

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
September 3, 2009**

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

Present: Brockman, Ellertson, English, Jakeway, Lux, Orlik (Chair), Robinette Smith (Vice Chair).

Absent: Holtgreive (excused).

Staff: Gray, Murphy.

II. Approval of Agenda:

Chairman Orlik requested Item VII. D, SPR-09-22, be moved up on the agenda to VII. A as it relates to Item V.A., SUP-09-10, on the agenda.

Motion by Brockman, second by Ellertson, to approve the agenda with the requested change. Motion approved.

III. Approval of Minutes

A. August 6, 2009 Regular Meeting.

Motion by Brockman, second by Smith, to approve the minutes of the August 6, 2009 regular meeting. Motion approved.

IV. Zoning Board of Appeals Report.

A. Monthly report for August.

Commissioner Ellertson reported that the Zoning Board of Appeals heard two cases at their August meeting.

Case #ZBA 07-2009, submitted by D & D Real Estate, was a request for a front setback to allow a small addition on the former Isabella Community Credit Union building for the purpose of a drive-through establishment. Ordinance requires 75 feet for drive-through food establishments, to allow for stacking of vehicles. In this case, the stacking would back up to Michigan Street, rather than Mission. Based on this, the Board granted the variance as requested, however, stipulated that the applicant install additional trash receptacles at each corner of the property. This was to offset any additional litter that may be associated with more pedestrian traffic as the addition will also include a walk-up window.

Case #ZBA 05-2009, submitted by Metro PCS, was a request for a setback variance to allow the installation of a cell tower in the northwest corner of Chipp-A-Waters Park. Commissioner Ellertson provided some background on this case, explaining that the City Commission was asked to re-zone a 10 acre portion of park land from R-Residential to A-Agricultural to allow for the pole. After hearing concerns from the Girl Scout organization that has a camp located in this corner of the park, the City Commission postponed action, asking that alternate locations for the tower be considered. The case was brought back to the City Commission, with two alternate sites identified. The City Commission felt that the alternate sites were less intrusive and granted a conditional rezoning for alternate site 2, contingent on the applicant receiving a setback variance from the ZBA. They additionally reduced the area to be rezoned from 10 acres to approximately 1 acre. The ZBA approved the setback variance request based on the changes in technology, making the poles more fail-proof and with a fall zone within a 50' radius. The board also acknowledged the effort to minimize the impact on park activities. The Board did place a stipulation on their approval that strobe lights be prohibited and the applicant is to

include additional plantings to include two rows of trees at least six feet in height along the north and west property lines. The species and spacing is to be coordinated with the Director of Parks and Recreation and the Planning Commission.

V. Public Hearings:

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

- A. Case #SUP-09-10 – D & D Real Estate Investments LLC – 200, 202, 210, and 222 S. Mission – Request for a Special Use Permit to allow a food service drive-through in conjunction with a building addition on the south side of the building.

Staff presented details of the applicant's request based on the staff report dated August 24, 2009, noting that Biggby Coffee currently occupies the northern half of the building. The applicant is proposing an addition, which would accommodate a separate drive-through window for a future tenant. The addition would also include a walk-up window to be located on the front side of the building. Staff explained that the site plan shows an additional free-standing building on the site, which is planned as a future improvement and not subject for review at this time. Staff noted that the addition is subject to both a Special Use Permit and site plan review. Staff further noted that although there is a requirement for a masonry wall adjacent to abutting properties, in staff's view, it is not required in this case as the drive-through will not change traffic patterns or activity that has previously occurred on this site when it was used for the Isabella Community Credit Union drive-through. With the setback variance granted by the Zoning Board of Appeals at their August 26 meeting, the project complies with the remaining requirements of the Zoning Ordinance for a Special Use Permit.

Chairman Orlik asked the Planning Commission for questions of staff. There being none, Chairman Orlik asked the applicant to address the project before the Planning Commission. Tim Lapham, Engineer for the project, and Dave Lapham, part owner of the property, addressed the Board. Tim Lapham stated that although the next phase of the proposed development is not on tonight's agenda, they would appreciate the Board's input. Dave Lapham addressed the Board regarding the request before the Board tonight, noting that the south wall, which is currently cinder block, will be significantly improved with brick façade. The addition will also be angled at the front southeast corner to allow for better traffic flow. Mr. Lapham also noted that the project is designed to encourage pedestrian traffic.

Commissioner English requested more detail on the future plans for the north end.

Tim Lapham explained that the proposed building would have similar architectural details, such as arched windows and doors. The building would also have a brick façade but would be shorter due to the closeness to the road.

Dave Lapham further explained they would be seeking a tenant such as a flower shop/bookstore, or small office that would not require a drive-through window. The building would be designed for a stand alone business.

Chairman Orlik opened the public hearing. There being no one who wished to speak, Chairman Orlik closed the public hearing and invited comments from the Planning Commission regarding SUP-09-10, on whether to allow a food service drive-through.

Commissioner Smith asked if the masonry wall on the south side was a requirement for the SUP. Gray stated it was staff's recommendation that it wasn't necessary.

Motion by Smith, second by Lux to approve Special Use Permit (SUP-09-10) from D & D Real Estate Investments for property located at 200, 202, 210 & 222 S. Mission Street to allow construction of a drive-through with the following condition:

1. The applicant shall comply with all site plan review requirements.

Motion approved unanimously.

VI. Public Comments:

There were none.

VII. Site Plan Reviews:

- A. SPR-09-22 – 200, 202, 210, and 222 S. Mission Street – D & D Investments. Site Plan review to construct a building addition to create a more viable tenant space on the south end of the building.

Staff noted a clarification in regards to the site plan and that the intended building sidewalk would extend past the walk-up window.

Motion by Smith, second by Lux to approve SPR-09-22 to allow construction of a drive through and an addition to the existing building located at 200, 202, 210 & 222 S. Mission Street based on the site plan drawings prepared by Lapham Associates, last revised on August 12, 2009 (Project Number P-070242) with the following conditions:

1. The sidewalk along the front of the building will be extended along the front of the building addition to provide service to the walk-up window.
2. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

Commissioner Robinette asked if the applicant would be required to provide a grease trap. Staff indicated this would be included in DPW requirements.

- B. SPR-09-18 – 214 S. Washington – Lois Breidenstein – 576 square foot parking area (3 spaces) off of alley.

Staff presented details of the applicant's request based on the staff report dated July 28, 2009, noting that the applicant is proposing using the first floor of the building for a cosmetology salon, with no business activity planned for the second floor. It was noted that the use does not require review by the Planning Commission. Because there is public parking located across the street, the applicant is not required to have on-site parking per the Zoning Ordinance, however, the applicant wishes to install hard-surfaced parking at the rear of the lot along the alley. The applicant will also be installing a privacy fence along the east side of the property. There being no questions asked of staff by the Planning Commission, Chairman Orlik asked the applicant to come forward.

Brent Curtiss, representing the applicant, addressed the Board. Curtiss explained that although there is public parking located across the street, they would like to keep those spaces available for patrons of the downtown businesses.

Commissioner Smith stated he thinks it a great idea to help the downtown parking situation.

Motion by Robinette, second by English, to approve SPR-09-18 to allow the installation of a parking area and privacy fencing at the property located at 214 S. Washington Street, based on the site plan prepared by Brent Curtiss for Lois Breidenstein dated July 7, 2009, with the following conditions:

1. The proposed parking spaces shall be striped and shall have a minimum width of 9-feet.

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

Motion approved unanimously.

- C. SPR-09-20 – 1403 W. High - Chipp-A-Waters Park – Site Plan Review to allow installation of a 140 foot monopole tower, cellular communication antennas, and equipment cabinets at the base of the tower.

Staff presented details of the applicant's request based on the staff report dated August 27, 2009. Staff provided the background on this case, stating that the initial request was for the rezoning of 10 acres in Chipp-A-Waters Park from R-Residential to A-Agricultural. The Planning Commission heard concerns from the Girl Scouts and citizens regarding the potential impact of the tower on the Girl Scout camp. Zoning requirements, which would require the tower be placed a distance of 1 ½ times its height from property lines, would have placed the tower at the north end of the open field. The City Commission suggested alternative locations be identified that would be less intrusive and have less impact on the girl scouts. The first alternative location would involve cutting down trees. The second alternative location would place the tower the farthest west and farthest away from the Girl Scout camp. This location was approved by the City Commission contingent on the applicant receiving a set-back variance from the Zoning Board of Appeals. The ZBA approved the request with the stipulation that strobe lights be prohibited and the applicant is to include additional plantings to include two rows of trees at least six feet in height along the north and west property lines, species and spacing to be determined by the Director of Parks and Recreation and the Planning Commission. Staff stated that the applicant furnished a new site plan showing the additional plantings. This was distributed to Commissioners just prior to the meeting.

Chairman Orlik asked when the revised site plan was submitted. Staff stated it was submitted August 31, 2009. Staff further indicated the site plan shows the transformer and additional electrical equipment located outside of the fenced in area. Additional plantings will help screen this equipment.

Commissioner Lux asked for clarification on the draft ZBA minutes that indicated there would be space available for other communication providers and whether that meant additional towers. Staff stated the space would be available on the same tower. Metro PCS will build the tower, which will be deeded to the City upon completion. In return the city will allow Metro PCS to occupy the tower for a period of time rent-free. Other providers would pay rent immediately.

Commissioner Brockman asked if the concerns from the public about the proximity to the Girl Scout camp were for safety reasons in the event the tower were to collapse. Staff indicated that it was more that they want to keep the kids away from the tower and were opposed to the appearance itself.

Commissioner English clarified for the public that the decision to allow the cell tower has already been made by the City Commission, and the Planning Commission would just be looking at the site plan. Commissioner English asked staff to address the statement made by one of the Zoning Board members that this would not open up the floodgates for other cell towers and why this was a unique location.

Staff explained that the City Commission reduced the area to re-zone down from 10 acres to approx. 1 acre, which will only allow one tower. In addition, the location butts up to Union Township, with industrial buildings right next door.

Commissioner English asked if other towers were proposed, then they would have to go through the same process. Staff acknowledged that was correct.

Commissioner Lux expressed concerns that the floodgates were already opened; that she never foresaw this coming and what was to prevent it happening again. Staff indicated that the City Commission is committed to not allowing this in other areas of Chipp-A-Waters Park, and reiterated that they reduced the area rezoned significantly to make this clear.

Thelma Garrett, Haley Law Firm, approached the podium as representative for Metro PCS. Garrett explained that this was a 140 ft. monopole, with room for three additional carriers. The leased area is 60' x 40'; the fence will be 30' x 20'. As additional carriers are added, the fence would be expanded. Garrett noted that the height of the fence would be 10' to help screen the base of the tower, with additional landscaping as stipulated by the Zoning Board of Appeals. Garrett indicated conversation had taken place with the Parks Director, who indicated he would look at the area and then give direction. Garrett stated she felt the City Commission picked a great spot as no trees will need to be removed and there is a large berm which further screens the tower from the Girl Scout camp.

Commissioner Ellertson requested clarification that these poles do not have guy-wires. Garrett stated there were no guy-wires; the monopole is supported by a foundation, 25 ft. deep.

Chairman Orlik asked how many more carriers could be placed on the pole. Garrett stated three additional carriers. If the city wished to have more than four total carriers on the pole, they would have to come back and make modifications to strengthen the pole. Chairman Orlik asked if it would change the footprint. Garrett indicated it would not.

Motion by Ellertson, second by Smith to approve SPR-09-20 for the property located at the northwest corner of Chipp-A-Waters Park, 1403 W. High Street, based on the revised site plan dated August 31, 2009, prepared by Christopher Wzancny and Assoc. Inc. for Metro PCS.

Roll Call Vote: Ayes: Orlik, Smith, Brockway, Ellertson, English, Jakeway, Robinette. Nays: Lux
Motion Carried 7:1.

D. SPR-09-21-602 Industrial Avenue – Roy's Magneto – Site Plan Review for the construction of a new 4,800 square foot building.

Staff presented details of the applicant's request based on the staff report dated August 27, 2009, noting that the applicant is proposing the construction of a new building to replace the building that was recently destroyed by fire, in order to resume business at this location. The applicant has chosen an architectural style consistent with other buildings in the area. Staff indicated the plan complies with zoning requirements, with the exception of sidewalks. Staff noted that this area is industrial in nature and does not generally serve a pedestrian base; therefore, the Planning Commission has the authority to grant a sidewalk waiver if they choose.

Commissioner Ellertson asked if the building would be in the same location. Gray indicated it would be the same location, but would be a bigger building, which will allow the applicant more inside storage. There being no further questions asked of staff by the Planning Commission, Chairman Orlik asked the applicant to come forward.

Michael Zingery, owner of Roy's Magneto, reiterated staff's report that a fire on June 2 destroyed his business. Zingery stated he has been working closely with the Planning Department to develop a building plan compatible with the surrounding area. Zingery noted that after completing a storm water survey through the Department of Public Works, it was requested that the west drive be omitted from the plan to allow better control of storm water drainage.

Commissioner Smith asked for clarification and if omitting the west drive would pose any problem. Gray indicated that it would not be a problem and would encourage the applicant to do so based on the survey results.

Chairman Orlik stated the Board would be ruling on two separate actions; whether or not to grant a sidewalk waiver, and whether to approve the site plan, and suggested the Board begin by addressing the sidewalk issue.

Motion by Robinette, second by Smith, that pursuant to the requirements of Section 154.022(B) of the Zoning Ordinance, the Planning Commission 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 principal activity route to a major activity center. Motion approved unanimously.

Motion by Lux, second by Ellertson, to approve SPR-09-21 for the construction of a 4,800 square foot industrial building on the property located at 602 Industrial Ave., based on the site plan dated August 3, 2009 prepared by JBS Contracting, Inc. for Roy's Magneto Service, with the modification that the west drive be closed off and with the following conditions:

1. Site lighting shall be full cutoff to comply with the requirements of Section 96.13 of the Code of Ordinances.
2. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

VIII. Unfinished Business:

Code of Ethics: Gray explained that the City Commission is reviewing material from the Michigan Municipal League regarding a community ethics policy, after which time they will consider whether to pursue a policy of its own that would apply to members of other City boards and commissions. Staff asked the Planning Commission to decide whether to pursue developing their own code or place this item on hold while the City Commission proceeds.

Chairman Orlik stated he feels it is more appropriate for our elected officials to develop this type of policy rather than appointed officials and that there is value in putting this on hold to let the City Commission proceed.

Motion by Brockman, second by Smith to postpone discussion until the City Commission makes their decision. Motion carried unanimously.

IX. New Business:

1. Michigan Chapter of the American Planning Association Conference: Gray reported that the Michigan Chapter of American Planning is bringing their conference to Mt. Pleasant this year. The conference will take place near the end of September/first part of October.

X. Other Business:

A. Staff Reports.

1. October Planning Commission meeting – Anticipated agenda items. Staff reported that there were no applications received thus far, however, the deadline for submittal is September 8 so there is still time.
2. Mission Street Design: MDOT. Chairman Orlik stated that the Planning Commission held a brief work session prior to the meeting to look at the proposed plan provided by the Michigan Department of Transportation (MDOT) for Mission Street. The City Commission will be reviewing this plan at their meeting on September 28.

Gray gave an overview of the plan, which features no left turns at the Mission/Broomfield and Mission/Bluegrass intersections. A boulevard would be constructed between and beyond the two

intersections. Gray stated that there is a copy of the plan in the Community Development office if anyone is interested in looking at it. The project would be funded by a safety grant fund source which requires indirect left turns.

Gray indicated that city staff has some concerns with the designs and asked for input from the Planning Commission.

Chairman Orlik reiterated that the City Commission would be looking extensively at this proposal at their September 28th meeting and reminded the Planning Commission that no motion was required on their part.

Commissioner Brockman asked if this proposal included just those two intersections. Staff indicated it did.

Commissioner Lux expressed concerns with the design, stating she does not feel it would be good for businesses along Mission Street. She further did not see any improvement aesthetically and expressed concerns with the safety of CMU students, feeling this would make it even more dangerous for them.

Commissioner Smith indicated he felt this would be a difficult decision. MDOT has proposed \$4.5 million to fix Mission Street; however, in his opinion, this is not the best design for our community. Although he indicated he was not opposed to the boulevard, he was not in favor of prohibiting left turns.

Commissioner English acknowledged the hard work and time that MDOT has put into this design, but also indicated that she did not feel this was the best design for Mt. Pleasant. Commissioner English expressed concerns that traffic would by-pass businesses along this stretch of Mission Street. She further stated she does not feel the design enhances the community vision of walkability and making Mission Street more pedestrian-friendly. She stated she would be opposed to making a motion to support this plan.

Commissioner Lux agreed that there was a lot of money being offered for this project and is a great opportunity for the city to receive funding; however, does not feel that this project is good for Mt. Pleasant and does not see it as a way to better our community.

Commissioner Brockman asked how the DDA Board felt about the plan.

Commissioner Smith stated the Mission Street DDA Board chose not to take any action.

Gray reminded commissioners that MDOT has presented the final plan as an "all or nothing" situation. The funding requires this design. Gray also acknowledged the hard work and time commitment by the MDOT staff who tried to work the concerns of our community into the design.

Commissioner English stated the trend is to make our community more livable/shop-able, etc. and that Mt. Pleasant is unique in that Mission Street is owned by MDOT.

Consensus of the Planning Commission was to take no action at this time and allow the City Commission to review the plan.

4. Housing Density Study: Gray reported that the department has been approached by a developer in the M2 zoning district who has asked the city to consider taking a similar approach in the student areas as they have taken with projects along Mission Street; (correlation was made to the project at Mission and Preston) where incentives are offered if a developer makes upgrades in regards to building materials/facades, etc. to encourage improving the appearance of new developments.

Gray indicated that staff would like to get some input from the Planning Commission and get a comfort level with their thoughts on this before proceeding too far with the developer. He further indicated that we aren't looking at ordinance changes; that we would be working with the Zoning Board of Appeals and the Planning Commission to get the desired designs.

Commissioner Smith stated that he sees value in regards to trade-offs such as allowing 1-2 additional occupants in exchange for getting a new building. Commissioner Brockman asked if the ZBA or PC would be involved in the decision making. Gray indicated it would generally be a two-part process, with the ZBA granting any required variances, and the PC looking at building design, etc.

Commissioner Ellertson indicated he would be interested in hearing more about this idea. Commissioner Robinette questioned whether we were talking about renovations of existing buildings or the demolition and rebuilding. Gray indicated it would be a combination of both. Consensus was that the Commission would be open to hearing proposals of this nature.

XI. Adjournment:

Motion by English, second by Robinette to adjourn. Motion approved. Meeting adjourned at 8:20 p.m.

BAM