

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
February 2, 2012**

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

Present: Brockman, Kostrzewa, Lux, Orlik (Chair), Quast, Rautanen, Shellady, Smith (Vice-Chair).

Absent: Holtgreive.

Staff: Gray, Murphy

II. Approval of Agenda:

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

Motion approved

III. Election of Officers

Chairman Orlik turned the meeting over to Staff to chair the election of officers.

Staff asked for nominations for Chair.

Kostrzewa nominated Orlik as Chair. There were no other nominations.

Motion by Kostrzewa, second by Brockman, to close the nominations and cast a unanimous ballot for Orlik as Chair.

Motion approved.

Kostrzewa nominated Smith as Vice-Chair. There were no other nominations.

Motion by Kostrzewa, second by Brockman, to close the nominations and cast a unanimous ballot for Smith as Vice-Chair.

Motion approved.

Orlik resumed as Chair for the remainder of the meeting.

IV. Minutes:

A. January 5, 2012 Regular Meeting

Motion by Rautanen, support by Shellady to approve the minutes from the January 5, 2012 regular meeting as submitted.

Motion approved.

B. January 5, 2012 Work Session

Motion by Smith, support by Brockman to approve the minutes from the January 5, 2012 work session as submitted.

Motion approved.

V. Zoning Board of Appeals Report:

Commissioner Brockman reported that the Zoning Board of Appeals heard one case in January. The owners of the Malt Shop at 1088 S. University submitted plans to convert 438 square feet of the basement area into a game room. Based on the building code, this would have required an additional 8 parking spaces. With no room to expand the on-site parking, the applicants requested a variance to allow the conversion without the additional parking. The Board ruled in favor of the applicant, based on the available on-street parking and metered parking located in the immediate area. In addition, the Board did not feel the conversion of the space would significantly increase the traffic/parking needs, but would be an enhancement for the patrons of their existing business.

Commissioner Brockman also reported that he had made the request to the staff secretary of the ZBA, as requested by the Planning Commission, for a compiled list of Ordinances they have requested the Planning Commission review.

VI. Public Hearings:

Chairman Orlik explained board proceedings and asked staff to introduce the 1st case.

A. SUP-12-01 - 705 S. Brown - Leah Echelberger

Staff introduced case SUP-12-01, reporting that this was a request to operate a Group Day Care for 7-12 children. The property is zoned R-3, Residential and is located on the east side of Brown Street between South Drive and High Street. The surrounding properties are also zoned R-3.

Staff provided information on the guidance from the State in regards to day cares, noting that there are two categories: Family Day Care Homes, which provide care for up to 6 children, and by State law, are treated as single-family homes and are regulated by the City the same as any other single-family home; and, Group Day Care Homes, which provide care for 7-12 children. State law allows the City to regulate Group Day Care Homes through a Special Use Permit. Staff reported that the city only regulates the physical aspects of the daycare, i.e., parking, separation from other day cares and state licensed facilities, compatibility with the neighborhood, etc. The actual operation of the daycare falls under the State and is regulated by them.

Staff provided a copy of the site plan, noting that the site meets the separation requirements from other state licensed facilities. The applicant has proposed converting

an existing basement area into an indoor play area. Staff has recommended that any approval would include the condition that the applicant provide plans for review to confirm that the basement meets the requirements for egress and provides the minimum requirement of 420 square feet of indoor play area.

Staff reported that in addition to the indoor play area, Group Day Care Homes are also required to provide 1,800 square feet of outdoor play area. The applicant proposes 4,500 square feet of fenced in area. Although the applicant originally proposed a 5' chain link fence, it was noted that the building code requires a 6' fence. Further conversation with the applicant indicates she is willing to install a 6' vinyl fence. The applicant has also indicated that the opening to the carport will be equipped with a locking door or gate.

Staff reported that the applicant currently has three hard-surfaced parking spots, and is proposing an addition to the driveway to allow a total of five cars to be parked on site, which meets the minimum requirements of the ordinance.

Staff reported that an additional requirement for Group Day Care Homes includes an annual inspection by the Building Official and Fire Marshall.

Staff referred to the letters included in packets from neighbors who expressed concerns with on-street parking and increased traffic in this area. Concerns were based on the location of the day care, which is near the hospital and school, both of which create heavy traffic during certain times of the day. Staff has worked with the applicant on conditions for approval to help alleviate some of the neighbor concerns. Suggested conditions include keeping the owner and employee cars in the driveway rather than parking on the street all day. In addition, it is recommended that any on-street parking for drop off and pick up of children be limited to 30 minutes or less.

Staff stated that comments were received from the Department of Public Works, who indicates there may be a need for a grease receptor. Comments from Captain Forsberg, Police Department, expressed concerns with the traffic in the area; however, after discussing the recommended conditions for approval, he has indicated that he is comfortable with the proposal.

Staff concluded his report, stating that the basic conditions of the Zoning Ordinance have been met with this request and he has tried to address the issues of concern through the recommendations listed in the staff report.

Commissioner Kostrzewa questioned whether one egress window would be sufficient for the basement play area. Staff responded that he believed the stairwell would also be considered an egress, but will verify with the Building Official.

Leah Echelberger, applicant, addressed the Board. Ms. Echelberger reported that she currently works at a daycare with her partner Amanda Boyle. Ms. Echelberger stated that generally only one parent at a time is there to drop off/pick up their child and there should not be an issue with on-street parking. She further stated that although there are 12 children enrolled in the daycare, that there are only 7 cars at this time as some of their clients have more than one child. Ms. Echelberger stated that the daycare has scheduled

outdoor play times between 10:30 a.m. and 11:30 a.m. and again between 3:45 - 4:30 p.m. and that the children are monitored at all times and therefore; the noise is also monitored.

Chairman Orlik commented that one thing that bothers him about the request is that the drop off times are at a time of day when there is a lot of traffic to and from the High School and hospital and asked the applicant to address this concern.

Ms. Echelberger stated that parents should almost always be able to pull into the driveway. Currently, they only have 1-2 children that are dropped off at 7:30 a.m - none before 7:30 a.m.

Chairman Orlik asked staff for clarification on the driveway parking.

Staff stated that the applicant proposes an addition to the existing driveway. With the existing carport and the driveway expansion, there should be enough room for five cars.

Chairman Orlik suggested instructing parents they should pull into the driveway for drop off.

Commissioner Lux questioned who owned the property. Ms. Echelberger stated her mother, who was in attendance, owns the property.

Chairman Orlik opened the Public Hearing.

Paul English, 1203 E. High Street, addressed the Board, expressing concerns with traffic safety and traffic flow, stating that with the traffic generated by the hospital and school being so close, he does not feel this is a safe place for a day care. Mr. English further stated he is concerned not only with the safety of the children, but with the safety of the other vehicles on the street as well. Mr. English commented that an important factor in determining approval for a Special Use Permit is whether the use changes the character of the neighborhood and in this case, he feels that it does.

There being no one else who wished to address the Board, the Public Hearing was closed.

Vice Chairman Smith asked Mr. English if his concerns would be alleviated by restricting day care traffic to parking in the driveway rather than on the street. Mr. English replied that there would still be additional traffic and it would still change the character of the neighborhood. Vice-Chairman Smith questioned whether 7 cars would really be that noticeable.

Commissioner Kostrzewa commented that this particular corner is full of aggressive traffic and is concerned that cars parked along the street would create a safety issue. He further questioned whether the applicant's lot was big enough to expand the driveway.

Staff responded that the lot was big enough for the driveway expansion and further commented that cars have a tendency to travel faster when there are no cars parked. He also commented that parking is allowed along that section of the street.

Chairman Orlik questioned whether the stipulation should be no on-street parking for the day care operation and asked the applicant if she would be agreeable to that.

Ms. Echelberger replied that there may be rare occasions where they may have 4 people picking up their children at the same time, which would mean someone may need to occasionally use the street for parking.

Chairman Orlik commented that the day care operation appears to be successful in its current location and questioned why they plan on moving it.

Ms. Echelberger replied that her partner is closing the day care that is currently operating out of her home; therefore, she needed to find a new location.

Commissioner Quast commented that she doesn't believe the day care is the issue with the aggressive traffic, but rather a problem with the street and she doesn't feel like 7 extra cars are going to make that much difference.

Commissioner Lux asked staff to clarify a section in the report regarding the size of the driveway being sufficient. Staff explained that the applicant has stated that during operational hours, family members are at work and the only cars remaining in the driveway would be hers and one for an employee. That would leave three additional spaces for parents.

Commissioner Brockman commented that with parking being legal on that section of Brown Street, there could potentially be someone parked there all day, and therefore; doesn't see the issue. He further commented that if parking along the street creates a dangerous situation, then the city could change that.

Commissioner Lux asked for clarification on Captain Forsberg's comments. Staff responded that the comments were submitted as soon as the request was received; however, Captain Forsberg has stated that he is comfortable with the conditions proposed by staff.

Commissioner Rautanen commented that he does not feel we should require parents to only park in the driveway as that would put an undue burden on the day care operator, considering the fact that parking is legal in this area.

Commissioner Lux questioned whether it was even the right of the Planning Commission to control the parking on the street or if the SUP only applies to that property.

Staff referred to #7 under the SUP Criteria; stating that if the Commission believes there are parking issues, they do have the right to impose conditions. Chairman Orlik further stated that if the Commission believes the use impacts the neighborhood, they have the right to impose conditions on a Special Use Permit.

Commissioner Brockman asked if the expanded driveway meets ordinance requirements. Staff indicated it did.

Commissioner Brockman asked staff to clarify what would be required for fencing. Staff responded that the requirement is for a 6' fence and the applicant has offered a vinyl fence.

Commission discussed the procedures for placing additional signage along streets, with staff commenting that the Traffic Control Committee would be the ones to make that determination. Commissioner Quast suggested that if the 30 minute parking is found to be a problem, then the neighborhood could request the Traffic Control committee to look at the issue. If they determined the area should be designated as a "no parking" area; then the day care parents would need to abide by that.

Commissioner Kostrzewa clarified that his comment on aggressive traffic referred to the congested area and the proximity of the applicant's site to the intersection. Commissioner Rautanen stated that potential exists in any residential area.

Commissioner Shellady commented that it would be safe to consider that Captain Forsberg took into account the area and was still comfortable with the recommendations.

Vice-Chairman Smith commented that every day care request that is brought before the Planning Commission brings up the same concerns with traffic and child safety, yet following an approval, we have never received any complaints or had any issues.

Commissioner Brockman commented that the house is halfway down the block and doesn't see an issue with the intersection. Board discussion ensued on the distance from the intersection, with Commissioner Kostrzewa commenting that perhaps it is far enough from the intersection for him to be comfortable with the request.

Motion by Lux, support by Quast, to approve the request for SUP-12-01 from Leah Echelberger for a group day care home licensed for up to 12 children at the property located at 705 S. Brown. Approval is based on the site and floor plans submitted with the request. Approval is granted with the following conditions:

1. The applicant shall submit a proposed layout for the finished basement for review by the Community Development Director to confirm that a minimum of 420 square feet of indoor play area will be provided, in accordance with Section 154.051(C)(4)(c) of the Zoning Ordinance.
2. The fence surrounding the outdoor play area shall be a minimum of 6 feet high, as required by the Building Code and constructed of vinyl as offered by the applicant. The opening to the carport shall be secured with a gate or door meeting the requirements of the Building Code.
3. Permanent outdoor play equipment shall be installed a minimum of 12 feet away from any dwellings on surrounding properties, as required by Section 154.051(C)(4)(e) of the Zoning Ordinance.

4. In accordance with Section 154.051(C)(4)(h) of the Zoning Ordinance, the facility shall be subject to inspection prior to occupancy, and annually thereafter, by the Building Official and Fire Marshall for compliance with current codes. The applicant shall contact those officials no less than 45 days prior to the anniversary date of the prior year's inspection to schedule the annual inspection.
5. All vehicles associated with residents of the home and employees of the day care will be parked in the driveway, and not on the street, during the hours of operation.
6. Other vehicles visiting the day care, including those dropping off or picking up children, will be parked on the street for no longer than 30 minutes at a time.
7. The hours of operation will be 7:30 a.m. to 5:30 p.m., Monday through Friday. The hours may not be increased without the prior approval of the Planning Commission.
8. The applicant shall comply with the requirements of DPS and DPW.

Chairman Orlik proposed a friendly amendment to condition # 7 to include "No drop-offs are to occur before 7:30 a.m." Commissioners Lux and Quast indicated that they accepted the friendly amendment.

Roll Call vote: Ayes - 8; Nays-0. Motion carried

B. SUP-12-02 - 2111 S. Mission - Fancher Development Services Inc.

Staff introduced Case SUP-12-02 as a request to convert the former location of Fazoli's into a Panera Bread, with a drive through and outdoor seating area. Staff reported that the location is essentially a lot carved out of a parking lot. Because the existing Fazoli's was operating under approval of a Site Plan Review, there was not an existing SUP for the drive-through. Therefore, the applicant was advised that they would need to seek approval for a Special Use Permit.

Staff reported that the site meets all setback, access and lighting requirements for the use, and in addition provides adequate stacked spaces in the drive-through. The available parking exceeds the required parking for both the existing building and the proposed patio. Additional overflow parking is available from the adjoining shopping center lot.

Staff commented that there is a requirement for a masonry wall adjacent to abutting properties; however, commented that in this case, the wall would be in the middle of a shared parking lot and does not feel this requirement would apply in this particular case and would serve no purpose.

Staff reported that DPW has indicated that a grease trap upgrade may be required. In addition the applicant has been advised that they will need to work with the county drain commissioner, as the storm water associated with the site flows to the County system.

The Fire Department has indicated that the applicant may need to add fire suppression and a sprinkler system and there may be need for an additional fire hydrant.

Staff stated that the request meets all the requirements of the Zoning Ordinance and is therefore being recommended for approval.

Commissioner Quast commented that there is no sidewalk connecting the site to the sidewalk along Mission Street.

Nina Raey, applicant representing Panera Bread, addressed the Board, commenting that they have reviewed all the recommended conditions and are in agreement. She further reported that they are working with the County Drain Commissioner and the Department of Public Works to meet their requirements. She commented on Commissioner Quast's observation of the sidewalk, stating that with the slope from Mission Street to the patio area, it did not seem feasible to put in a sidewalk that would meet ADA requirements. Ms. Raey stated they would be enhancing the exterior of the building and would maintain the existing drive-through.

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

Board Discussion:

Chairman Orlik suggested tying any approval to conditions as stipulated on the site plan in regards to fencing, etc.

Motion by Smith, support by Shellady to approve the request for SUP-12-02 from Fancher Development Services for property located at 2111 S. Mission Street to allow conversion of the existing building for a Panera Bread with a food service drive-through and outdoor seating, based on the Site Plan submitted, 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).

Commissioner Brockman questioned whether the site plan notes they are following the DDA recommendations for fencing. Staff indicated they were.

Commissioner Lux questioned whether staff agreed with the applicant that a sidewalk was not feasible. Staff stated he would have to look at the building codes and site conditions along with the Building Official to make that determination.

Chairman Orlik proposed a friendly amendment to add a second condition:

2. Approval is subject to staff study to determine if a sidewalk is feasible. If so, the applicant will install the sidewalk.

Commissioners Smith and Shellady accepted the friendly amendment.

Motion approved.

Ms. Raey asked the Board to help her understand the purpose of wanting a sidewalk. Commissioner Quast explained that there is currently a trend to try and make the community more pedestrian friendly. Mt. Pleasant has a lot of students on bikes and a lot of foot traffic and it makes easier access for them and is friendlier to the community.

VII. Public Comments:

Chairman Orlik 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

A. SPR-12-01 - 1300 E. Pickard - O'Reily's Auto Parts.

Chairman Orlik reported this case was postponed from the last meeting and the applicant for this case has again requested a postponement to allow revisions to be made to their site plan. Chairman Orlik suggested that a motion be entertained to postpone until a time a complete and acceptable site plan is submitted.

Motion by Rautanen, support by Kostrzewa to postpone Case **SPR-12-01** until a complete and acceptable site plan is submitted.

Motion approved.

VIII. Unfinished Business

None

IX. New Business:

A. 2011 Annual Report:

Staff referred the Commission to the draft annual report provided in their packets, which reports on the Commission's operations for 2011. Staff reviewed projects that were approved under the Conditional Rezoning tool; development projects approved under the Mission Redevelopment Overlay Zone; the new student housing developments, along with an ordinance amendment to allow hotels in the downtown.

Staff also reviewed the status of the 2011 Goals, commenting that some of the goals are on-going and will extend into 2012

Staff asked that the Commission review the annual report and take action to approve the report (or amend it) and refer it to the City Commission for consideration. Staff stated that the joint meeting with the City Commission is tentatively scheduled for March 12th.

They are also scheduled to meet on March 26th, at which time they may be discussing the Non-Motorized Transportation Plan.

Motion by Rautanen, support by Quast to approve the Annual Report as submitted and refer it to the City Commission for consideration.

Motion approved.

B. Set Goals for 2012

Staff provided a list of goals for 2012, based on the Board's discussion at their January Work Session. Staff asked the Commission to review the list and take action on whether to approve as printed or amend.

Priority Goals:

- Begin the 5-year review and update of the Master Plan, as required by State statute.
- Develop potential policy and ordinance amendments to address repeat ordinance violations.
- Consider Zoning Amendments recommended by the ZBA and those needed to address conventional development projects.
 - Staff will work with the ZBA and bring a list for consideration at a later date.

As Time Allows:

- Complete the Mission Street Redevelopment District (Mission north of Pickard and along Pickard).

Motion by Brockman, support by Smith to approve the 2012 Goals as printed.

Motion approved.

C. Recommend a Planning Commission Representative to the Zoning Board of Appeals

Staff stated that the Planning Commission annually recommends a member to the City Commission to serve as our cross-over member to the Zoning Board of Appeals. Commissioner Brockman has served as the cross-over member for the past year. Commissioner Brockman stated that he would be willing to continue in this role, unless someone else was interested. Commissioner Quast stated that she would be interested in serving as the cross-over member as well. Chairman Orlik called for a vote by show of hands. Commissioner Quast was unanimously selected as the Board member to recommend to the City Commission.

X. Other Business:

- A. March Meeting: Staff reported that the deadline for submissions is next Monday.

- B. Signs:** Commissioner Lux questioned who was responsible for approving new signage in the City. Staff stated that the Building Department receives the applications which are reviewed and approved by the Building Official.

- C. Master Plan Scope: Staff reported that the Master Plan Scope had been approved by the City Commission. Staff will begin working on a schedule to get the RFP committee together to begin development of the RFPs.

XI. Adjournment:

Motion by Brockman, support by Rautanen, to adjourn.

Meeting adjourned at 8:23 p.m.

bam