

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
February 5, 2015**

I. Bean called the meeting to order at 7:03 p.m.

Present: Dailey, Driessnack, Friedrich, Hoenig, Horgan, Irwin, Kostrzewa, Ranzenberger.

Absent: Cotter

Staff: Bean, Kain, Mrdeza, Murphy.

II. Approval of Agenda:

Motion by Hoenig, support by Dailey to approve agenda.

Motion approved.

III. Welcome:

Bean welcomed the new Board members, Horgan and Driessnack to the Board.

Mrdeza introduced Jacob Kain, who has been hired as the City Planner. Mrdeza noted that we will retain the services of Spicer Group during the transition.

IV. Election of Officers:

Bean asked for nominations for Vice-Chair.

Motion by Kostrzewa, support by Ranzenberger to nominate Hoenig as Vice- Chair. There were no other nominations.

Motion carried.

Motion by Dailey, support by Kostrzewa to nominate Cotter as Chair. There were no other nominations.

Motion carried.

Vice-Chair Hoenig proceeded to chair the meeting in Chairman Cotter's absence.

V. Approval of Minutes

Motion by Friedrich, support by Dailey to approve the minutes from the January 8, 2015 meeting as submitted.

Motion carried.

V I. Zoning Board of Appeals Report for January:

It was noted that the Zoning Board of Appeals did not meet in January.

VII. Public Hearings:

A. SUP-15-01 - 807 S. Mission. Vice-Chairman Hoenig noted that this case has been postponed.

B. ZC-15-01 - 215 E. Locust. Request to conditionally rezone the property from R-3 to OS-1 with self-imposed conditions.

Bean introduced the case, sharing a visual of the site, noting that the property is located on the NW corner of Franklin and Locust. The surrounding properties are all zoned R-3 Residential.

Bean provided a summary of the request and reminded the Board that a conditional rezoning allows specific development proposals and conditions that are offered by the applicant to be tied to the request. Bean reviewed the four conditions being offered by the applicant as:

1. The building will be used for legal office/professional space,
2. Upon vacation of the building it will be returned to R-3 zoning,
3. The building will be used as is with no structural changes and no additional site improvements, and
4. The hours of operation will generally be Monday through Friday from 9:00 a.m. to 4:30 p.m. for clients and Monday through Friday from 8:30 a.m. to 5:00 for employees.

Bean shared the concept drawing submitted by the applicant with a breakdown of how the existing rooms in the home would be utilized, along with parking calculations based on the usable floor space of the building.

Bean referred to Section 154.172(D) of the Zoning Ordinance, which lists the criteria that needs to be met with requests for zoning amendments, noting that the applicant has provided responses to the criteria.

Bean also referred to Section 154.172(C)(3) of the Zoning Ordinance, requiring the Planning Commission to consider whether:

- (a) The proposed rezoning or map amendment will interfere with the orderly development of nearby properties according to the existing zoning districts(s).
- (b) The proposed certain use and development of the land will interfere with existing permitted uses of nearby properties.
- (c) Any proposed condition on the use and development of the land will protect existing permitted uses on nearby properties from significant negative impacts of the rezoning.

(d) The requested rezoning with certain use and development of the land as a condition to the rezoning is consistent with the master plan for the area.

Bean further reported that the process for conditional rezoning requests is for the Planning Commission to make a recommendation to the City Commission. The City Commission makes the final determination. If approved, the list of conditions will need to be formalized into a formal agreement and codified.

Bean reminded the Board that with a conditional rezoning request, the Board cannot impose conditions, they must be offered by the applicant.

Bean noted that staff would have some difficulty in supporting a conventional rezoning request in this area as it seems to be inconsistent with the Master Plan. Bean further commented, however, that the conditions proposed by the applicant seem to sufficiently address these issues.

Commissioner Ranzenberger questioned whether the zoning ordinance would allow a lawyer to work from their home under the section that speaks of Home Occupations. Bean responded that it is possible, noting there are likely several limitations that would have to be adhered to.

Michael Hyde, applicant, addressed the Board, providing some personal and professional background. He noted that the current owner is a client of his. They have decided they no longer need the home and they have reached a conditional purchase agreement contingent on the rezoning request. Mr. Hyde noted his current location is not conducive to his business and believes the space offered in this home would better serve his business.

Commissioner Kostrzewa noted there are other instances where attorneys have set up shop in a residential district, however further noted that there is a major thrust from the community to protect neighborhoods.

Commissioner Horgan noted that there are a lot of people who feel threatened by the encroachment of CMU students into the neighborhood and this request would allow a commercial use to encroach from the other end.

Commissioner Irwin questioned how many people were employed by the business, questioning how many parking spaces may be required. Mr. Hyde responded three total; himself, a secretary and one other attorney. Mr. Hyde further commented that he spends a majority of his time in court and at the very most there may be one client per hour that would need to park in the area.

Commissioner Irwin asked what type of lawyer Mr. Hyde was. Mr. Hyde responded that they are mostly involved in real estate and business, with limited family and criminal law. He noted, however that they do not have court appointed clients and generally meet with clients of criminal cases at the courthouse.

Commissioner Kostrzewa questioned where the "conference room" that was referred to would be located if there were no structural changes planned for the home. Mr. Hyde stated the living room

would be used as the conference room and described the layout of the home and how the rooms would be used.

Commissioner Kostrzewa asked if there would be any night hours. Mr. Hyde stated the only time the office would be occupied in the evening is when employees had to work late to prepare for court.

Mr. Hyde commented that there are several attorneys working out of homes in the Residential districts in Mt. Pleasant and feels there is a precedent in allowing professional space.

Vice-Chair Hoenig opened the public hearing.

Steve Berkshire, 602 S. Main; Sam Raisanen, 507 S. University; Henry Fulton, 807 S. University, Jeff Betts, 413 S. University; Jim Moreno, 610 E. Wisconsin, and Michael Lents, 502 S. University, all spoke in opposition to the request. Reasons given included:

- Sets a precedence for similar requests
- Will make it easier for developers to request conditional changes in R3 to M2
- Defeats the propose of the Zoning Ordinance
- The use could be allowed as a home occupation; however the applicant doesn't live there and only wants office space
- Concern that if applicant discontinues use it may be difficult to revert back to R3
- Rezoning this parcel creates "piecemeal" zoning
- Concern over commercial and business uses creeping into neighborhoods
- Master Plan speaks of protecting the integrity of neighborhoods - city should stand by this commitment
- Increased traffic and parking needs
- There is not a shortage of office space available in the downtown area
- Property is the type of home the city needs for young families with moderate income
- Property is better suited as a single family home
- Spot zoning for any reason is not good planning and weakens zoning integrity
- Request does not align with the Master Plan - Future land use is designated as R-3.

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

Board Discussion:

Commissioner Kostrzewa asked Commissioner Driessnack if he felt there were other opportunities available in the downtown for the applicant.

Commissioner Driessnack commented that although he is sympathetic to small business owners, he believes there are other options for the applicant. He noted that although he isn't sure it would have a negative impact on the area, it isn't the intended use of the area.

Commissioner Friedrich stated that this is a residential area and believes that approving this would go against protecting the integrity of the neighborhood.

Commissioner Ranzenberger commented that there is a chance this particular use would have a lower impact than a four bedroom single family home may have. He noted however that this is not in the downtown and the city residents seem to prefer a mono-use neighborhood. He noted that we need to be realistic about increasing the number of single family homes as many people cannot afford a home.

Commissioner Dailey commented that even if the Planning Commission recommends approval, he feels it is doubtful that the City Commission will approve the request, noting that the property is zoned residential for a reason and we shouldn't be rezoning piece by piece.

Vice-Chair Hoenig commented that a lot of time was spent on updating the Master Plan and what we want to see. She commented that it seems contrary to the Master Plan to rezone a parcel that isn't even adjacent to the requested zoning designation.

Commissioner Irwin agreed that this request goes against the Master Plan and feels it may discourage potential home buyers.

Motion by Friedrich, support by Irwin to recommend that the City Commission deny conditional rezoning ZC-15-01 from Michael C. Hyde for the property located at 215 East Locust Street from R-3 Residential District to OS-1 Office Service, with the proposed conditions offered by the applicant.

Motion to recommend denying request unanimously carried.

VIII. Public Comments:

Vice-Chair Hoenig opened the public comments portion of the meeting.

There being no one who wished to speak, the Public Comments session was closed.

IX. Site Plan Reviews:

None Scheduled.

X. Unfinished Business:

A. Community Improvement Awards:

Bean referred to list provided to the Board of eligible projects, noting that there were three categories.

Commissioner Ranzenberger commented that he feels the Solar panels installed at J. Ranck deserve an award, noting that he feels that installing them was a good business decision and the fact that they were installed in our community is a very positive thing. He further commented that there are several businesses along Mission Street that he feels are deserving as well and would

suggest at least giving them an honorable mention. For the single family award, he feels that 1042 Watson should be recognized. In the multiple-family category, he referred to the entire 1000 block of South Washington.

Bean noted that he had posted an online survey, and asked Board members to vote on the projects they felt were most deserving so a determination of winners could be made at the March meeting.

XI. New Business:

A. 2014 Annual Report.

Bean referred to the draft annual report, reviewing the contents and noting that it would be appropriate for the Commission to take action to approve the report as printed or amend it. It will then be referred to the City Commission for consideration at the joint meeting scheduled for February 26, 2015. The report also reviews the status of the 2014 goals.

Mrdeza commented that he and Bean had discussed setting 2015 Goals and determined that it would be beneficial to wait and set goals once the new Board members and City Planner were on board. In addition, the Board may have a better feel for what the City Commission's goals are following the joint meeting.

Motion by Kostrzewa, support by Ranzenberger to accept the annual report as submitted.

Motion carried.

B. Joint Meeting.

The Commission was reminded that the joint meeting with the City Commission has been scheduled for February 26, 2015 at 6:00 p.m.

C. Crossover member to the Zoning Board of Appeals.

Motion by Driessnack to recommend Commissioner Ranzenberger to serve as the cross-over member to the ZBA. Commissioner Ranzenberger respectfully declined.

Motion by Kostrzewa, support by Dailey to recommend Commissioner Friedrich as the cross-over member to the ZBA.

Motion carried.

XII. Other:

A. March Planning Commission Meeting.

Bean reported that there will likely be a request for a restaurant with a drive-through services on the agenda, as well as the postponed case from tonight's meeting.

Mrdeza noted that there may be other cases that are currently going through the ZBA process that the Commission may be seeing as well.

XIII. Adjournment:

Motion by Kostrzewa, support by Dailey to adjourn.

Motion carried.

Meeting adjourned at 8:20 p.m.

bam