bebee responded it will likely be a market-driven project.

Commissioner Ranzenberger asked if there was any danger of contamination seeping into the buildings.

Mr. Bebee commented that this is all part of the remediation plan and vapor barrier will be installed under the proposed buildings. He also noted that in order to build, the soils in the area will all be tested. He also referred to the slurry walls which are there to guide underground water to the clean up area.

Commissioner Driessnack asked if the DEQ dictates the clean up. Mr. Bebee stated that yes, the remediation plan is with the DEQ.

Board Discussion:

Commissioner Friedrich asked if the uses noted in Mr. Bebee's memo fall under any other zoning classification. Kain stated they were not, and added that in many communities there is a separate zoning district that would take in these types of uses.

Kain commented that we may be looking at comprehensive zoning ordinance overhaul. If the budget will not support that, the Board will likely see a lot of proposed Text Changes coming their way.

Motion by Driessnack, support by Irwin, that the Planning Commission approve SPR-15-15 with the following conditions:

1. The applicant shall provide a landscaping plan for the portion of the property adjacent to the Chippewa River to satisfy the requirements of Section 154.084(c)(2).

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

In addition, the Planning Commission finds that the list of uses submitted via memo from Tim Bebee dated May 11, 2015, and listed below are of the same general character as the principal uses permitted in the I-1 district.

1. Contractor/Construction related businesses.
2. Service/Maintenance/Repair related businesses.
3. Equipment and/or Vehicle parts, sales, service or rental.
4. Recycling related businesses.
5. Storage/Warehousing/Distributor related businesses.
6. Related office/support services.

Motion approved.

VIII. Unfinished Business:

None

IX. New Business:

A. Discuss and consider a text change to Section 154.051(C)(3) (R Residential Districts - Churches) and consider setting a public hearing on this issue at the July 9, 2015 meeting.

Kain reported that following a call from a Pastor who was looking to relocate a church in Mt. Pleasant, he examined the zoning criteria for churches. Kain noted that in the SUP criteria for churches, they are required maintain a setback of 40' from any property line. Kain noted that many of the churches in the City are located significantly closer than 40', making them non-conforming, and shared a chart showing that most of them do not comply with the criteria.

Kain noted that there would be additional impacts from traffic and noise on Sundays, where the 40' separation distance from residential uses would make sense; however, staff feels that the current wording unnecessarily restricts the properties available for this use as it stipulates *any* property line.

Kain noted that staff recommendation would be for a text change to amend section 154.051(C)(3)(b) of the Ordinance to read:

(b) The building shall be at least 40 feet from the side or rear property line when adjacent to a single family or two-family dwelling.

Kain noted that an added benefit of this proposed text change is that it would bring many existing churches into or closer to compliance.

Commissioner Hoenig asked how many of the non-conforming churches were established prior to the zoning ordinance. Kain commented that likely most of them; however, some have expanded and because they are grandfathered in, they are not subject to SUPs.

Kain commented that it is not unusual to have spatial requirements to adjoining properties; however, there isn't much value in having them set so far off the street.

Commissioner Friedrich asked if churches are allowed in all zoning districts. Kain responded not all, but many. He noted that this criteria would be specific to Residential districts.

Kain commented that if the Planning Commission feels there is value in pursuing this, they should set a public hearing.

Commissioner Horgan commented that looking at the available land in the city, it isn't likely that we will be getting any new large churches; however, she commented that this would be more of an opportunity to re-use existing buildings that may otherwise languish.

Motion by Horgan, support by Friedrich that the Planning Commission set a public hearing to consider an amendment to Section 154.051 (R Residential Districts) at the Planning Commission meeting on Thursday, July 9, 2015 at 7:00 p.m. in the City Hall Commission Chambers.

Motion approved.

Kain commented that there will likely be more text changes brought before the Planning Commission to take care of some housekeeping issues and also as part of process to implement the Master Plan. Staff also commented that he has submitted a budget request to include an overall update to the Zoning Ordinance and asked the Commission to bring to his attention anything that they feel should be looked at.

B. Work Session

Kain explained that next month he would like the Commission to hold a work session following the regular meeting to discuss the Planning Commission's role and responsibilities. He referred to two recent cases that have been taken to the Zoning Board of Appeals following Planning Commission action. The outcomes of these meetings will be discussed, along with the various roles of the Planning Commission.

Commissioner Irwin questioned whether the City Commission could overturn the Planning Commission's decisions. Kain explained that the City Commission has no role in the Site Plan Review or Special Use Permit processes and cannot override the decision. Where the Planning Commission and City Commission's roles intersect is in creating and modifying the zoning ordinance.

Kain explained an appeal of the Planning Commission's decision would go to the Zoning Board of Appeals. If the appellant isn't satisfied with the ZBA's finding, then their next step would be to go to Circuit Court. Kain commented that he would go into detail at the July 9th work session

on the roles and responsibilities of the Boards. He also asked if there were specific questions, that the Commissioners send them to him prior to July 9th so he would be ready to address them.

X. Other:

A. Staff Report

1. **July Meeting:** Kain stated that potentially we will be seeing 715 Edgewood back on the agenda. In addition, they may be looking at another proposed Text Change to the fence ordinance. He will also be presenting a memo to discuss administrative reviews.
2. **Zoning Map.** Kain reported that we have an updated zoning map.

XI. Adjournment:

Motion by Dailey, support by Irwin, to adjourn to work session.

Motion approved.

Meeting adjourned at 8:15 p.m.

bam