

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
February 6, 2020**

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

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

Absent: Kostrzewa, Ortman

Staff: Kain, Murphy

**II. Approval of Agenda:**

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

Motion approved unanimously.

**III. Election of Officers:**

Kain reviewed the election procedures for electing officers.

Commissioner Friedrich nominated Commissioner Hoenig as Chair. There were no other nominations. Nominations were closed and there was a unanimous vote to elect Commissioner Hoenig as chair.

Kain turned the meeting over to Chair Hoenig.

Commissioner Friedrich nominated Commissioner Horgan for Vice-Chair. There were no other nominations. Nominations were closed and there was a unanimous vote to elect Commissioner Horgan as vice-chair.

**IV. Approval of Minutes:**

**A. January 9, 2020 Regular Meeting**

Motion by Rise, support by Liesch, to approve the minutes from the January 9, 2020 regular meeting as presented.

Motion approved unanimously.

**B. January 9, 2020 Work Session**

Motion by Dailey, support by Rise, to approve the minutes from the January 9, 2020 work session as presented.

Motion approved unanimously.

**V. Zoning Board of Appeals Report for January:**

Commissioner Friedrich reported that the Zoning Board of Appeals did not meet in January.

**VI. Communications:**

Kain reported that we received one communication from Doug LaBelle II which was included in packets.

**VII. Public Hearings:**

SUP-20-02 & SPR-20-02 – 1011 S. Washington

Kain introduced SUP-20-02 & SPR-20-02 submitted by Jacqueline Pelletier, with a request to increase the licensed occupancy of an existing rooming dwelling from 3 to 5 occupants.

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

Kain reported that the rooming dwelling use is allowed in the CD-4 district subject to a special use permit. Kain reviewed the special use permit criteria for rooming dwellings, noting that the proposal is consistent with these SUP conditions.

Kain provided some background on the property, noting that the Planning Commission considered an application in 2007 to permit 6 occupants. Under site conditions and City ordinances at that time the site qualified only for 3 occupants and was approved as such.

Kain reported that in September of 2019, the Fire Department received a complaint from a tenant of the subject property. Upon inspection the Fire Department determined the property had 5 occupants. Subsequently City staff has worked with the applicant to prepare the application under consideration to bring the occupancy into compliance. Kain noted that as part of the request, the site would be brought into compliance with current site standards.

Kain noted that currently the existing driveway encroaches onto the neighboring property; therefore, one of the recommendations from staff is that the applicant obtain an easement from the neighbor for the encroachment or remove it.

Kain reported that the proposal includes six existing parking spaces and the addition of bicycle parking and landscaping. The applicant is not proposing any modifications to the existing building.

Kain concluded his report recommending approval with several conditions as noted in the staff report.

Commissioner Friedrich asked if there was sufficient square footage to allow five occupants. Kain noted that there is. He further commented that since 2007 the requirement for ceiling height was reduced, which brings the subject property's finished basement into compliance.

Commissioner Rise asked if other properties that have been found to be over-occupied have been offered the same solutions. Kain responded that this one is somewhat unusual in that it was over-occupied but qualified for a special use permit for a higher occupancy. In most cases of over-occupancy, the property is already licensed at or beyond what would be allowed under current standards.

Connie Houk, representing the applicant, and Jacqueline Pelletier, applicant, addressed the Board offering to answer questions.

Commissioner Dailey asked how they could lease to five when the property was licensed for 3. Ms. Houk commented that at one time the property was licensed for 7, then reduced to 6, then 5.

Commissioner Irwin questioned why the applicant allowed five occupants when it was only approved for 3 and if the owner receives a certificate noting the allowed occupancy. Commissioner Irwin further questioned whether there were actually five on the lease.

Ms. Pelletier stated there were five on the lease and she felt this was all due to an oversight and based on conversations with someone who was previously on the Fire Department but was no longer working for the City. Ms. Pelletier also commented that the property is inspected every year and has passed those inspections each year.

Chair Hoenig asked if she was informed that the occupancy had been reduced to 3 following the 2007 meeting. Ms. Pelletier indicated that the occupancy is listed on the inspection sheet, however, reiterated that the property passed inspection each year. Kain noted that applicants to the Planning Commission receive a letter regarding the outcome of their application, which was true in this case as well. However, he noted that subsequent to that, the applicant had a conversation with the Fire Department, which apparently created some confusion. Kain also noted that the applicant has been working in good faith with staff to bring the site into compliance since the over-occupancy was brought to light.

Commissioner Irwin questioned how the applicant or landlord knows what the occupancy is supposed to be, and questioned how this got missed for so long. Kain explained the software used by the departments, which shows occupancy and classification for each rental. He further commented that the Fire Department inspects thousands of units each year and there are only so many reliable means to determine over-occupancy. He noted that the Fire Department brought this particular issue to our attention.

Vice-Chair Horgan asked what the tenant's complaint was that prompted this latest inspection. Ms. Pelletier responded that she wanted out of the lease.

Commissioner Rise asked if other communities have occupancy limits and questioned the definition of "family," noting that there are non-traditional family units. Kain noted that occupancy limits are common, especially in college communities. He noted the definition of "family" in our ordinance is very inclusive.

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

Commissioner Rise commented that she feels it is reasonable to assume if a home has six bedrooms that 6 tenants would be allowed and noted that our regulations can be confusing to new buyers.

Chair Hoenig commented that isn't relevant to this case as the applicant has owned the property for several years.

Motion by Dailey, support by Friedrich, to approve Special Use Permit 20-02 and Site Plan 20-02 subject to the following conditions:

1. The applicant shall obtain an easement for the existing driveway encroachment or work with the neighbor to remove the encroachment.
2. The applicant shall provide a code compliant landscape plan for all private landscaping, screens, and streetscaping.

3. The applicant shall provide details for the proposed bicycle parking which demonstrate compliance with City specifications.
4. The applicant shall provide a specification for screening of waste containers consistent with the requirements of the CD-4 district.
5. Comply with the requirements of the Divisions of Public Works and Public Safety.

Motion approved unanimously.

**VIII. Public Comments**

Chair Hoenig opened the floor for public comments.

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

**IX. Site Plan Reviews:**

None

**X. Unfinished Business:**

None

**XI. New Business:**

**A. Recommend a Planning Commission Representative to the Zoning Board of Appeals:**

Kain reported that each year the Planning Commission recommends a member to serve as a crossover member to the Zoning Board of Appeals (ZBA). Kain noted that the City Commission will receive the recommendation and make the appointment.

Motion by Dailey, support by Horgan, to nominate Commissioner Friedrich to serve as crossover member to the Zoning Board of Appeals. There were no other nominations. Nominations were closed and there was a unanimous vote to recommend that the City Commission appoint Commissioner Friedrich as crossover member to the ZBA.

**B. Joint Meeting:**

Kain noted that each year, the Planning Commission traditionally holds a joint meeting with the City Commission to discuss the annual report, goals for the year, and other topics of interest. It is recommended that the joint meeting be set for Thursday, April 9, 2020 at 6 p.m. in the City Hall Commission Chambers.

Motion by Liesch, support by Friedrich, to set a joint meeting with the City Commission on Thursday, April 9, 2020 at 6:00 p.m. in the City Hall Commission Chambers.

Motion approved unanimously.

**C. Follow-up to January 9, 2020 Work Session:**

Kain referred to the Work Session held on January 9, 2020 that was in response to a request by Joe Olivieri and Doug LaBelle II to meet with the Planning Commission and discuss the City's residential building standards. Kain stated he was looking for direction from the Planning Commission on whether they needed additional information as a result of that meeting, if they would like to provide direction on an amendment to the ordinance, or if they prefer to take no action at this time.

Commissioner Dailey clarified that if no action was taken at this time, they could still choose to revisit it later.

Commissioner Rise commented that she feels property owners should have the right to put things where they wish; however, she stated that under current setbacks having the garages in the front would not leave sufficient room for cars to park in the driveway.

Commissioner Liesch commented that he doesn't feel that there is a need to make any changes at this time, but would be willing to revisit it in a few years.

Vice Chair Horgan asked if there was any interest in looking at a compromise on the placement of the garage that would acknowledge Mr. Olivieri's comments but still respect the desired community outcomes that were identified during the process of creating the code. Commissioner Liesch responded that Building Official Brian Kench asked Mr. Olivieri and Mr. LaBelle at the work session if they could recommend a compromise solution and they had no answer.

Commissioner Irwin asked if it would be possible to get a list of changes that would have to be made to go back to the prior residential standards. Kain noted that garage orientation is integral to the form-based code and changing that would be more complicated than other prior amendments that the Planning Commission has recommended – such as to roof pitch requirements – since garage orientation impacts a variety of other standards.

Chair Hoenig commented that we would be defeating the whole purpose of a form-based code.

Commissioner Rise commented she would like to see evidence of houses being built in the next few months and if the permits drop then perhaps we should then look at making some changes. Commissioner Liesch responded that there are other things that come into play such as demographics. If the population isn't growing, then we can't expect a lot of new homes being built. A variety of variables, including labor and construction material costs, impact construction.

Kain noted that the vast majority of new homes being built in the last few years have been built by one builder who is currently not building single family homes in the city.

Commissioner Irwin asked how many buildable lots are available in the City. Kain noted that his analysis shows approximately 73 buildable lots, with several hundred acres of vacant land that could be platted for development in the future.

The Board consensus was to maintain the standards as they exist at this time. The Board requested that a work session be held in early 2021 to revisit the topic. Kain noted he would invite Mr. Kench to attend that discussion.

**D. 2050 Master Plan:**

Kain reported that the 100% draft of the proposed master plan draft is complete and available on the project website. In order to move the project forward, Planning Commission is being asked tonight to refer the plan to the City Commission for release. The City Commission is required by state law to release the plan to specified local and regional entities for a period of 63 days upon referral from the Planning Commission. Kain noted that this 63-day review period must precede any public hearings on the plan.

Kain reminded the Board that the City Commission approved a contract addendum with McKenna to provide for three public open houses. The schedule for these open houses is as follows:

Wednesday, March 25<sup>th</sup>, from 11:00 a.m. – 2:00 p.m. at the Rotunda Room on CMU campus.

Thursday, April 23<sup>rd</sup> from 11:00 a.m. – 2:00 p.m. at Cops & Donuts

Thursday, April 23<sup>rd</sup> from 5:00 p.m. – 8:00 p.m. in the City Hall Commission Chambers.

Kain noted the open houses will provide the public with an opportunity to see the results of last year's public process and interact with the consultant and staff. He further noted that the 100% draft plan is substantially the same as the 70% plan presented to the Planning Commission in October 2019.

Kain reported that following the 63-day review period and prior to adoption, a minimum of three public hearings would be required, one each before the Planning Commission, Parks & Recreation Commission, and City Commission.

Commissioner Rise expressed confusion on why they are voting on the plan before the public hearing process.

Kain explained that the requested action is to refer the plan to the City Commission so that they may release it to the public for the required 63-day review period.

Motion by Friedrich, support by Liesch, to refer the proposed master plan to the City Commission for their consideration and release for review and comment consistent with the requirements of the Michigan Planning Enabling Act.

Motion approved 6:1 with Rise voting nay.

## **XII. Other:**

### **A. Staff Report:**

**March Meeting:** Kain reported we would be seeing a Special Use Permit for a truck rental business. He further stated he would ask Assistant Fire Chief Doug Lobsinger to attend and talk about the Housing Licensing program.

## **XIII. Adjournment:**

Motion by Friedrich, support by Rise, to adjourn.

Motion approved unanimously. Meeting adjourned at 8:07 p.m.