

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
June 6, 2019**

I. Chair Hoenig called the meeting to order at 7:05 p.m.

Present: Dailey, Friedrich, Hoenig, Horgan, Irwin, Liesch, Ortman, Rise.

Absent: Kostrzewa

Staff: Kain, Murphy

II. Approval of Agenda:

Motion by Dailey, support by Liesch, to approve the agenda.

Motion approved unanimously.

III. Approval of Minutes

A. May 2, 2019 Regular Meeting

Motion by Ortman, support by Rise, to approve the minutes from the May 2, 2019 regular meeting as submitted.

Motion approved unanimously.

IV. Zoning Board of Appeals Report for May:

Commissioner Friedrich reported that the ZBA did not meet in May.

V. Communications:

Kain reported there was one anonymous communication submitted regarding SUP-19-10 which was placed on the dais for the Commission.

VI. Public Hearings:

A. SUP-19-10

Kain introduced SUP-19-10 submitted by GK Benaske Properties for 437 S. Mission to allow a special regulated use (palm readers, psychic readers, horoscope analysis or other professions purporting to predict the future) in the CD-4 zoning district.

Kain reviewed the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties and shared photos of the site.

Kain reviewed the definition of a special regulated use, and noted 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 (both liquor stores).

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 20 properties zoned CD-3 and one K-12 school (White Pine Montessori Center) located within the 300 ft. distance.

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

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.

Kain concluded his report, recommending approval with the findings and conditions noted in relation to the location standards.

Greg and Kristy Benaske, owners of the business, addressed the Board offering to answer questions.

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

Board Discussion:

Vice-Chair Horgan commented that the building looks great.

Commissioner Rise asked if waiving the locational standards would set a precedent. Kain responded that it would not; all Special Regulated Uses would be reviewed on a case by case basis and the Board has the opportunity to make the determination for each case.

Commissioner Rise commented that a lot of time was spent deliberating on the proximity of certain businesses to schools. Chair Hoenig commented that those discussions centered mostly on medical marijuana facilities and federal laws related to marijuana and schools. She further commented that if Commissioner Rise had a problem with this type of business being located close to the school that was okay to express that. Commissioner Rise commented that she had no problem at all with the use, but felt that because it appears on the list of Special Regulated Uses, it merits discussion.

Kain noted that since the late 1980’s the City has had a list of uses that appear on the Special Regulated Use list. During the development of the new zoning ordinance some were removed. He further commented that if the Board wishes, they can take a closer look at the list to see if it is still relevant.

Motion by Dailey, support by Horgan, to approve SUP-19-07 based on 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.

Motion approved 7:1, with Rise voting nay.

VII. Public Comments

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

VIII. Site Plan Reviews:

SPR-19-10 – 410 W Broadway

Kain introduced case SPR-19-10 submitted by Michigan Community Capital to allow the construction of a 51,000 square foot mixed-use building with 10,350 square feet of commercial space and 48 multiple family dwelling units on a 1.4-acre parcel located in the CD-5 zoning district.

Kain reviewed the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties and shared photos of the site, noting that the property is currently vacant.

Kain noted that the proposed uses of retail and multiple-family residential are permitted in the CD-5 zoning district.

Kain reviewed the site plan information, noting that the proposed project complies with all the plan requirements such as setbacks, building standards, encroachments, vehicular and bicycle parking, off-street loading, storage, drive-through, trash/dumpsters, utility box & service meter requirements, landscaping, lighting and screens. In addition, the proposed streetscape is consistent with the standards and requirements of the zoning ordinance.

Kain concluded his report, recommending approval with the condition that the applicant comply with the requirements of the Divisions of Public Works and Public Safety.

Commissioner Irwin had questions regarding the 100 year flood plain, the elevation of the proposed building, utility lines and the location of the pump station and funding for these issues. Kain explained that when the Borden complex was developed work took place to fill the neighboring site so that it was brought out of the flood plain. However, a letter of map amendment is not issued until a structure is built upon the lot. Commissioner Irwin asked if that letter comes from the state. Kain responded it comes from the federal government.

Kain noted that the site is currently traversed by a City storm sewer and this project would involve relocating that storm line. In addition, he noted that the City is working with the developer on relocating the overhead transmission lines into a common easement area near the sewer lines. Kain further responded that the pump station would be moved to city owned property on the south side of the street.

In regards to funding, Kain noted that the City is working with the Developer and the State on potential funding options. Commissioner Irwin commented that the parking seems a little slim and asked if the City Hall parking lot would be used by patrons/residents and if there was enough room for delivery trucks. Kain responded that the site would share an access with the City and that it is likely that some of the patrons/tenants would be parking in the City parking lot. He further commented that there was enough room for the delivery trucks.

Darrel DeHaan, Integrated Architects, representing Michigan Community Capital, addressed the Board, noting that they are still working with the City on the DPW components and financial incentives, etc.

Commissioner Rise asked if Michigan Community Capital had other projects. Mr. DeHaan responded that they are very active and currently have projects in five other locations in Michigan.

Commissioner Irwin asked if the state would require a hydrology study. Justin Longstreth, from Moore & Bruggink, addressed Commissioner Irwin's question, stating that they would be applying for a permit from the MDEQ and although he did not believe there would be a requirement for a hydrology study, they would have to mitigate the fill and would conform to state requirements. Mr. Longstreth also answered questions regarding building elevation and measures they will take to deal with any water runoff into the river.

Board Discussion:

Motion by Friedrich, support by Liesch, to approve SPR-19-10 subject to the following condition:

1. The applicant complies with the requirements of the Divisions of Public Works and Public Safety.

Motion approved 6:2 with Commissioners Irwin and Rise voting nay.

IX. Unfinished Business:

- A. Discuss amendment to Section 154.114 of the zoning ordinance and consider setting a public hearing on this issue at the June 27, 2019 regular meeting.

Kain reviewed the proposed text change to Section 154.114 (Non-Conforming Lots, Uses, Structures & Improvements) based on the discussion and feedback from the May meeting, and asked for feedback.

Kain noted that if the Commission feels that this is the direction they wish to go that they set a public hearing for the June 27th meeting.

Commissioner Rise asked for clarification on the location and dimensional standards, noting that she felt the language was vague. Kain clarified that the proposed amendment would allow existing parking lots that are non-conforming in terms of location requirements to be reconstructed while still requiring other standards be met.

Discussion ensued on when site plan review is triggered. Kain commented that anytime someone changes a parking lot, landscaping, adds to a building, etc. it will trigger a site plan process, noting that it has been this way since 1984. Commissioner Rise commented that she has a problem with a change in landscaping triggering a site plan review. Kain responded that because the City regulates landscaping a review process is necessary or the regulations cannot be implemented or enforced.

Motion by Liesch, support by Irwin, to set a public hearing to consider proposed text change 19-02 at the June 27, 2019 regular meeting.

Motion approved 7:1 with Commissioner Rise voting nay.

X. New Business:

A. Presentation on Master Plan 2050 from McKenna & Associates

Kain introduced Paul Lippens from McKenna & Associates, the project manager for the 2050 Master Plan, noting that Mr. Lippens would be providing a 30% update on the project.

Mr. Lippens provided an overview of the Master Plan creation process focusing on why a Master Plan is important; what a Master Plan is; results from the public engagement process; their preliminary recommendations and the next steps.

Mr. Lippens noted the differences between a Master Plan and a zoning ordinance, noting that the Master Plan provides policy and guidance and is a long range vision for the City whereas a zoning ordinance is law and is immediate and regulatory.

Mr. Lippens shared public engagement and online survey results, noting they were very pleased with the turnout for the public sessions as well as with the number of online results received. Mr. Lippens shared their preliminary recommendations for the Mission Street corridor and spoke about future transportation.

Mr. Lippens reported that the next step in the process is to deliver a draft plan later this summer. Following that there will be a 63-day public comment period after which time formal public hearings would occur. Adoption is expected to occur in the spring of 2020.

Commissioner Irwin expressed skepticism about the vision for Mission Street. Mr. Lippens explained that this is not just a transportation vision but a land use vision, noting that their recommendations come from input they received from the community and in-depth discussions with MDOT and CMU.

Discussion ensued on the width of the right-of-way along Mission Street, and whether MDOT would be supportive of the plan.

XI. Other:

A. Staff Report:

1. July (June 27) Meeting

Kain reminded the Board that the July meeting was moved from July 4th to June 27th.

XII. Adjournment

Motion by Friedrich, support by Liesch, to adjourn.

Motion approved unanimously. Meeting adjourned at 8:25 p.m.