

**Mt. Pleasant Planning Commission
Minutes of Special Meeting
October 19, 2017**

I. Chair Hoenig called the meeting to order at 7:00 p.m.

Present: Dailey, Driessnack, Friedrich, Hoenig, Horgan, Irwin, Joseph, Kostrzewa, Liesch.

Staff: Kain, Murphy, City Attorney Nicholas Curcio

II. Approval of Agenda:

Motion by Friedrich, support by Kostrzewa, to approve the agenda.

Motion approved unanimously.

III. Approval of Minutes:

September 21, 2017 Special Meeting

Motion by Kostrzewa, support by Joseph, to approve the September 21, 2017 minutes.

Motion approved unanimously.

IV. Communications:

Kain reported that 9 communications were included in the meeting packet, all related to the proposed zoning ordinance. In addition, following packet distribution, 10 communications related to the zoning ordinance were received and have been placed on the dais, along with one letter from staff related to the Charter Township of Union's draft Master Plan and one invitation from the Michigan Department of Transportation regarding some upcoming meetings that are open to the public regarding the Bay Region Regional Non-motorized Plan.

V. Public Hearings:

A. Proposed Zoning Ordinance:

Commissioner Driessnack recused himself due to a conflict of interest.

Kain introduced the proposed zoning ordinance, noting that the last new zoning ordinance was adopted by the City in 1984. Since that time there have been two major initiatives to help address some of the outdated standards: the Mission Redevelopment Overlay Zone, which provides some flexible redevelopment standards for certain properties within the C-3 General Business District in order to advance a preferred form of development, and the M-2 redevelopment process.

Kain noted that each of these initiatives require a lot of discretion on the part of the Planning Commission and create uncertainty of the outcome for the developer which significantly reduces

their effectiveness. Neither initiative fixes underlying issues with the 1984 ordinance, produces consistent outcomes, or fully achieves the desired policy outcomes intended.

Kain discussed how a character-based or form-based code such as the one proposed is a proven approach to zoning and is consistent with the goals of the City's Master Plan and the goals identified for this project, which include more predictable development outcomes, encouragement of mixed use development, promoting walking and biking, preserving neighborhoods, enhancing downtown, and transforming commercial corridors including Mission Street.

Kain reviewed the background of the project noting that the City Commission funded the project in December 2015. In early 2016 both the City Commission and Planning Commission took part in the Planetizen Form Based Code 101 training series. Each commission then reviewed and confirmed the proposed scope of work. Next, proposals were reviewed by a Planning Commission subcommittee and two firms were brought forward for interview for the project. Ultimately, both the Planning Commission and City Commission unanimously selected Town Planning and Urban Design Collaborative, LLC (TPUDC) as the project consultant.

In September 2016, TPUDC met with staff and policy makers, toured the city, conducted synoptic surveys, and held a public kick-off event. In November 2016, hundreds of community members participated in Planapalooza, over 40 hours of public engagement activities over four days that included a workshop, four roundtable discussions, and an open and collaborative design studio.

Since Planapalooza, the consultant and staff have worked on the draft zoning ordinance, which was presented to the public on July 27, 2017. Both the City Commission and Planning Commission held work sessions in August to discuss the draft code and several meetings and communications took place with members of the public, staff, and policy makers. The public review period ended at the end of August and TPUDC then prepared the adoption draft.

Following tonight's public hearing, the Planning Commission will be asked to make a recommendation to the City Commission. The City Commission has set a public hearing for November 13, 2017. When they approve the zoning ordinance it will become effective 30 days later.

Kain provided an overview of project goals that were identified for and are achieved by the proposed zoning ordinance:

- Encouraging mixed-use, character-based development;
- Providing standards for improved pedestrian and bicycle facilities;
- Encouraging high-quality transformative redevelopment on Mission Street;
- Establishing a Civic Zone to protect parks & open spaces;
- Making quality development predictable;
- Providing standards for context-sensitive infill and redevelopment;
- Protecting the character of residential neighborhoods; and

- Designating appropriate areas for student housing.

Kain reviewed various components of the ordinance: specific districts and how they relate to existing zoning classifications; building and lot regulations; frontage types; building types and standards; principal and accessory tables and standards; sign standards; development parcel plan standards; and others. Kain highlighted the proposed use table, noting that this component of the new code is a significant improvement on the existing ordinance in terms of usability by the public and staff.

Kain reviewed five changes requested by the City Commission during the public review, which included:

- Permitting two-family dwellings in the CD-3L and CD-3 districts under specific limited circumstances. Special use permit criteria for that use can be found in Section 154.410.B.4.v (p. 96).
- Permitting accessory dwelling units in the CD-3L, CD-3, and CD-4 districts under specific limited circumstances. Special use permit criteria for that use can be found in Section 154.410.B.4.a (p. 90-91).
- Permitting electronic message boards within signs under specific limited circumstances. See Section 154.414.B.6 (p. 115-116).
- Clarifying the process for filling vacancies on the Zoning Board of Appeals in Section 154.606.B.5 (p. 164).
- Changing the proposed zoning of 11 properties located in the vicinity of W. Michigan and S. Leaton Streets from CD-4 to CD-3.

Both two family dwellings and accessory dwelling units would require owner occupancy of one unit.

Kain also reported that since the adoption draft was released there were three additional minor changes:

- Changing the proposed zoning of properties owned by Trinity United Methodist Church at the southwest corner of E. Michigan and Elizabeth Streets from CD-3 to Civic Zone.
- A spelling error in the Special Requirements legend was corrected.
- Illustration 154.407.B (Principal Building / Accessory Building) was updated to more clearly differentiate between the two building types. Clarification was also made to the language on accessory building size in Section 154.407.C.3.a (p. 71).

Kain referred to the map and the proposed zoning adjustment north of campus. This zoning adjustment was recommended by TPUDC and announced to the public at the “work-in-progress” presentation at the end of Planapalooza in November 2016. The consultant made the recommendation after reviewing the history of the area. The primary rationale for the proposed change was two-fold. First, the area in question, primarily east of Main Street and currently zoned M-2, is still characterized by housing original to the neighborhood and single-family in character, whereas the area from Main Street west has been largely redeveloped into purpose-

built student housing. This is reaffirmed by data on the M-2 redevelopment program through which only 3 of the properties in the subject area east of Main have been redeveloped, whereas 21 properties in the area from Main Street west have been redeveloped. Second, the recommendation was made on the basis of significant public input obtained through Planapalooza and visible in prior public engagement and policy development activities, including the 2014 Master Plan. Kain noted the following Master Plan goals and strategies that support the proposed map change:

- “Ensure that an appropriate mix of residential uses is available in the City by increasing the opportunities for owner-occupied housing while discouraging conversions and expansions of non-family rentals.”
- “Encourage the conversion of multiple-family units and rooming/ boarding units in older homes to owner-occupied type units.”
- “Investigate and develop ordinances and/or zoning provisions that promote conversions to owner-occupied and allow appropriate conversion of single-family homes to multiple-family.”
- “Retain the historical character of the City where possible.”
- “Develop more options or encourage greater opportunities for senior and assisted living within the City as well as opportunities for first time homebuyers.”

Kain concluded his presentation with the recommendation to recommend that the City Commission adopt the proposed zoning ordinance.

Commissioner Kostrzewa commented that there seems to be a fair amount of student rentals in the area that will be rezoned to CD-3, questioning how long they have been rentals.

Chairman Hoenig opened the public hearing.

The following people spoke in opposition of the changes to the zoning map for the area east of Main Street, south of High Street and west of Fancher that are currently zoned M-2 and would be rezoned to CD-3: Paula Arndt, Amie Beard, Dave Cantrell, Nancy Cantrell, Elaine Davis, Lori Driessnack, Lynn Fauver, Kat Fisher, Arthur Fountain, Jerry Fountain, Roger Fultz, Melissa Gross, Jeff Jakeway, Nicole Jesse, Alan Johns, Richard Kerr, Christine LaBelle, Kevin Langlois, Denise Love, Rick McGuirk, Joe Olivieri, Todd Olivieri, Jacqueline Pelletier, Joseph Quandt, Spencer Robinson, Shirley Rosan, and Sharon Tilmann.

The following people spoke in opposition to the proposed zoning ordinance: Damian Fisher, Jon Joslin, Brandon LaBelle, Doug LaBelle II, Amy Olson, Linda Partlo, Robin Stressman, Steve Stressman, Andy Theisen, and David Zamarron.

The following people spoke in favor of the new zoning ordinance: Barbara Anderson, Anne Heidemann, Marie Koper, and Kristin LaLonde.

Josh Chaffin questioned whether or not the appropriate zoning category was assigned to His House located at 211 W. Broomfield.

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

Board Discussion:

Motion by Horgan, support by Joseph to recommend that the City Commission adopt the proposed zoning ordinance and map.

Commissioner Dailey commented that the process of creating the proposed zoning ordinance and map was not hidden as some members of the public implied in their comments, and that the input provided tonight was late but should be considered in making a decision on how to move forward.

Chair Hoenig commented that 90% of those who spoke are in the real estate business and further commented that there had been plenty of opportunity to be involved in the process.

Vice-Chair Horgan also commented that she wished people would have participated earlier and that there has been a lot of promotion throughout this process and it has not been kept secret from the public.

Commissioner Kostrzewa stated that he did not feel it was too late and that there were a lot of compelling speakers. He stated that a lot of time has been spent on this project and there are many good parts. Still, he felt that the portion of the zoning map that has been the major topic of concern at the public hearing should be addressed.

Commissioner Friedrich asked Kain what options they had and if delaying would delay the City Commission's public hearing.

Kain stated they could adopt the motion on the floor, which would move the project to the City Commission. He reminded the Board that this is simply a recommendation and there would be further time to study the issue. The City Commission is under no obligation to act on the recommendation. The Board could also adopt a different motion or postpone action. If postponement was preferred, the Board should provide some direction to staff as to the rationale for postponement and what information is needed in order to make a decision at a later date.

Commissioner Liesch reminded the Board that along with the comments tonight, they also have 12 letters of support.

Commissioner Dailey asked about amending the map.

Chair Hoenig commented that this process has been happening since last year and the public is assuming that no students will be living in this area. She noted that non-conformities do not just go away.

Kain noted that the map and line seems to be the area of contention and reiterated that the map change was announced at Planapalooza. He commented that if the Board has a level of

discomfort over this element, they could include in their motion that the City Commission take into consideration the comments from tonight's public hearing. He further reminded them that tonight is not the final step in the adoption process.

Commissioner Kostrzewa asked what would be the burden of waiting and if they have made a mistake why not correct it at this level. He commented that overall this is a beautiful document with one major faux pas.

Kain stated that if the Board wishes, they could amend the motion or make a new motion to make a change to the zoning map.

Vice-Chair Horgan commented that many of the people in attendance tonight would love that change while many others do not. She further commented that they are not pushing students out and that there will be plenty of space for the students. She noted that for her it is a choice between staying the same or planning for the future. She further commented that Fancher School has recently put on a huge addition and this area is close to Sacred Heart and may therefore be appealing to single families.

In compliance with the Board's rules of procedure, a motion was made to extend the meeting beyond the present time of 10:00 p.m. by Joseph, supported by Liesch to extend the meeting 30 minutes. Motion approved unanimously.

Vice-Chair Horgan asked staff about the buffer that was created in the 2015 M-2 text change. Kain noted that the buffer is built into the special use permit standards and exists wherever the zoning district boundary is moved.

Motion by Kostrzewa, support by Friedrich, to amend the motion to recommend that the City Commission adopt the proposed zoning ordinance with an amendment to the map to rezone the properties east of Main Street, south of High Street, and west of Fancher Street that are currently zoned M-2 to CD-4 with student organizations and rooming dwellings permitted.

Commissioner Joseph commented that he feels it would be valuable to ask the City Commission to look at this as this seems to be the contention point.

Commissioner Friedrich commented that the other side will have a chance to come forward at the City Commission public hearing.

Commissioner Kostrzewa stated he would like to see this strong, forceful amendment added at the Planning Commission level.

Commissioner Joseph commented that he lives in this area and would like to see it remain houses. He noted students can still rent the houses. If the area is changed to CD-4 he feels that would allow higher density housing that wouldn't fit the area. He did comment that he would be okay with a house for no more than four.

Vice-Chair Horgan stated she lives on Kinney Street and there are several families in the neighborhood.

Chairman Hoenig asked for a roll-call vote on the amendment to the motion:

Yays: Dailey, Friedrich, Irwin, Kostrzewa.

Nays: Horgan, Hoenig, Joseph, Liesch.

Motion failed 4:4.

Motion by Dailey, support by Joseph, to amend the motion to recommend that the City Commission adopt the proposed zoning ordinance and map but seriously reconsider whether all the parcels east of Main Street, south of High Street, and west of Fancher Street that are currently zoned M-2 should be zoned CD-4 with student organizations and rooming dwellings permitted. Vice-Chair Horgan accepted that amendment to her motion.

Commissioner Liesch commented that this will keep the project moving along, as most of the proposed zoning ordinance is very positive and will allow the City Commission to take a closer look at the map.

Roll Call Vote:

Yays: Dailey, Friedrich, Hoenig, Horgan, Joseph, Kostrzewa, Liesch.

Nays: Irwin

Motion approved 7:1

At this time Commissioner Driessnack rejoined the meeting.

VI. Public Comments:

Chair Hoenig opened the floor for public comments. There being no one who wished to speak, public comments was closed.

VII. Site Plan Reviews:

None

VIII. Unfinished Business:

None

IX. New Business:

Kain reported that throughout the summer the Medical Marihuana Ad Hoc committee met to review the Michigan Medical Marihuana Facilities Licensing Act (MMMFLA). Kain provided a summary of the committee's tasks, noting that the committee has made a recommendation to the

City Commission to allow all five facility types under certain circumstances. Following several work sessions, the City Commission has asked the Planning Commission to provide feedback on the zoning criteria to be applied, including location criteria, prior to preparing an ordinance. Kain asked that the Board set a work session for November 2, 2017.

Motion by Friedrich, support by Liesch, to set a work session on medical marihuana facilities at the November 2, 2017 regular meeting.

Motion approved unanimously.

X. Other:

Staff Report:

- A. November Meeting: Kain noted that we have not received any applications so the work session will likely be the only item on the November agenda.
- B. MDOT Invitation: Kain referred to the information included in packets regarding a series of workshops on the Bay Region Non-motorized Transportation Plan that MDOT will be hosting, noting one will be in Mt. Pleasant and is open to anyone who wishes to attend.

Kain thanked the Board for their hard work on the proposed zoning ordinance and map.

XI. Adjournment:

Motion by Friedrich, support by Dailey, to adjourn.

Meeting was adjourned at 10:30 p.m.

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