

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
September 5, 2019**

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

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

Staff: Kain, Murphy

**II. Approval of Agenda:**

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

Motion approved unanimously.

**III. Approval of Minutes**

**A. August 1, 2019 Regular Meeting**

Motion by Dailey, support by Friedrich, to approve the minutes from the August 1, 2019 regular meeting as submitted.

Motion approved unanimously.

**IV. Zoning Board of Appeals Report for August:**

Commissioner Friedrich reported that the ZBA had two cases in August. In the first case, Urgent Care Express at 520 N. Mission, was seeking a variance to the sign standards to install a band sign in a gable feature above their entrance due to limited space above or near the entrance to their business. The Zoning Board found that, though there is enough room above the door to install a sign, the roof overhang limits the visibility of the sign from the street, therefore the variance was granted in a split decision.

In the second case a resident, Patricia Lyon, 1111 W. Pickard, installed a fence around her yard after obtaining a zoning permit; however, it was later discovered that the fence was built on top of a retaining wall resulting in the overall height exceeding the 4-foot and 6-foot limits. The Zoning Board found that the unique topography of her property was sufficient grounds to grant the variance in a unanimous decision.

**V. Communications:**

Kain reported that there were four communications included in the packet: Laura Cochrane regarding M-20; Kay Ashworth, regarding Z-19-02; Doug Struble regarding SUP-19-11; and Mary Harper, regarding SUP-19-11. In addition, two correspondences were received after packet distribution and placed on the dais: Joe Olivieri, regarding Z-19-02; and Doug LaBelle II, regarding TC-19-05.

**VI. Public Hearings:**

**A. SUP-19-08 & SPR-19-12 – 904 E. Pickard**

Kain introduced case SUP-19-08 & SPR-19-12 submitted by Dorchen/Martin Associates, Inc. on behalf of McDonald's, to modify the parking lot and add a second queue line for the existing drive-through restaurant.

Kain noted that the site has been occupied by McDonald's for several decades and has frontage on three streets: E. Pickard, Palmer, and N. Mission. Kain reviewed the zoning and other characteristics of the subject property and the current use, zoning, and future land use of adjacent properties.

Kain shared photos of current conditions on the site, along with renderings of the proposed façade.

Kain noted that the use is a permitted use in the CD-4 zoning district with a special use permit and reviewed the special use conditions that are relevant to this request, noting that the plan is consistent with these conditions.

Kain shared the proposed site plan, and changes to the façade, noting that the project involves a minor reconfiguration to the parking to accommodate the second queue line. Kain noted that there are some existing non-conforming setbacks on the property. Kain also noted that the applicant has proposed 10 bicycle parking spaces; however, four exceed the maximum distance from the principal entrance and a condition has been included in the staff recommendation of approval to address this. Kain added that there are some adjustments to the proposed landscaping plan that will be necessary to meet the minimum standards for the district that has also been included as a condition in the staff recommendation.

Kain concluded his report, recommending approval with the conditions noted.

Frank Martin, Dorchen/Martin Associates, Inc., addressed the Board.

Commissioner Kostrzewa and Commissioner Irwin expressed concerns with the entrance off Palmer Street and traffic congestion with the proposed layout. Mr. Martin commented that the proposed configuration will provide more efficiency, and reduce stacking. The layout also adds stacking between the order stations and the payment/receiving windows. In addition, a third window will be added for special orders. Martin added that the three property frontages and drive-through requirements were significant layout challenges.

Commissioner Dailey asked for clarification on the designated walkways shown on the plan. Martin indicated that they corresponded with ADA routes from the parking area.

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

Motion by Liesch, support by Rise, to approve SUP-19-08 and SPR-19-12 subject to the following conditions:

1. Ten bicycle parking spaces shall be provided meeting the specifications of the Planning & Community Development Department.
2. All site lighting must conform to Section 96.13 of Mount Pleasant City Code.
3. A landscaping plan shall be provided which complies with all landscape, streetscreen, screen, and public frontage improvement requirements of the zoning ordinance.
4. High-emphasis crosswalk markings shall be provided at all driveways.
5. The applicant shall comply with the requirements of the Divisions of Public Works and Public Safety.

Motion approved unanimously.

**B. SUP-19-09 – 1026 S. Fancher**

Kain introduced case SUP-19-09 submitted by Alyssa Brittain to allow a short-term rental in the existing two-family dwelling located at 1026 and 1026 ½ S. Fancher.

Kain reviewed the zoning and other characteristics of the subject property and the current use, zoning, and future land use of adjacent properties.

Kain noted that the dwelling is owner-occupied and shared an overview and photos of the site.

Kain reviewed the nine criteria for short term rentals, noting that the request meets 8 of the 9. He explained that the first criteria rests on a determination by the Planning Commission and has been noted as such.

Kain concluded his report recommending approval with the condition that the applicant comply with the requirements of the Division of Public Safety.

Alyssa Brittain, owner of the property, addressed the Board. Ms. Brittain commented that she and her husband will be living on the larger side and will use the smaller side as their short term rental.

Commissioner Friedrich asked how long they have owned the property. Ms. Brittain responded that they took ownership on June 15, 2019. She also noted that both sides of the two-family dwelling were licensed for rentals.

Commissioner Rise asked the applicant if they would have purchased the home if they were required to keep one side owner-occupied. Ms. Brittain responded that they likely would not have.

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

Motion by Liesch, support by Kostrzewa, to approve SUP-19-09 subject to the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety.

Motion approved unanimously.

**C. SUP-19-10 & SPR-19-13 – 1015 Douglas**

Kain introduced case SUP-19-10 & SPR-19-13 submitted by Washington Village LLC to construct a two-unit rooming dwelling for 9 occupants.

Kain noted that the Planning Commission previously approved this project in June 2018. Kain shared photos of the site that is currently under construction under that approval.

Kain reviewed the zoning and other characteristics of the subject property and the current use, zoning, and future land use of adjacent properties.

Kain reported that the main change is a proposed reconfiguration of the parking area. In addition, the applicant has reconfigured the front entrance and eliminated a proposed walkway along the south of the

building. Kain reported that there are also some proposed changes in the landscaping to accommodate installation of the site's drainage system.

Kain reported that the use as a rooming dwelling is permitted with a special use permit in the CD-4 zoning district. Kain reviewed the conditions that are imposed as a special use as well as the site plan review requirements, noting that the plan meets all of the conditions.

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

Tim Bebee, Central Michigan Surveying & Development, addressed the Board as representative for the applicant.

Commissioner Friedrich questioned why the applicant wanted to change the parking configuration. Mr. Bebee responded that the owner prefers to not use stacked parking when possible.

Commissioner Ortman asked why the applicant was proposing to eliminate the walkway. Bebee commented that the porch stairs were also proposed to be located from the side to the front of the porch, eliminating the need for the walkway. He further noted that the walkway might encourage traffic from non-tenants and that the stair reconfiguration to the front created a more family home appearance.

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

Motion by Rise, support by Kostrzewa, to approve SUP-19-10 and SPR-19-13 subject to the following condition:

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

Motion approved unanimously.

**D. SUP-19-11 & SPR-19-14 – 520 S. Fancher**

Kain introduced case SUP-19-11 & SPR-19-14 submitted by Tori McConnell to allow a group day care home for up to 12 children at 520 S. Fancher.

Kain reviewed the zoning and other characteristics of the subject property and the current use, zoning, and future land use of adjacent properties.

Kain noted that the site is currently a family day care home for the care of up to six children, which is permitted by right in this district. Kain shared photos of the site, along with the floor plan for the home, noting that the only site work proposed is fencing consistent with the special use permit requirements for this use.

Kain reviewed the special use criteria for group day care homes, noting that the proposal meets all requirements. Kain noted that the site has an in ground pool and the Building Official has recommended that approval be contingent upon providing pool barriers which comply with current building code standards.

Kain concluded his report, recommending approval with the conditions noted.

Commissioner Irwin asked about the requirement for pool barriers. Kain noted that the Michigan Building Code has specific requirements regarding fences, gates, and entry from the home to assure that access to a pool area is controlled.

Commissioner Friedrich asked if the special use permit stays with the property. Kain noted that it would. If the applicant moved the daycare to another location a new special use permit would be required.

Tori McConnell addressed the Board, noting she was the owner of the daycare.

Commissioner Kostrzewa expressed concerns with the pool, questioning how deep was the pool, what type of barriers would be in place and if Ms. McConnell was certified as a lifeguard. McConnell responded that the pool was 9 ft. deep at the deep end and at one time she was certified as a lifeguard but currently is not; however, her current helper is life guard certified. McConnell also explained the type of barriers that would be in place.

McConnell further commented that they rarely use the yard as they are on the go a lot with the kids. Kain noted that the code requires a certain amount of play area that is fenced in. He noted that this does not mean the children cannot play in other areas.

Commissioner Friedrich asked how many people would be employed. McConnell responded that the state requires one employee for every six children so there would be two people at all times.

Commissioner Dailey questioned the parking availability. McConnell stated that drop off and pick up is possible curbside or utilizing the driveway.

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

Motion by Liesch, support by Friedrich, to approve SUP-19-11 and SPR-19-14 subject to the following conditions:

1. All pool barriers will be brought into compliance with the current requirements of the Michigan Building Code.
2. A certificate of occupancy shall be issued prior to operation.
3. The group day care home shall be inspected annually by the Building Official and Fire Marshal for compliance with current codes.

Commissioner Kostrzewa asked who would inspect to assure that the pool barriers were in compliance. Kain responded that the Building Official would conduct an initial inspection and annual inspections thereafter. He further noted that the daycare would also be subject to State inspections.

Chair Hoenig called for a vote on the motion.

Motion approved unanimously.

**E. Z-19-02 – McGuirk Subdivision, Lots 1-10**

Kain introduced Z-19-02. Kain reminded the Board that this subdivision was platted in 1982 at which time deed restrictions were recorded which require that two-family dwellings be constructed on each lot.

Kain noted that the subdivision was zoned R-3 Residential under the prior zoning map and transitioned to CD-3, the equivalent district, under the current zoning map.

Kain noted that he had recently learned of the deed restrictions and determined that it may be more appropriate for these lots to be zoned CD-4, consistent with the manner in which other properties are zoned throughout the City. The CD-4 district permits two-family dwellings by right. Because the CD-4 also permits non-residential uses, the proposed rezoning would include a Residential/Dwelling Use Only Special Requirement to prohibit non-residential uses.

Commissioner Rise commented that there are two-family dwellings in the adjacent neighborhood and questioned what was different in character with this neighborhood. Kain commented that the principal distinction is the vacant lots whereas the adjacent neighborhood is already developed. The proposed rezoning would eliminate the need to obtain a special use permit for two-family dwellings that this neighborhood was developed to contain.

Commissioner Rise asked if the setbacks and glazing requirements were different in the CD-4 and the CD-3 districts. Kain responded they were and reviewed those differences.

Commissioner Kostrzewa questioned whether a residential/dwelling use requirement was necessary. Kain commented that the Planning Commission could recommend approval without that restriction if they wished.

Chair Hoenig opened the public hearing.

Pat McGuirk, owner of several lots in the subdivision, provided some history on the property and spoke in favor of the rezoning.

Randy Golden, Realtor, spoke in favor of the rezoning.

Kain commented that while rezoning requests are typically brought to the Planning Commission by the property owner, in this case staff initiated the request. Prior to bringing forward for consideration, staff sent letters to the property owners to solicit input.

Motion by Liesch, support by Kostrzewa, to recommend that the City Commission rezone the properties described as McGuirk Subdivision, Lots 1-10 from CD-3 to CD-4 with a Residential/Dwelling Use Only Special Requirement.

Commissioner Rise commented that she is reluctant to support the rezoning as she believes this is a band-aid to fix the real problem, which she feels is the owner-occupied requirements for new two-family dwellings in the CD-3 district. She expressed concern over rezoning the area to CD-4 when other adjacent properties are zoned CD-3 and expressed concern over the differences between the CD-3 and CD-4 building standards. She noted that she would support the rezoning to give immediate relief but would like to discuss the CD-3 two-family dwelling standards in the future.

Chair Hoenig reminded Commissioner Rise that existing duplexes are exempt from the owner-occupied requirement. Commissioner Rise responded that this is not true if the dwelling is vacant for more than a year. Kain clarified that this was not correct. Kain reiterated that any duplex built before the adoption of the owner-occupied requirement is exempt from it, regardless of vacancy.

Chair Hoenig called for a vote on the motion.

Motion approved unanimously.

**F. TC-19-03**

Kain introduced TC-19-03, a proposed ordinance that would ensure all developments provide facilities for recycling. Kain recommended that the Planning Commission recommend that the City Commission adopt TC-19-03.

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

Motion by Kostrzewa, support by Friedrich, to recommend that the City Commission adopt TC-19-03.

Motion approved unanimously.

**G. TC-19-04**

Kain introduced TC-19-04, which would permit stacked parking where parking areas are accessed only by a rear alley or rear lane and also a limited amount of stacked parking (up to five spaces) associated with a house that is used for non-residential or mixed use purpose. Kain noted that stacked parking is currently permitted only for one- and two-family dwellings, and rooming dwellings or registered student organizations under limited circumstances. Kain explained that this change would provide additional flexibility in circumstances where an existing stacked parking exists during the conversion of a residential use to a non-residential use, or where stacked parking might avoid the excess cost and lot coverage necessary for a parking lot.

Kain concluded his report recommending that the Planning Commission recommend that the City Commission adopt TC-19-04.

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

Commissioner Rise commented that she would not be supporting this change as she feels it will create traffic congestion on the main streets and feels that it will create a hazard and is a safety concern, especially in the CD-4 and CD-5 districts where people may be backing out onto a busy street.

Commissioner Liesch commented that he feels the proposed ordinance would be beneficial.

Chair Hoenig stated she does not agree that this will create an issue along main corridors as she does not anticipate those businesses would utilize the option. Kain concurred that he would not expect use in that context.

Motion by Ortman, support by Friedrich, to recommend that the City Commission adopt TC-19-04.

Motion approved 8:1 with Rise voting nay.

**H. TC-19-05**

Kain introduced TC-19-05, a proposed ordinance which would amend standards in Table 154.405.A for the CD-3L and CD-3 zoning districts related to walls and fences; roof pitch; and maximum driveway width.

In response to the question raised last month by Commissioner Irwin, Kain reported that the Michigan Building Code does not set a general minimum roof pitch. Rather, roof pitch minimums vary in relationship to materials used and structural load.

Kain concluded his report recommending that the Planning Commission recommend that the City Commission adopt TC-19-05.

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

Motion by Friedrich, support by Liesch, to recommend that the City Commission adopt TC-19-05.

Discussion ensued on various roof pitches, with Commissioners Rise, Kostrzewa, and Irwin all commenting that they would be open to more flexibility and a minimum as low as 4:12.

Vice-Chair Horgan commented that the Board adopted a form-based code specifically to implement standards such as the one in question and supported the current standard.

Kain reminded the Board that the current standard was driven by a desire to achieve the form identified as desirable by the community during the form-based code project, and also as a more predictable standard than the previous variable standard. Kain noted that the 7:12 recommendation was based on what is typically built both in the City and required in certain neighborhoods outside the City.

Motion by Irwin, support by Rise, to amend the motion to reduce the minimum roof pitch to 4:12.

Yeas: Irwin and Rise  
Nays: Dailey, Friedrich, Hoenig, Horgan, Kostrzewa, Liesch, and Ortman  
Motion failed 2:7.

Motion by Rise, support by Kostrzewa, to amend the motion to reduce the minimum roof pitch to 6:12.

Yeas: Dailey, Hoenig, Horgan, Irwin, Kostrzewa, and Rise  
Nays: Friedrich, Liesch, and Ortman  
Motion approved 6:3.

Chair Hoenig called for a vote on the original motion as amended.

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 portion of the meeting was closed.

## **VIII. Site Plan Reviews:**

None

**IX. Unfinished Business:**

None

**X. New Business:**

- A. Receive referral from the City Commission and discuss ordinance to add a new Subsection 154.410.B.4.b and to amend Table 154.410. A of the zoning ordinance and consider setting a public hearing on this issue at the October 3, 2019 meeting.

Kain introduced a proposed ordinance referred by the City Commission to regulate adult-use marihuana establishments. Kain reviewed the related activities of the state and City Commission to date, noting that in June the City Commission opted out of the MRTMA to permit time for review of state rules for these establishments which were released in July. The City Commission has since held several work sessions to develop the parameters for a regulatory and zoning ordinance to permit these establishments under certain standards and limitations.

Kain noted that the proposed ordinance is largely consistent with the regulations imposed on medical marihuana facilities under that ordinance amendment adopted in 2018. He noted the one major difference is a new business type, Microbusiness, which allows a retailer to grow and process their own product for sale. There is not an equivalent facility type permitted under the state medical marihuana facilities law.

Kain recommended that the Planning Commission set a public hearing to consider the proposed text change at their October 3, 2019 meeting.

Motion by Kostrzewa, support by Rise, to set a public hearing to consider proposed text change TC-19-06 at the October 3, 2019 regular meeting.

Chair Hoenig asked about the proposal to permit no designated consumption establishments. Kain responded that that establishment is also one without an equivalent under the state medical marihuana facilities law. At this time the City Commission was not recommending permitting that establishment type.

Commissioner Friedrich noted that on page two the document contained references to medical marihuana facilities. Kain indicated that those errors would be corrected on the ordinance brought back for public hearing.

Commissioner Rise questioned why the establishments would be considered special uses rather than special regulated uses. Kain responded that the overall intent was to regulate consistent with the adopted regulations for medical marihuana facilities which are treated as special uses.

Chair Hoenig commented that she had served as a member of the City's ad hoc committee on medical marihuana. She further added that the committee determined medical marihuana facilities would be similar to a pharmacy because you would need a prescription to purchase the product and therefore determined that designating them as special regulated uses was excessive.

Kain commented that the principal distinction between special uses and special regulated uses is enhanced discretion to the Board in approving particular locations on the basis of surrounding land uses. He further commented that following the public hearing the Planning Commission could suggest to the City Commission that they consider classifying the establishments as special regulated uses.

Chair Hoenig called the question.

Motion approved unanimously.

**XI. Other:**

**A. Staff Report:**

1. **Administrative Review Report:** Kain reported that two site plans were approved administratively in August: One for 1504/1608 N. Fancher to expand the existing business onto an additional parcel and install perimeter screening; and one for 313 W. Michigan to install mechanical equipment at the rear of the building with a masonry screen for a new data center.
2. **October meeting:** Kain noted that we would likely be seeing two special use permits to allow alcohol sales at gas stations. In addition, we would be holding a public hearing on the adult-use marihuana establishments ordinance. Kain also noted that McKenna will be on site with a presentation on the Master Plan.
3. **Training:** Kain reported that the MAP conference would be taking place in Kalamazoo on September 25-27 and encouraged commissioners to attend. In addition, he noted that there will be a Citizen Planner Program offered in Mt. Pleasant and encouraged commissioners to attend.

Commissioner Liesch commented that he attended the MAP conference in 2017 and found it very beneficial.

- B.** Commissioner Rise asked that consideration be given to discuss garage setbacks and owner-occupied duplexes at a future meeting or work session.

**XII. Adjournment**

Motion by Friedrich, support by Liesch, to adjourn.

Motion approved unanimously. Meeting adjourned at 9:05 p.m.

bam