

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
October 1, 2009**

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

Present: Brockman, English, Holtgreive, Jakeway (arrived late), Orlik (Chair), Robinette Smith (Vice Chair).

Absent: Ellertson, Lux.

Staff: Gray, Murphy.

II. Approval of Agenda:

Motion by Brockman, second by Holtgreive, to approve the agenda. Motion approved.

III. Approval of Minutes

A. September 3, 2009 Work Session.

Motion by Robinette, second by English, to approve the minutes of the September 3, 2009 Work Session. Motion approved.

B. September 3, 2009 Regular Meeting.

Motion by Smith, second by Brockman to approve the minutes from the September 3, 2009 regular meeting as written. Motion approved.

IV. Zoning Board of Appeals Report.

A. Monthly report for September.

In Commissioner Ellertson's absence, staff reported that the Zoning Board of Appeals was scheduled to hear three cases at their September meeting, all of which were postponed; one with a request for a revised site plan; and the other two at the applicants' requests due to only four Board members being in attendance.

V. Public Hearings:

Chairman Orlik explained the public hearing process and asked staff to introduce the first case.

A. Case #SUP-09-11 – Michelle Davis – 1510 Wexford – Special Use Permit to conduct a group day care home, licensed for the care of up to 12 children.

Staff presented details of the applicant's request based on the staff report dated September 24, 2009, noting the location of the request is on the corner of Wexford and Sweeney and is currently a vacant lot. The applicant plans to have a single-family home built on this lot and is seeking a Special Use Permit to operate a group daycare home from this location. Staff reminded the Planning Commission that they had previously approved a request from this applicant in May for property located at 1511 Abbey Lane. Due to the fact that the purchase of this property did not take place, the applicant confirmed that the Special Use Permit for 1511 Abbey Lane was no longer needed.

Staff reported that the State regulates and provides guidance for Daycares and the Planning Commission's jurisdiction is to assure that the Daycare operates and is designed in a way to be in

character with the rest of the neighborhood. Staff indicated that this request meets those requirements of the ordinance, however noted that the applicant's request also includes a 48 inch high chain link fence to enclose the play area. Because this is a corner lot, the fence will run along the Sweeney Street right-of-way. Per ordinance requirements, fencing along a side street that is taller than 36 inches, needs to be set back from the right-of-way; in this case a minimum of 10 feet. Staff suggested that if the Board chooses to approve the SUP request they may want to include a condition that the applicant either reduce the height of the fence or increase the setback, and may also wish to consider requiring a more decorative type of fencing to assure it is compatible with the surrounding neighborhood. Staff further stated that Special Use Permits for daycares are subject to annual inspections by the Building Official and Fire Marshall, and suggested the Board include that as a condition if they approve the request. There being no questions asked of staff by the Planning Commission, Chairman Orlik asked the applicant to come forward.

Michelle Davis, 1924 Churchill Boulevard, addressed the Board as applicant for the case. Ms. Davis reiterated that the home at 1510 Wexford has not yet been built. Ms. Davis indicated she had spoken with staff regarding the fencing and stated she is willing to do what the Board requires of her in that regard.

Commissioner Robinette asked if they were opposed to a 48" wood fence. Ms. Davis stated that the chain link option was what they had discussed with the developer, but indicated that the plan could be adjusted.

Chairman Orlik stated that because this is a new neighborhood, he sees some importance of having a more decorative fence rather than a chain link fence. Ms. Davis stated they had also considered vinyl fencing as an option, but were planning on making that decision once the house was built.

Chairman Orlik asked the applicant if she had a preference on whether the fence remained in the location shown on the site plan, but was reduced to 36" or if she would prefer moving the fence back to meet the 10' setback requirement and keep the fence at a height of 48". Ms. Davis indicated either option would be acceptable to her.

Commissioner English asked who makes the decision on what types of fences are acceptable for an area. Gray stated he was not sure if there was a neighborhood policy, but stated that the Planning Commission can impose conditions to assure a project is consistent with the surrounding neighborhood. Davis stated that the builder has built other homes in the area, some with chain link fences.

Commissioner Smith asked the applicant if there had been any changes in the number of children or hours of operation from her last request. Ms. Davis indicated there were not.

Chairman Orlik opened the public hearing.

Mark Ranzenberger, 1649 Chippewa Way, addressed the Board as a member of the surrounding neighborhoods. Mr. Ranzenberger stated that this is a diverse, friendly neighborhood, and feels this is an excellent location for a daycare and wholly supports the idea.

There being no one else who wished to speak, Chairman Orlik closed the public hearing and invited comments from the Planning Commission regarding SUP-09-11, on whether to allow a daycare operation for up to 12 children at this location.

Commissioner Smith commented to staff that he does not wish to get specific with fence requirements

and asked if staff would define what is acceptable as a more decorative option. Gray indicated that the example he used in the staff report, which referred to a picket fence, was just an option and that he would leave it up to the Board on whether they wished to place these conditions on the applicant.

Commissioner Robinette indicated that he would prefer something more decorative than chain link, but would be comfortable with staff recommendations. Commissioner Smith asked if Commissioner Robinette was referring to the entire fenced area or just the section along Sweeney. Commissioner Robinette indicated he would prefer the entire yard, but at the very least, the area along Sweeney.

Commissioner Jakeway stated he feels this is an unusual request as the home isn't even built yet and asked if the applicant would need to have a site plan approved. Gray indicated that because this is a single-family home, the applicant would not be required to go through Site Plan Review and the Board would be looking at the site plan the applicant had submitted with the SUP request when making their decision.

Motion by Smith, second by Jakeway to approve the request for SUP-09-11 from Michelle R. Davis for a group day care home licensed for up to 12 children at the property located at 1510 Wexford Drive. Approval based on the site plan received by the City on September 16, 2009 with the following conditions:

1. As required by Section 154.021 of the Zoning Ordinance, the proposed fencing along the Sweeney Street side street side of the property must be reduced to not more than 36-inches or setback from the right-of-way a minimum of 10 feet; the fence along Sweeney Street shall be decorative with a minimum of chain link elsewhere on the property; the applicant shall submit a revised plan indicating the change to staff for approval.
2. 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.
3. The applicant shall comply with DPS and DPW requirements.

Motion approved unanimously.

VI. Public Comments:

There were none.

VII. Site Plan Reviews:

- A. SPR-09-23 – 1501 S. Mission – Kirk Mosher - Site Plan Review to allow a 50-square foot addition to the existing Hot 'N' Now restaurant.

Staff presented details of the applicant's request based on the staff report dated September 24, 2009, noting that the applicant was proposing a small addition for cold storage to the Hot 'N' Now restaurant operation at 1501 S. Mission Street, on the southeast corner of Mission Street and Fairfield Drive. The addition is a part of the applicant's plan to re-brand the restaurant as "Oh-My Burgers and Fries." Staff indicated that most of the features are existing with no increase in parking demands and no other site plan changes. Staff stated the applicant would be looking to change out the signs, but this is something

that would be reviewed along with the building permit to assure the signage was within zoning ordinance regulations.

Staff reported that conversations had taken place with the applicant regarding concerns over the current driveway location, and although it is consistent with the access management plan for Mission Street, there is a concern over the proximity of the driveway on Fairfield to the Mission Street intersection. If a design is submitted, staff has agreed to take it to the Mission Street DDA to see if there is funding available under the Mission Street Access Management Plan to help defer the associated costs. Staff indicated the proposed site plan complies with the minimum standards of the ordinance. There being no questions asked of staff by the Planning Commission, Chairman Orlik asked the applicant to come forward.

Kirk Mosher, applicant, addressed the Board, stating that with the proposed conversion, they need more space inside for cold storage.

Chairman Orlik stated he feels the driveway access needs to be moved further to the east to gain safety and asked if the applicant would be willing to make that change. Mr. Mosher stated that moving the driveway would cost approximately \$30,000, and he does not feel he could afford to do that. He further indicated he has been at this location for more than 20 years and there has never been a problem there.

Chairman Orlik stated he feels the driveway access is too close to Mission Street and he would not feel good about supporting any addition to the building unless something was done to move the driveway.

Commissioner Smith stated that the proposed addition is basically just enclosing an existing area and does not feel this small of a project would justify the cost of moving the driveway access and would not want to put that stipulation on the approval.

Commissioner English clarified that the proposal only involves the 50 ft. cold storage area with no changes to traffic flow and also did not feel like it would be justifiable to put that requirement on the applicant.

Commissioner Brockman indicated he agreed that an approval should not be contingent on moving the driveway and he felt that the proposed addition would not increase the traffic.

Commissioner English suggested looking at this concern Mission-wide – not just for this project. Chairman Orlik stated that when projects come before the Planning Commission, that gives them an opportunity to make it better.

Discussion took place regarding access points onto Mission and a proposed grid network that would potentially extend Fairfield west to East Campus Drive, which would likely increase the traffic on Fairfield. Staff indicated that although this was a concern in relation to the driveway access for this site plan, staff was not recommending that the approval of this site plan be tied to moving the driveway.

Motion by Robinette, second by Holtgreive to approve SPR-09-23 to allow the construction of a 50-square foot addition at the property located at 1501 S. Mission Street, based on the drawings prepared by Pumford Construction for Oh-My Burgers & Fries (Design Number D090223) prepared on September 11, 2009, with the following condition:

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

Roll Call Vote: Ayes: Smith, Brockway, English, Holtgreive, Jakeway, Robinette. Nays: Orlik

Motion Carried 6:1.

VIII. Unfinished Business:

None

IX. New Business:

None

X. Other Business:

A. Staff Reports.

1. November Planning Commission meeting – Anticipated agenda items. Staff reported that there were no applications received thus far, however, the deadline for submittal is not until October 12.
2. Mission Street Design Update: MDOT – The City Commission was presented with MDOT’s final plan for Mission Street at their September 28, 2009 meeting. During this meeting staff shared concerns from the Stakeholders with the Commissioners. After much discussion on the design, and after hearing the concerns from the business community, MDOT indicated they would be willing to take a look at tweaking the design. They also suggested “flipping” the order of the projects and start working on the Mission/Bluegrass intersection first, allowing more time for design considerations on the Mission/Broomfield intersection. The City Commission ultimately postponed making any decision until the October 12 meeting. Staff will work with MDOT until that time.

Chairman Orlik asked about MDOT’s willingness to “tweak” the design when it was presented as their “final” design. Staff stated that MDOT had indicated that this was an all or nothing design, which is how it had been presented right up until the City Commission meeting.

Commissioner Brockman questioned what other communities were doing and if MDOT has conducted any studies to show that this type of design does not negatively impact businesses. Staff indicated they have used this design in other areas; however they have been generally more suburban type areas. Chairman Orlik asked staff to clarify urban vs. suburban for the listening audience. Staff stated that with the Mission Street Overlay design that has been in the works and encourages an urban design, buildings are brought closer to the streets, are generally taller and have mixed uses, with parking mainly in the rear, and are designed to make for more pedestrian-friendly communities. Suburban designs generally include more large parking lots with buildings set back.

Commissioner Brockman questioned whether MDOT could go ahead and do this project even if the City isn’t in favor, since they actually own the street. Staff indicated that the city would be responsible for matching a certain amount of dollars, \$38,000 in this instance. MDOT has indicated they would not proceed if they do not have the City’s support.

B. Correspondence

1. Union Township Master Plan – Staff stated that Union Township sent the City a memo (included in

Board packets) stating a new Master Plan for the township is underway. Staff stated he had already responded that we would be interested in receiving a draft plan once it is developed.

X. Adjournment:

Motion by Brockman, second by English to adjourn. Motion approved. Meeting adjourned at 7:41 p.m.

BAM