

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
June 1, 2017**

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

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

Absent: Driessnack.

Staff: Kain, Murphy

II. Approval of Agenda:

Chair Hoenig suggested moving Agenda Item VI. A to the end of the public hearings as the applicant was not in attendance.

Motion by Horgan, support by Kostrzewa, to move the first public hearing to the end of the list.

Motion approved unanimously.

Motion by Kostrzewa, support by Horgan, to approve the agenda as amended.

Motion approved unanimously.

III. Approval of Minutes

A. May 5, 2017 Meeting

Commissioner Liesch questioned several blanks that were in the minutes. It was determined by staff that a draft copy of the minutes had inadvertently been placed in the packets rather than the final version. The final minutes will be presented to the Board in the June 29, 2017 meeting packets for review.

IV. Zoning Board of Appeals Report for May:

Commissioner Friedrich reported that the Zoning Board did not meet in May.

VI. Public Hearings:

B. SUP-17-05 - 1622 S. Mission

Kain introduced SUP-17-05, submitted by Next Door Operations LLC, to add a Specially Designated Merchants (SDM) license for beer and wine to the existing gas station and store. Kain noted that this site is located in the Campus Court shopping Center on the west side of Mission Street and is zoned C-3 General Business, with C-3 General Business surrounding it. Future land use for the subject site and surrounding properties is Commercial/Mission Redevelopment Overlay District.

Kain shared an overview of the site, along with photos showing current conditions.

Kain noted that the SDM license allows for the sale of beer and wine and explained that under the City's code, a store that has a SDM license is classified as a liquor store and is considered a Group B Special Regulated use. The use is only permitted in a C-3 zoning district, with grocery stores and pharmacies being exempt from this classification. Kain noted that this case is similar to the 7-Eleven request last month and noted that the next two cases are also similar.

Kain explained that Group B special regulated uses are subject to specific location criteria, such as they shall not be approved if there are four or more special regulated uses within 1,000 feet of the boundaries; it was noted that there are two other special regulated uses within that area.

In addition, they shall not be approved if they are within 300 feet of a residentially zoned district, trailer park, K through 12 school, dedicated park, church or cemetery. Staff found that there are no such uses within that area.

Kain noted that the Planning Commission is authorized to waive these location standards based on their findings; however, further noted that the location criteria does not apply in this case; therefore a waiver is not required.

Kain noted that this is an operational change and therefore there is no site plan to review. He noted however, that during the routine reviews for special use permits, it was noted that there were some deficiencies in the 1987 approved site plan in regards to the greenbelt requirements. Kain noted that his recommendation for approval of this request be conditioned on the greenbelt requirements being brought into compliance with the approved plan.

Commissioner Kostrzewa asked about the hours of operation. Kain noted that the store operates 24 hours per day 7 days a week.

Commissioner Dailey asked about the location criteria in regards to similar uses and if the limit was four. Kain responded that in no case would the approval of these requests preclude someone else on the relationship criteria; the Planning Commission could still approve through the waiver process. Kain further noted that none of the requests tonight would cross the threshold of 4 similar uses within 1,000 feet.

Robert Lynn, Regional Operations Manager for the Next Door Operations, addressed the Board and offered to answer any questions.

Commissioner Joseph asked if they expect to see a significant increase in business with the addition of liquor sales. Mr. Lynn commented that the majority of their stores see an average of \$2,000-\$3,000 per week increase in sales. He also noted that they would be selling beer and wine only.

Commissioner Joseph asked if they expect an increase in people coming in to just buy alcohol. Mr. Lynn stated they do not anticipate that; it is more likely that their current customers will take advantage of the convenience while they are there. In response to Commissioner Joseph's question

regarding increased traffic, he reiterated that they do not anticipate a significant increase, again noting that they expect the majority of their sales to be from current customers.

Chair Hoenig opened the public hearing. There being no one who wished to speak the public hearing was closed.

Board Discussion:

Motion by Liesch, support by Friedrich, to approve SUP-17-05 with the following condition:

1. The applicant shall bring the greenbelt into compliance.

Motion approved unanimously.

C. SUP-17-06 - 629 S. Mission

Kain introduced case SUP-17-06, submitted by Next Door Operations, LLC to add a Specially Designated Merchants (SDM) license for beer and wine to the existing gas station and store.

Kain reported that the site is located on the east side of Mission between Maple and Cherry Street. The site is zoned C-3 General Business, with future land use designated as Commercial/Mission Redevelopment Overlay District. Properties to the north, south and west are zoned C-3 General Business with future land use designated as Commercial/Mission Redevelopment Overlay District. Property to the east is R-3 Residential with future land use designated as Urban Residential.

Kain shared photos of the site in its current condition.

Kain noted that the relationship criteria is the same as in the previous case, noting that there are no other special regulated uses within 1,000 feet of the property; however, there are 23 residentially zoned properties within 300 feet of the site.

Kain reminded the Board that the Planning Commission may waive these locational standards which limit Group B uses as they relate to residentially zoned districts, trailer parks, K through 12 schools, parks or churches; provided that a validated petition requesting such a waiver, signed by the owners or purchasers of at least 51% of the parcels of land within 500 feet of the proposed location is presented to the board. It was found that there were 73 properties located within the 500 feet of the proposed site and a petition signed by 37 (51%) of the property owners was submitted, which meets the minimum requirement.

Kain noted that it is within the rights of the Planning Commission to impose conditions if they wish. He noted that based on the layout of the site, the store itself provides a full buffer to the residential properties.

Kain noted that as in the previous request, the applicant is not proposing any site changes or exterior modifications; however, he also noted that this site was also out of compliance with the greenbelt requirements of the most recent site plan from 1985. Kain noted that this is a common problem, as

landscaping can be destroyed by winter snow removal, salt, etc. or removed by owners after installation. He further noted that the recommendation for approval is to require the landscaping be brought back into compliance with the site plan.

Commissioner Dailey asked what other conditions could be proposed. Kain commented that the obligation is to approve if the request fits the area or if it can be conditioned to fit. He noted that if there are particular concerns from the Board, then they would work from those concerns to determine if additional conditions should be imposed.

Kain noted that this store is open from 6:00 a.m. until 11:00 p.m. seven days a week, which is more compatible with this location.

Commissioner Dailey asked about the location of the school, noting they didn't sign the petition. Kain noted that there was no school within the 300 feet; however, Fancher School is within the petition area of 500 ft. Kain noted that applicants generally start with the easiest signatures to obtain. Commissioner Friedrich asked if the signatures were valid. Kain noted that the person who submits the petition validates the signatures and staff also reviews to assure to the extent possible that the signatures are valid.

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

Board Discussion:

Motion by Kostrzewa, support by Liesch, to approve SUP-17-06 with the following condition:

1. The applicant shall bring the greenbelt into compliance.

Motion approved 7:1 with Dailey voting nay.

D. SUP-17-08 - 1041 S. Mission

Kain introduced case SUP-17-08 submitted by Next Door Operations, LLC, to add a Specially Designated Merchants (SDM) license for beer and wine to the existing gas station and store.

Kain reported that the site is located on the east side of Mission between Bellows and Gaylord Street. The site is zoned C-3 General Business, with future land use designated as Commercial/Mission Redevelopment Overlay District. Properties to the north, south and west are zoned C-3 General Business with future land use designated as Commercial/Mission Redevelopment Overlay District. Property to the east is R-3 Residential with future land use designated as Urban Residential.

Kain shared an overview of the site along with photos of the site in its current condition.

Kain noted that this property has one other special regulated use within 1000 feet. The property is also within 300 feet of residentially zoned property and therefore the petition requirement was

triggered. Kain noted that there are 67 properties within 500 ft. of the proposed use and the applicant has submitted a petition signed by the owners of 35 properties (52%) which meets the ordinance requirement of 51%.

As with the other two requests, Kain reported that this site is also out of compliance with the most recent site plan from 1994. His recommendation for approval includes the condition that the site be brought back into compliance.

Commissioner Friedrich asked about the hours of operation. Kain noted the store is open from 5:00 a.m. until 12:00 a.m. seven days a week.

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

Board Discussion:

Motion by Horgan, support by Joseph, to approve SUP-17-08 with the following condition:

2. The applicant shall bring the greenbelt into compliance.

Motion approved unanimously.

E. SUP-17-09 - 1604 W. High

Kain introduced case SUP-17-09 submitted by Recker Motorsports for an expansion of the existing new and used vehicle sales. Kain noted that the business deals mainly in all terrain vehicles.

Kain noted that the site is zoned C-3 General Business with future land use designated as Commercial, as are the properties to the east and west. Property to the north is zoned M-1 Multiple Family Residential, with future land use designated as Urban Residential, and property to the south is zoned R-1 Residential and is the site of Chipp-A-Waters Park.

Kain shared photos of the site, noting that there are two parcels included. The property to the east includes the proposed new building and parking area. Kain noted that the lots are "through lots" that go from Pickard to Burch, and shared photos of the screening wall along Burch Street.

Kain noted that the use is allowed subject to a special use permit. Staff reviewed the special use criteria for a new and used vehicle dealership, noting that the site currently does not meet the paving standard, which would be included as a condition for approval.

In regards to the proposed site plan, Kain noted that the applicant is proposing to expand the paved area for the display of vehicles and parking for the new proposed building. Kain noted that the building would be detached from the existing building and would include storage area in the rear. The properties will share a driveway off High Street and the applicant has indicated they would pave the driveway off Burch.

Kain noted that no building plans or elevations were provided; therefore the building height, which is limited to 35' cannot be confirmed. In addition, Kain noted that there is not enough information provided to confirm if the overall site is compliant with the parking quantity standards and there are parking spaces and storage areas that are shown as gravel.

Kain noted that a 10 ft. greenbelt is required between the display area and street, which is shown on the proposed site plan. He further commented that the quantities of trees and shrubs meet the requirements but no information was provided on the species. Kain noted that he would recommend that any approval include a condition that final species selection be approved by staff.

Kain noted that there are currently sidewalks along High Street. No sidewalks are proposed on Burch Street, but they are required by code.

Kain reported that there is currently a dumpster on site that is stored within the fenced area and meets the requirements.

Kain reported that the site is currently not in compliance with the 2001 Site Plan approval and provided information on Performance Guarantees. Based on the history of nonconformance on the site, staff recommended that the Planning Commission may wish to impose a performance guarantee for some or all of the proposed project.

Commissioner Joseph asked about the dollar amount for the performance guarantee. Kain noted that typically the City would receive bids from the applicant on the cost of implementing the elements and this would be the amount required. The City would hold the funds until the work is complete.

Commissioner Joseph commented that the site plan doesn't seem complete and questioned whether it wouldn't be better for the applicant to come back at a later time. Kain noted that the conditions offered would be reviewed by staff. If the Planning Commission is not comfortable with staff approving, then they should make a motion to postpone.

Commissioner Dailey expressed concern with the number of conditions. Kain commented that while there are a number of conditions, many are small in scale and he feels confident that they can be resolved by staff. However, he noted it is ultimately the Planning Commission's decision whether to postpone.

Tim Bebee, Central Michigan Surveying and Development, addressed the Board on behalf of Recker Motorsports.

Mr. Bebee noted that the building plans are not complete but would be completed pending approval of the site plan and special use permit. He noted that the building would be the same height as the one to the west. Mr. Bebee also noted that he apologizes for not including the entire site in the submitted site plan, noting his intent was to show that the site would be brought into compliance with the past approval. He noted that this particular request was for the parcel to the east and therefore did not show the entire west parcel.

Mr. Bebee commented that he has no issue with working out species of plants with city staff.

Mr. Bebee referred to the sidewalks along Burch Street, and shared a letter from John Zang, Director of Public Works, that states that they do not need to put in the sidewalks along Burch as the City is going to put them in. Mr. Bebee commented that if they need to formally request a waiver, they would like to do that.

Mr. Bebee noted that the parcels are currently under one ownership but were being developed to allow the possibility of selling the sites separately in the future.

Mr. Bebee commented that the landscaping that is currently on the site was approved verbally by previous staff.

Mr. Bebee commented that the area behind the building is not open to the public and is the only area that is proposed to be gravel. All areas that are accessible to the public will be paved. In regards to the lighting, Mr. Bebee noted there would be no changes on the old site and the new site would have wall lights, no poles.

In regards to the Performance Guarantee, Mr. Bebee suggested rather than requiring a Performance Guarantee, the City could hold back the building permit until the current site is brought into compliance.

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

Board Discussion:

Commissioner Dailey commented that there are a lot of conditions and a lot to consider.

Motion by Liesch, support by Irwin, to approve SUP-17-09 with the following conditions:

1. Servicing of vehicles and major motor repair and refinishing shall meet the standards of Section 154.067.
2. Vehicular use areas of the site shall be hard surfaced in accordance with the standards of Section 154.067.
3. The applicant shall work with staff on final species selection for the required greenbelt areas that meets the minimum standards of Section 154.106.
4. The applicant shall provide a performance guarantee for required greenbelt landscaping material.

Motion approved 5:3, with Dailey, Friedrich and Joseph voting nay.

A. SUP-17-04 111 E. Michigan

Kain commented that although the applicant for SUP-17-04 was still not in attendance, he commented that if the Planning Commission is comfortable they could go ahead with the case. The Commission agreed to proceed.

Kain introduced case SUP-17-04 submitted by The Paul Clayton Collection Inc., DBA Dog Central, requesting a modification to their special use permit to extend the hours of alcohol service.

Kain reported that the business is located in the Basin Building at the NW corner of S. University and E. Michigan. The site is zoned C-2 Central Business and future land use is designated as Central Business District. All surrounding properties share the same zoning and future land use.

Kain reported that the applicant was approved for a Special Use Permit in 2015 for a Class I restaurant and at that time noted their intent was to discontinue alcohol service at 1:00 a.m. They are now proposing to extend the hours until 2:00 a.m. on Thursday through Saturday, and the change prompts the need for a new SUP.

Kain noted that the use is allowed in the C-2 district subject to a special use permit, and reviewed the criteria for Class I restaurants. Kain noted the difference between Class I Restaurants and Bars/Night Clubs is determined by the percentage of food to alcohol that is sold.

Kain noted that there are no site plan modifications proposed. Kain concluded his report with the recommendation of approval with the two conditions related to Class I restaurants.

Commissioner Kostrzewa asked about the 50% criteria and if it was ever audited. Kain responded that if we have reason to believe that they aren't meeting the 50% threshold, then the conditions applied to the approval empower the city to audit and are a measure of protection.

Chair Hoenig asked if any of the Commissioners had questions for the applicant or if they were comfortable making a motion.

Commissioner Joseph indicated he had questions for the applicant.

Motion by Dailey, support by Joseph, to postpone SUP-17-04 until the next meeting.

Motion approved unanimously.

VII. Public Comments

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

VIII Site Plan Reviews:

A. SPR-17-08- 1604 W. High - Recker Motorsports.

Kain noted that there was nothing new to present as the information was presented with the Special Use Permit review.

Commissioner Liesch asked about the letter from John Zang regarding sidewalks. Kain noted that the Capital Improvement Plan (CIP) includes sidewalks along Burch Street for the year 2021. He referred to the most recent correspondence from the Division of Public Works, the comments provided for this case, in which the DPW states that the applicant should provide the sidewalk.

Commissioner Irwin asked what happens to the money that the City would have spent on the sidewalk and if it would be refunded to the applicant. Kain noted that the cost allocation for this property would likely be allocated to other areas in the city. He further commented that the 2018 projects listed in the CIP are a pretty sure thing as the budget for 2018 is being determined now. For the later years, the projects could change.

Commissioner Irwin asked if the City pays 100% of the cost for sidewalks they install. Kain responded that in the past a portion of the cost was assessed to the property owners; however, sidewalks are currently installed at no cost to property owners. Kain commented that the fact that the city has plans to put in sidewalks in the future does not give the Planning Commission the authority to waive.

Commissioner Kostrzewa referred to the 2001 letter. Kain noted that in 2001 the ZBA granted a waiver until such time as development occurred to the west or the City determined they were necessary.

Motion by Dailey, support by Horgan, to postpone SPR-17-08.

Commissioner Friedrich asked if postponing would result in clarification on the sidewalk and building height. Kain reiterated that the applicant is not eligible for a sidewalk waiver and noted that the Public Works comments include the sidewalk installation as a condition. Kain further commented that there is not an expectation that the building will exceed 35'; it will just need to be verified with elevation drawings from the applicant.

Motion to postpone failed 2:6, with Horgan and Dailey voting yay.

Motion by Liesch, support by Kostrzewa, to approve SPR-17-08 with the following conditions:

1. The applicant shall provide an updated site plan that includes the entire property.
2. The applicant shall construct a sidewalk along Burch Street to DPW specifications.
3. The applicant shall provide information on all proposed site lighting demonstrating compliance with Section 96.13.
4. The applicant shall provide building elevations in accordance with the requirements of the zoning ordinance to demonstrate that the proposed building meets the maximum height standard of the C-3 zoning district.
5. The applicant shall comply with the requirements of the Divisions of Public Works and Public Safety.

Commissioner Joseph commented that although he shares the frustrations of some of the other Board members and would prefer a complete site plan he would be supporting the request.

Roll Call vote:

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

Motion approved unanimously.

B. SUP-17-04 111 E. Michigan

Kain noted that the applicant for case SUP-17-04 was now in attendance and noted that the Planning Commission bylaws allow them to reconsider their decision to postpone this case if they chose to do so.

Motion by Horgan, support by Irwin, to reopen case SUP-17-04.

Motion approved unanimously.

Paul McFall, applicant, addressed the Board noting that their original plan when they first appeared before the Board for a special use permit for a Class I restaurant was to stop serving at 1:00 a.m. and their request was approved with that condition. He noted that they now would like to extend that time.

Mr. McFall explained that the Liquor Control Commission has informed him that in order to continue to serve food past 1:00 a.m. they will need to get a 24 hour food permit, which they will be pursuing. In conjunction with the food permit, they would like to also extend the hours that they can serve alcohol, noting that they will only be serving canned beer.

Chair Hoenig reopened the public hearing. There being no one who wished to speak the public hearing was closed.

Motion Friedrich, support by Kostrzewa, to approve SUP-17-04 with the following conditions:

1. The applicant shall comply with the requirements of Section 154.066(D)(3) of the zoning ordinance and the performance standards listed in Section 154.003 related to Class I restaurants.
2. Use of the property as a Class I restaurant shall be subject to compliance with the requirements of the City Commission and the Michigan Liquor Control Commission.

Motion approved unanimously.

IX. Unfinished Business:

None

X. New Business:

A. New zoning ordinance review process:

Kain reported that he is anticipating the receipt of a draft of the new ordinance by the end of July, with a scheduled release to the public on July 27, 2017. TPUDC will present the draft ordinance to the public on that date after which time there will be a four week period for the Planning Commission, City Commission and general public to provide comments. Kain noted that it is anticipated that we will have a final copy by the end of September and will then start the formal adoption process.

Kain asked that the Board plan to attend the presentation on July 27th at 7:00 p.m. in the Commission Chamber.

Kain also asked that the Planning Commission set a work session to follow the August 3, 2017 meeting to allow further review and discussion. In addition, he asked that a special meeting be set for Thursday, August 17th, 2017.

Kain asked that comments be forwarded to him by August 24, 2017.

Motion by Liesch, support by Kostrzewa, to set a work session to follow the regular meeting on August 3, 2017.

Motion approved unanimously.

Motion by Joseph, support by Kostrzewa, to set a special meeting on August 17, 2017 at 7:00 p.m. in the Commission Chamber.

Motion approved unanimously.

B. Update on Michigan Medical Marihuana Facilities Licensing Act Ad Hoc Committee:

Kain provided an update on committee activities, noting that they have had two meetings to date with three more scheduled. The committee is reviewing the act and discussing options for the City. They expect to prepare a draft recommendation at their meeting on June 7th. He noted that there is a town hall meeting scheduled for June 19th.

Commissioner Friedrich asked how this would coincide with the new zoning ordinance approval. Kain noted that the consultant has included placeholders into the draft code. The target adoption date for the new zoning ordinance is in November and the medical marihuana act does not permit applications to be made to the state until December, so there will likely be the ability to coordinate adoption.

XI. Other:

A. Staff Report:

1. Thank you

Kain expressed gratitude to the five Planning Commission members who attended the Planning and Zoning Essentials training.

2. June 29, 2017 Planning Commission meeting - Anticipated items:

Kain reported that we have already received two applications; one for a SUP for a liquor store for the CITGO station on W. Pickard and another for a rooming dwelling on S. Franklin.

3. Training

Kain noted that there will be a training on September 27th - 29th on Mackinaw Island and noted that we have limited funds that may allow one member of the Commission to attend or if there are more than one who are interested, the available funds would be split between those members. He asked that anyone who is interested to let him know.

XII. Adjournment:

Motion by Kostrzewa, support by Joseph, to adjourn.

Motion approved unanimously.

Meeting adjourned at 8:50 p.m.

bam