

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
June 3, 2010**

I. Chairman Orlik called the meeting to order at 7:00 p.m.

Present: Brockman, English, Kostrzewa, Orlik (Chair), Rautanen, Robinette, Smith (Vice-Chair)

Absent: Holtgreive, Lux.

Staff: Gray, Kench, Morrison, Murphy.

II. Approval of Agenda:

Chairman Orlik asked if there were any objections to switching the order of the Site Plan Reviews and hearing SPR-10-09 first, based on a request by the applicant who has indicated he has other commitments. As no one objected, motion by Brockman, support by English, to approve the agenda with the suggested change. Motion approved.

III. Approval of Minutes

A. May 6, 2010 regular meeting.

Motion by Rautanen, support by Kostrzewa, to approve the minutes from the May 6, 2010 regular meeting with the following changes noted by Chairman Orlik:

1. Page 3, 5th paragraph, replace “lost” with “lose”.
2. Page 7, Item XI. B., third paragraph, Change “OS-” to “OS-1”.

Motion approved.

IV. Zoning Board of Appeals Report.

Commissioner Brockman reported that the ZBA heard two cases at their May meeting. One case involved a request to reinstate a non-conforming rear dwelling unit at 915 ½ W. Broadway. In September of 2009 the ZBA approved a request to convert the rear dwelling unit to office use to establish a tutoring business. The conversion never took place and the grandmother, who resided in the home for a number of years, asked that the ZBA reconsider the change in use to reestablish the residential use and allow her to move back into her home. The Board approved the request based on the fact that the residential use is compatible with the character of the neighborhood and the change in use approved in 2009 never took place. The approval stipulated that the home be entered into the rental licensing program as a single-family dwelling.

Commissioner Brockman reported that the second case heard by the ZBA was for 1023-1025 S. Washington. This case involved three variance requests which included a request to allow two rooming and boarding dwellings to be constructed on the property, which will be joined to

form one parcel, with a reduction in the required side-yards to 6.5' and an increase in the occupancy to allow twelve occupants (six occupants in each dwelling unit). The Board stipulated that the project was to be constructed to meet both the design and use of building materials as illustrated on elevations submitted with the application, along with the landscaping. They also required the applicant plant two 2-inch maple trees in the City right-of-way. Commissioner Brockman commended the applicant for working with staff to improve the original design submitted.

Commissioner Brockman further reported that the ZBA talked about density issues that seem to appear repeatedly before the ZBA and they suggested perhaps the Planning Commission may want to consider some changes in the zoning ordinance to allow an increase in occupancy when the developer works with staff to upgrade projects.

Chairman Orlik asked staff if there were any parameters for looking at this. Gray stated the Planning Commission could look at some ordinance amendments similar to the Mission Redevelopment Overlay Zone Ordinance.

Public Hearings:

Chairman Orlik explained board proceedings and asked staff to introduce the first case.

- A. SUP-10-02 - 1023/1025 S. Washington – Jeff Jakeway: Special Use Permit request and Site Plan Review to combine the two parcels and allow two new Rooming Boarding Dwellings with six occupants in each dwelling.

Staff reported that because SUP-10-02 and SPR-10-07 are for the same properties, he would present them together. Staff reported that the sites are currently licensed for four occupants each. The request involves razing the existing buildings, and constructing two new dwellings for 6 occupants each. Gray reported that with the variances obtained through the Zoning Board of Appeals, the property complies with the zoning ordinance. Gray stated that the applicant has provided a detailed demolition, clean up, and construction schedule as requested by staff. Gray commented that this was requested to avoid delays in completing the projects as were encountered with some of the applicant's previous projects. Gray also referred to comments submitted by DPW regarding storm water review referring to the removal of a restrictor unit on one of the applicant's recent developments. Gray stated that communication between the applicant and the engineering department has resolved this issue.

Jeff Jakeway, owner and developer, addressed the Board. Mr. Jakeway stated that the existing units were built in 1909 and 1925 and have seen better days. He feels rebuilding new units will be a major improvement to the neighborhood.

Commissioner Kostrzewa commented that the existing units do not appear to be that bad from the exterior and asked the applicant to describe the conditions.

Mr. Jakeway commented that the foundations are cracked; the plumbing and electrical are old and the units both need new roofs and windows.

Chairman Orlik asked about the three sites that were mentioned in the staff report that were incomplete. Mr. Jakeway indicated that two of the sites are complete with the third one approximately 95% complete at this time.

Chairman Orlik opened the Public Hearing. There being no one who wished to speak, the Public Hearing was closed.

Board Discussion: Commissioner Kostrzewa questioned whether the applicant would have proceeded if the ZBA had not granted the additional occupant? He further stated that considering where the project started compared to where it is now, he feels it is acceptable.

Commissioner Smith commented that the proposed project is an improvement, both aesthetically and in regards to safety, and further commented that with the proximity to campus, it would be an appropriate fit. Commissioner Kostrzewa concurred, stating there were very few single families that would be interested in this location.

Commissioner Rautanen questioned what recourse there was if any applicant didn't comply with conditions attached to approvals.

Gray stated that if a site is found to be out of compliance, a letter would be sent to the applicant providing them an opportunity to comply. If they did not comply, the project could come back before the Planning Commission for revocation of the Special Use Permit. Staff further commented that it may be appropriate to articulate a time frame for completion. Staff clarified that the SUP is what allows the site to have more than two unrelated people; therefore, revocation of the SUP would have a significant impact. He further commented that with the introduction of the construction schedule, we are trying to prevent incomplete improvements. Commissioner Rautanen also stated he would not like to see us get in a spot where there are numerous unfinished projects being drawn out. Staff assured the Board that we have come a long way in assuring site compliance with the Building Department conducting annual inspections for all SUP sites.

Commissioner English asked if there was a timetable for the uncompleted projects. Staff stated that if the Commissioners wished to specify a date, they could. He further stated that the ordinance allows a year to comply.

Commissioner Kostrzewa asked Mr. Jakeway to clarify the status of the incomplete projects. Mr. Jakeway stated 1028 S. Lansing is complete, 1001 S. Franklin is complete with the exception of one parking space, which is framed up and ready to pour. 1003 S. Lansing is complete with the exception of one tree that remains to be planted. He further stated they would all be complete by the middle of next week.

Motion by Smith, support by English, to approve the request for SUP-10-02 from AMES, LLC to demolish the existing structures, combine the two parcels into a single property, and construct two rooming dwellings at the property located at 1023 and 1025 S. Washington with the following conditions:

1. Occupancy of each building shall be limited to not more than 6 people.
2. The applicant shall comply with all site plan review requirements.
3. All site plan improvements approved as shown on the site plan and/or as required by condition of the Planning Commission and/or Zoning Board of Appeals shall be installed no later than June 6, 2011. Failure to install required improvements shall be cause for the Planning Commission to initiate proceedings to revoke the Special Use Permit.
4. The applicant shall file all necessary paperwork to combine the subject parcels prior to occupancy of either proposed structure.
5. The applicant shall comply with the conditions and requirements of the Zoning Board of Appeals.

Commissioner Brockman questioned whether the applicant could have people move in with only three parking spaces as he has a year to complete the construction. Staff stated there is a temporary parking provision in the ordinance, and also referred to the construction schedule provided by the applicant.

Motion approved unanimously.

- B. ZC-10-02 – 1400 S. Washington – Wesley Foundation:** Request to conditionally rezone the property from R-1, Residential to M-2, Multiple Family Residential. If approved, the rezoning would permit construction of a Covenant Leadership Community, housing up to eight occupants.

Staff reported that the property is located at the SW corner of Washington and Preston and is the site of the existing Wesley Foundation. Staff stated that this is a conditional rezoning request, where the applicant can change the zoning on a piece of property by offering up conditions. This differs from other applications considered by the Planning Commission as the conditions have to be offered by the applicant; they are not imposed by the Planning Commission. He further stated that the Leadership Center is being proposed for up to 8 occupants, ½ of which would be employees of the Wesley Foundation, and is designed to promote leadership skills. Staff referred to the copy of the conditional rezoning agreement proposed by the applicant which was included in Board packets, that lists the proposed conditions and defines the Leadership Center. Staff reported that this process begins with the Planning Commission, who will make a recommendation to the City Commission. If the conditional rezoning is approved, then the applicant would still need to go through the Special Use Permit and Site Plan Review process. In addition, staff stated that because Rooming/Boarding dwellings are not allowed by ordinance to be bordered on the side lot line by R-1 properties; this would also need to be evaluated by the Zoning Board of Appeals. Staff further stated that the surrounding property that is zoned R-1 is being used as a CMU parking lot.

Chairman Orlik asked staff to clarify the chain of events for this case.

Staff stated that the Planning Commission will make a recommendation to the City Commission to either approve or not approve the request. If the rezoning is approved by the City Commission, then the variance application would go before the ZBA. Then the matter would go before the Planning Commission for SUP/SPR approval.

Chairman Orlik clarified for the audience and Board members that this property is not University property, which is why it is coming before the Planning Commission.

Charlie Farnum, Director for the Wesley Foundation, addressed the Board. Mr. Farnum stated that the Wesley Foundation is a United Methodist Campus Ministry, whose goals are to develop leaders. He indicated that they envision the Leadership Center to operate similar to a monastery. Individuals will work approximately 10 hours a week and will have responsibilities. Mr. Farnum indicated that the residents will all be students of CMU.

Commissioner English asked if there would be established criteria for who could be a resident and if there would be rules, such as curfews, etc. Mr. Farnum indicated the criteria would be developed in conjunction with other Wesley foundations and the residents and expectations would be to work with a covenant based on faith. The goal is to develop a community of leaders.

Commissioner Kostrzewa questioned whether occupants would pay rent. Mr. Farnum indicated they would, with the money going towards maintaining the property.

Commissioner Kostrzewa questioned what would happen if the property was sold. Staff stated that one of the conditions offered by the applicant was that the property has to continue as primarily church use that is affiliated with the Methodist Church. Any changes that would affect that condition would need to come back before the Planning Commission.

Commissioner Smith questioned who enforces covenants. Staff stated that what the applicant does within the covenant is not included in the conditional rezoning approval. If approved, and the case moves to the SUP/SPR level, then the Planning Commission may have some conditions they can impose.

Commissioner Brockman questioned what would happen if the property were purchased by CMU. Staff stated that CMU property does not fall under the City's zoning jurisdiction.

Chairman Orlik opened the Public Hearing. There being no one who wished to speak, the Public Hearing was closed.

Board Discussion:

Commissioner Smith stated he felt this was a good location for this.

Motion by Rautanen, support by English that the Planning Commission recommend that the City Commission approve conditional rezoning Case ZC-10-02 from the Wesley Foundation at Central Michigan University for the property located at 1400 S. Washington Street from R-1, Residential to M-2, Multiple Family Residential, in accordance with the Conditional Rezoning Agreement

offered by the applicant. Approval of the conditional rezoning is recommended on the following basis:

1. The proposed residential use is consistent with the surrounding University property.
2. The design of the proposed building is consistent with the character of the existing Wesley Foundation and the surrounding University properties.
3. On site supervision of the leadership center by a Resident Assistant and the Wesley Director is preferable to off site supervision.
4. The terms and conditions offered by the applicant limit the residential use to the proposed dwelling and assure perpetual affiliation with the existing church use.

Motion approved unanimously.

V. Public Comments:

Chairman Orlik opened the public comments portion of the meeting.

There being no one who wished to speak, Chairman Orlik closed the public comments section of the meeting.

X. Site Plan Reviews

A. SPR-10-09– 1799 Gover Parkway - Site Plan Review for a 900 square foot addition to the existing building for storage. Staff reported that this addition will be used for cold storage of raw material and is a temporary addition. Long term plans call for a substantial addition to the property. Staff reported there would be no additional parking required and no additional lighting is being planned at this time. Staff further stated that the Commission would be looking at two issues:

1. Approval of the site plan that complies with the setback requirements of the ordinance;
2. Continuation of the previous sidewalk waiver.

Sam Staples, applicant, approached the Board. Mr. Staples stated that the business is doing very well and they need the extra space to store raw material. If the business continues to prosper, Mr. Staples indicated a larger addition would be planned in the future.

Motion by Smith, second by Robinette to grant a waiver to the requirement to install sidewalks in the public rights-of-way on a finding that the property is not located on a street designated as a school walking route and there are no existing intermittent public sidewalks on the streets within the block where the property is located.

Motion approved unanimously.

Motion by English, support by Robinette to approve SPR-10-09 to allow a 900 square foot building addition at the property located at 1799 Gover Parkway, based on the site plan received on May 11, 2010 with the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

B. SPR-10-07 - 1023-1025 S. Washington.

Gray stated that he had no additional comments regarding the case. Discussion followed regarding incomplete improvements on the applicant's other properties.

Motion by Rautanen, support by Brockman that the Planning Commission approve SPR-10-07 from AMES, LLC to construct two rooming dwellings on the property at 1023 and 1025 S. Washington, based on the site plan dated May 5, 2010 (Job No. 100005), prepared by Lorenz Surveying and Engineering, Inc. for AMES, LLC, and the building elevation renderings with the following conditions:

1. The occupancy of each building shall be limited to 6 individuals.
2. The building materials shall be those shown in the elevation renderings.
3. The applicant shall comply with the requirements of the Zoning Board of Appeals, including the requirement to install two maple street trees.
4. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).
5. The applicant shall complete compliance for the properties located at 1001 S. Franklin, 1003 S. Lansing, and 1028 S. Lansing by June 30, 2010 as required by City Code Enforcement.

Commissioner Brockman expressed appreciation to Mr. Jakeway for his work on this project. Commissioner Kostrzewa concurred.

Motion approved unanimously.

- C. SPR-10-10 – 201 E. Pickard.** Site Plan Review for a 768 square foot addition to the existing building for retail space. Staff reported that this property is currently the location for the Habitat Re-Store, who has indicated a need for additional retail space. Staff stated that the applicant has agreed to install additional hard surface parking to comply with the 20 required spaces and will provide enough space for two-way traffic circulation. The applicant is relocating the existing dumpster which will include a masonry enclosure.

Rick Clark, construction manager for Habitat for Isabella County, addressed the Board. Mr.

Clark stated that they are experiencing a good influx of donated items and are in need of additional retail space. The construction will be similar to the existing pole structure.

Chairman Orlik asked what types of things the re-store stocks.

Mr. Clark stated that the primary function is predominantly for building materials, framing materials, shingles, doors, windows, lighting/plumbing fixtures, appliances, furniture, house ware items, etc.

Motion by Robinette, support by Rautanen, to approve SPR-10-10 to allow construction of a building addition and parking improvement at the property located at 201 E. Pickard Street, based on the site plan and building elevations submitted with the request, with the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

XI. Old Business:

A. **SPR-10-03 – 306 S. University.**

Staff presented a revised plan submitted by the Community Foundation which addressed some of the parking concerns expressed by the Planning Commission at the previous meeting.

Steve Martineau, President of the Community Foundation addressed the Board, stating that following the previous meeting, they had met with Commissioner Kostrzewa and members of the Hersee family and developed a revised plan.

Motion by Kostrzewa, support by Rautanen to approve the revised Site Plan Review 10-03 from the Mt. Pleasant Community Foundation for the property located at 306 S. University. Approval is based on Conceptual Site Plan #3 and prepared by CMS&D Surveying/Engineering for the Mt. Pleasant Community Foundation, with the following conditions:

1. Storm water shall be addressed in accordance with the requirements of the Division of Public Works (DPW).
2. The barrier-free access aisle shall be widened to 8-feet to comply with the requirements of the Building Code.
3. All other terms and conditions of the original approval shall remain in effect.

Motion approved unanimously.

XII. New Business: None

XIII. Other:

- A. Administrative Site Plan Reviews. Staff explained that following the previous meeting, where the Planning Commission discussed criteria for allowing Administrative Site Plan Reviews, he put together a memo of understanding to assure he understood the Board's wishes.

Motion by Brockman, support by Smith to approve the six-bullet point policy for Administrative Site Plan Reviews as presented by staff. Motion approved unanimously.

- B. OS-1 Zoning District Discussion:

Following the last meeting's discussion regarding allowed uses in the OS-1 zoning district, in particular, the fact that duplexes are currently an allowed use by right, staff presented an outline of uses currently allowed in the OS-1, R, and M-1 zoning districts, along with a couple of options for the Board to consider.

- 1) Leave the ordinance language as is.
- 2) SUP Option – Continue to pull in the M-1 uses R uses, however, require some of those uses only under a Special Use Permit.
- 3) Delete R & M-1 uses from the OS-1 district.

Discussion ensued on the various options presented by staff for consideration. Chairman Orlik indicated he feels the most flexibility would be available with option #2 and asked what the procedure would be for moving in that direction.

Staff stated that the Board could recommend that the City Commission consider changes to the Ordinance, or the Planning Commission could initiate the action by providing proposed changes to the City Commission.

Commissioner Smith asked if staff could provide some draft changes to the ordinance for the Board to consider. If they approve, they could then recommend the change to the City Commission. Commissioner Smith further commented that we are not saying we don't want duplexes in the OS-1 zoning district, just that we would like some control, and he believes it may have been an oversight that this language was left out of the ordinance language for OS-1 districts.

Staff agreed to provide some draft language for the July meeting.

- C. July Meeting: Staff stated we currently have two requests for site plan reviews. The deadline for submittals is Monday, June 7.
- D. Ethics Policy: Discussion took place on the latest draft of the proposed Ethics policy. Chairman Orlik indicated he felt there had been significant improvements since the previous draft. He

indicated he feels it would be more appropriate for staff to be the liaison rather than the City Manager (Page 3, 4, and 5), as staff is closer to the action. Commissioner Kostrzewa suggested changing “could” to “would” on page 1. Staff will take suggested changes back to the City Commission.

XIV. Adjournment:

Motion by Rautanen, support by Brockman to adjourn to the work session. Motion passed unanimously. Meeting adjourned at 8:30 p.m.

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