

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
September 6, 2018**

- I.** Chair Hoenig called the meeting to order at 7:00 p.m.
- Present: Dailey, Friedrich, Hoenig, Horgan, Irwin, Liesch, Ortman, Rise.
- Absent: Kostrzewa
- Staff: Kain, Murphy
- II. Approval of Agenda:**
- Motion by Friedrich, support by Liesch, to approve the agenda.
- Motion approved unanimously.
- III. Approval of Minutes**
- A. August 2, 2018 Regular Meeting:**
- Motion by Dailey, support by Friedrich, to approve the minutes from the August 2, 2018 regular meeting as submitted.
- Motion approved unanimously.
- B. August 15, 2018 Special Meeting:**
- Motion by Dailey, support by Ortman, to approve the minutes from the August 15, 2018 special meeting.
- Motion approved unanimously.
- IV. Zoning Board of Appeals Report for August:**
- Friedrich reported that the ZBA did not meet in August.
- V. Communications:**
- Kain reported there was one communication that was received after packets were distributed and was placed on the dais in regards to case SUP-18-10.
- VI. Public Hearings:**
- A. SUP-18-09-1711 S. Mission**
- Kain reported that this case was withdrawn by the applicant.
- B. SUP-18-10 – 201 S. Mission**

Kain introduced SUP-18-10, submitted by Speedway LLC, requesting a Special Use Permit for a new Liquor Store. Kain noted that this is considered a Group B special regulated use. Kain reported that the property is located on the east side of S. Mission Street between Michigan and Illinois.

Kain reported that the property is zoned CD-4 and the current use is a gas station/convenience store, with future land use designated as Commercial/Mission Redevelopment Overlay District. Property to the north, south and west is zoned CD-4 with property to the east zoned CD-3. Use on the surrounding properties include a restaurant to the north; a restaurant with drive-through to the west; automobile repair garage to the south and single family dwellings to the east.

Kain shared photos of the existing site noting that no exterior site work or modifications are being planned. In addition, he noted that the site is in compliance with the latest approved site plan.

Kain noted that this is the first request of this sort submitted under the new zoning ordinance, explaining 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 no other special regulated uses within that area.

In addition, they shall not be approved if they are within 300 feet of a CD-3L, CD-3 zoning district, mobile home park, K through 12 school, Civic Space, church or cemetery. Staff found that there 21 properties zoned CD-3 within 300 feet.

Kain noted that the Planning Commission is authorized to waive these location standards if they are able to make the following findings:

- A. That the proposed Use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section 154.410.C will be observed.
- B. That the proposed Use will not enlarge or encourage the Development of a "skid row" area.
- C. That the establishment of an additional Special Regulated Use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.
- D. That all applicable regulations of this Section will be observed.

Kain concluded his report noting staff supports a waiver of the location standards and recommends approval.

Commissioner Dailey referred to the correspondence submitted by Ford Dingman, 820 E. Michigan, whose home backs up to the site. Kain commented that the issues cited by Mr. Dingman would be best handled through Code Enforcement rather than through the SUP process. He further commented that the applicant was aware of the concerns and was prepared to work with the neighbor to address them.

Sandi Cotter, Dykema Gossett, addressed the Board representing Speedway. Ms. Cotter noted that when they received the staff report they noticed that the sign support that was shown in the photograph was in pretty rough shape and they have since had it scraped and repainted. Ms. Cotter spoke to Mr. Dingman's concerns, stating they were not aware of the problems before they saw his letter and will work with the property owner on addressing the problems.

Ryan Speakes, Speedway District Manager, also assured the Commission that they would work on the drainage issue that Mr. Dingman referred to, along with his other concerns.

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 Rise, to approve Special Use Permit 18-10 to allow a special regulated use (Liquor Store) in the CD-4 district at 201 S. Mission with the following findings and conditions:

1. The proposed Use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section 154.410.C will be observed.
2. The proposed Use will not enlarge or encourage the Development of a “skid row” area.
3. The establishment of an additional Special Regulated Use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.
4. All applicable regulations of this Section 154.410.C will be observed.

Motion approved unanimously.

C. SUP-18-11 – 302 W Broomfield.

Kain introduced SUP-18-11, submitted by 7-Eleven, for a special use permit for a new liquor store. Kain noted that this request is somewhat different than previous requests as it is not a gas station, but is a convenience store.

Kain shared photos of the site, noting that the store is located on the north side of Broomfield between Washington and West Campus Drive and is zoned CD-4, as is the property to the west. Property to the north, east and south is owned by Central Michigan University and includes an open space to the south; parking lots to the east and dormitories to the north.

Kain noted that the location controls are the same as the previous case, such as they shall not be approved if there are four or more special regulated uses within 1,000 feet of the boundaries. Staff noted there are no other special regulated uses within that area.

In addition, they shall not be approved if they are within 300 feet of a CD-3L, CD-3 zoning district, mobile home park, K through 12 school, Civic Space, church or cemetery. Staff found that there was one property located within 300 feet, His House (Church), located at 211 W. Broomfield.

Kain noted that the same waivers are allowed provided the Planning Commission finds that:

1. The proposed Use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section 154.410.C will be observed.
2. The proposed Use will not enlarge or encourage the Development of a “skid row” area.
3. The establishment of an additional Special Regulated Use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.
4. All applicable regulations of this Section 154.410.C will be observed.

Kain also noted that the site is currently not in compliance with the last approved site plan from 1977 as all required landscaping is not in place. Kain noted that that if the Board approves the request, bringing the site into compliance should be included in the conditions.

Kain reported that the other difference from the previous case, is the store is currently operating under a SDM license. They are looking to add a SDD license to allow the sale of packaged liquor. Kain reported that if the request is denied, the grandfathered use will remain.

Kain concluded his report with the recommendation to approve with the conditions noted in the staff report.

Commissioner Dailey asked if all the other requests that have recently come before the Board were for beer and wine only. Kain responded that they were and they were all gas stations. He noted, however, that the Commission has considered other liquor stores which included liquor sales in the past.

Jason Canvasser, Clark Hill PLC, addressed the Board as representative for 7-Eleven. Mr. Canvasser stated that at the time of the 1977 site plan, the property was under one owner. Since then it has been split and 7-Eleven only owns half but they are willing to bring the landscaping into compliance.

Mr. Canvasser stated that the store has sold beer and wine responsibly since 1973 and they have a number of procedures in place to assure this continues. The store has a "Come of Age" training program that all employees go through, which has been approved by the Liquor Control Commission.

Mr. Canvasser also reported that they plan to add a very small area behind the counter and customers will need to ask staff to purchase the alcohol.

Commissioner Dailey asked if they consider themselves a party store. Mr. Canvasser stated that beer/wine only accounts for approximately 7% of their sales and they do not anticipate much of an uptake in alcohol sales with the addition of the SDD license. He further stated that they sell a variety of prepared foods in addition to Slurpee's and other non-alcoholic beverages.

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

Board Discussion:

Commissioner Dailey wondered if approved, if this would prompt the applicants from the requests that have recently been approved to come back for a SDD license. Kain responded that this would not happen as it is a different process for gas stations. He noted that the reason there was a rush on the gas station requests last year is because the opportunity didn't previously exist and it was only for a limited time. He further noted that there are a limited number of SDD licenses available in the county and the applicant recently obtained this one from a site outside of the city.

Motion by Ortman, support by Friedrich, to approve SUP-18-11 with the following findings and conditions:

1. The proposed Use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section 154.410.C will be observed.
2. The proposed Use will not enlarge or encourage the Development of a "skid row" area.
3. The establishment of an additional Special Regulated Use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.
4. All applicable regulations of this Section 154.410.C will be observed.
5. The applicant shall bring the site landscaping into compliance with the requirements of the 1977 site plan approval.

Motion approved unanimously.

VII. Public Comments

Chair Hoenig opened the floor for public comments.

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

VIII. Site Plan Reviews:

None

IX. Unfinished Business:

None

X. New Business:

A. Recommend a consultant for the 2050 City Master Plan.

Kain thanked the Board for making time for the special meeting to interview the consultants. He noted that reference checks on both firms were positive.

Kain noted that from staff's perspective the three most important qualities for the selected firm are:

1. The capacity to engage the general public and create interest and excitement about the project;
2. The ability to implement a professional, thorough, and well-managed project process; and
3. The technical skill to create an end product that can and will be implemented to further the community's vision for the future.

Kain noted that following discussion he would be looking for a recommendation to the City Commission on which firm to contract with. The City Commission will receive the Planning Commission recommendation and likely take action to select the firm at their September 24 regular meeting.

Commissioner Dailey commented that Wade Trim was very personable; however, further commented that visually, the materials from McKenna were more professional.

Commissioner Ortman commented that both firms had a similar approach, but felt that the community outreach proposed by McKenna may reach more people. She noted that Wade Trim's approach of engaging certain groups at different times may result in missed opportunities.

Commissioner Liesch commented that he felt both firms had a reasonable number of hours and both interviewed well and had different strategies. He commented that he felt McKenna's proposal for working with MDOT was a bit more thorough and also noted their proposed fee was 25% less.

Motion by Liesch, support by Friedrich, to recommend that the City Commission engage with McKenna & Associates for the purpose of creating the 2050 City Master Plan.

Commissioner Horgan commented that she felt the McKenna presentation matched up with our request and felt they spoke more directly to what we asked for. She also noted that since they were lower in price there may be money to add on to the project if we see a need.

Commissioner Friedrich felt that McKenna worked well as a team and was impressed with their presentation in regards to Mission Street.

Chair Hoenig called the question.

Motion approved 7:1, with Commissioner Irwin voting no.

XI. Other:

A. Staff Report: Kain thanked the Commissioners for taking time for the “one on one” meetings and commented that he felt they were beneficial. Kain noted that as we have “light” agendas, he may schedule a brief work session to discuss some of the ideas received through these individual meetings.

Kain reported that he is aware of one case that will likely be submitted for the October meeting.

XII. Adjournment:

Motion by Friedrich, support by Horgan, to adjourn.

Motion approved unanimously.

Meeting adjourned at 7:38 p.m.

bam