

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
October 7, 2010**

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

Present: Brockman, Holtgreive, Kostrzewa, Lux, Orlik (Chair), Rautanen, Robinette, Smith (Vice-Chair).

Absent: None (One vacancy).

Staff: Gray, Murphy.

- II.** Approval of Agenda:

Motion by Kostrzewa, support by Holtgreive to approve the agenda. Motion approved.

- III.** Approval of Minutes

- A.** August 5, 2010 regular meeting.

Motion by Holtgreive, support by Kostrzewa to approve the minutes from the August 5, 2010 regular meeting as written.

Motion approved.

- IV.** Zoning Board of Appeals Report.

Commissioner Brockman reported that the ZBA heard two cases in September. The first case was a request to reduce the 6.5 foot side yard required to allow an addition to be constructed. The applicant had started construction without first obtaining a permit or approval and the addition encroached on the side yard. The Board denied the request as they did not feel there was sufficient hardship to base an approval on.

The second case was a request to allow construction of a rooming/boarding dwelling for a Registered Student Organization abutting residentially zoned property. The Board ruled in the applicants favor based on the uniqueness of the situation as the residential property is a CMU parking lot and highly unlikely to ever be used for single-family homes.

- V. Public Hearings:**

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

**A. ZC-10-04 – 313, 317 & 401 E. Gaylord.** Request to conditionally re-zone properties from R-3 to M-2.

Staff explained that this request involves three parcels. Currently one of the parcels is vacant and the other parcels are single family rentals. The properties border M-2 zoning to the west and south and R-3 zoning to the east and north. Staff stated that the properties are designated for Urban Residential use on the Future Land Map of the Master Plan. Staff explained that the Conditional Rezoning tool allows the applicant to offer conditions to be tied to the property to be re-zoned. Staff stated that the applicant has proposed a new rooming dwelling for up to 6 occupants on the vacant parcel (313 E. Gaylord), the middle parcel (317 E. Gaylord) will remain unchanged as a single-family rental unit, and an addition would be constructed at 401 E. Gaylord with an increase in occupancy from 3 to 5. If the re-zoning is approved, staff stated that the applicant would need to receive final review and approval through the Special Use and Site Plan review process.

Staff reviewed the conditions offered by the applicant as follows:

- The applicant has committed to the maximum occupancy of the three houses.
- Properties will be managed by a “Real Estate Professional” with services provided by the owner or agent. If services are by the owner, then that individual shall reside within the City. If by an agent, then the business office shall be in the City.
- Lease provisions shall limit the visitors to no more than 10 at one time with no violation of City noise ordinances; there shall be no exterior drinking or table games; there will be no pets on the premises; lessees will agree in writing to be responsible members of the neighborhood/community.
- The developer agrees to abide by zoning and housing code requirements.
- Offer that if any one property is cited for more than 3 violations of the Agreement or of the housing and licensing code within a 12 month period, the Conditional Rezoning will be suspended for a period of one year.
- Allowing for the reversion of the property to its R-3 zoning if the properties cease to be licensed for a period of one year.
- Affirming that the lessor will provide refuse containers and screening of the same.
- Agreeing to provide one hard surfaced parking space for each tenant prior to issuance of a Certificate of Occupancy.

Staff reported that the Agreement has been referred to the City Attorney for review. Staff further stated that 42’ of the lot to the east will remain vacant and a 6 ft. fence is shown on the site plan running along the north and east lot lines at 401 E. Gaylord.

Staff provided a map of current rental housing licenses in the vicinity of the site. It was noted that few owner occupied homes remain in the area zoned for M-2, Multiple Family Residential. In addition, several properties zoned for R-3, Residential have rental licenses. The data suggests that properties in the R-3 district that are encouraged for single family use are affected by the location of the boundary between M-2 and R-3. Staff suggested that the Commission may want to consider whether the conditions offered by the applicant are

sufficient to mitigate impacts on nearby R-3 zoned properties.

Staff referred the Board to the correspondences received today regarding the request: One in opposition and two in support.

Jeff Jakeway, 625 E. Cherry, applicant and owner of the properties, addressed the Board. Mr. Jakeway stated that he plans on leaving a buffer of 42 ft. along the east of the properties to create a natural boundary. Mr. Jakeway commented that these properties are not desirable to single families and that they were on the market for quite some time prior to him purchasing them. He further commented that the line was likely drawn when the homes were occupied by single families, who have since moved on. Mr. Jakeway further stated that 401 E. Gaylord has had many code enforcement issues in the past prior to his owning it and indicated that since he has taken possession, the code enforcement complaints have been drastically reduced.

Mr. Jakeway stated he has a letter of support from one of the few owner occupied properties in the area and has spoken with another who indicated they love living in the area. Mr. Jakeway stated he is hoping to take an idle, inefficient piece of property and do something positive with it, further commenting that if he can't develop it he will need to get rid of it.

Chairman Orlik and Commissioner Kostrzewa asked Mr. Jakeway for clarification on the cash flow information he had submitted.

Commissioner Kostrzewa asked for clarification on the parking and occupancy. Mr. Jakeway stated the parking would be in back with drives off Gaylord. He stated that currently each home has two occupants. Mr. Jakeway stated that there is enough land area to have 27 occupants, but he is proposing 13; 5 at 401 E. Gaylord, 2 at 317 E. Gaylord and 6 at 313 E. Gaylord. Commissioner Kostrzewa commented that this is a significant increase from what is currently there.

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

Board discussion:

Commissioner Brockman questioned whether the line separating the M-2 and R-3 zoning on the Future Use Land map zigzagged to include properties that were already rentals and questioned how the line would run if the Master Plan was developed now. Staff commented that there does appear to be some affect beyond the line and questioned if the line were shifted, whether the affect would spill farther. He noted that the data provided reflects current conditions and noted that staff would be glad to gather additional data, if desired.

Chairman Orlik commented that he is concerned with changing boundaries and pushing the M-2 into R-3 and commented on the substantial change in occupancy on these properties if the re-zoning is approved. He further commented that with increased density, there will be an increase in traffic as well.

Commissioner Smith stated it appears that the zoning has already moved that way and with the Conditional rezoning tool, it allows some control. He further commented that he likes the parking behind the houses and the buffer offered with the vacant property and proposed fence. Commissioner Smith commented that it would be nice to see single-family residences, but without some type of improvements to the properties, the conditions will only get worse.

Commissioner Robinette stated he also feels the conditional rezoning tool alleviates some of the concerns with traditional rezoning and that the new development would dress up the area.

Commissioner Lux expressed concern over encroaching further into the R-3 zoning areas and questioned whether doing so would result in the abutting R-3 properties also becoming vacant.

Chairman Orlik stated he feels we need to provide some certainty to people that when they look at the Master Plan, they can have some assurances that we will hold the line.

Commissioner Kostrzewa questioned whether this is a unique condition. Staff commented that it is unique in the fact that we haven't had this type of request – and conditional rezoning is a fairly new tool. He further commented that some of the conditions offered by the applicant were in response to concerns expressed by the Planning Commission in regards to Code Enforcement.

Staff also noted that the Planning Commission should evaluate whether the conditions offered by the applicant are sufficient to draw a firm line between M-2 and R-3. He noted, for instance that although parking in the rear would be preferred over parking in the front, the Commission may want to consider whether it, along with a wood fence, will encourage long term single family residential use on the neighboring properties.

Commissioner Kostrzewa questioned whether we could require the properties to revert back to R-3 if they do not meet their conditions. He also commented that Mr. Jakeway has a history of keeping up his properties and if we approve a re-zoning we will get a good development.

Chairman Orlik clarified that any re-zoning runs with the property and that any future owners are bound to the conditions.

Mr. Jakeway commented that the conditions they have offered are no different than what he does with his properties now. He has a full time maintenance person on staff that closely monitors the properties and responds to any problems.

Motion by Brockman, support by Robinette to recommend that the City Commission approve the request to conditionally re-zone the properties at 313 E. Gaylord, 317 E. Gaylord, and 401 E. Gaylord from R-3 single-family to M-2 multi-family with the proposed conditions as offered by the applicant.

Ayes: Smith, Brockman, Holtgreive, Kostrzewa, Rautanen, Robinette. Nays: Lux, Orlik.  
Motion carried 6:2.

**B. SUP-10-06 – 1400 S. Washington** – Request for a Special Use Permit to construct a Registered Student Organization dwelling with eight occupants.

Staff explained that he would be presenting information for SPR-10-16, along with this case as they coincide. The same will go for the next two cases as well as they also have Site Plan Reviews and Special Use Permits.

Staff reminded the Commission that this site recently went through a conditional rezoning to allow the construction of the Leadership Center. As the property abuts R-3 zoning, they were also required to go before the Zoning Board of Appeals and received a variance. Staff stated that the building and site comply with the requirements of the ordinance.

Charles Farnum, 1116 Glen, Director of the Wesley Foundation addressed the Board. He stated there have been no changes since he was last before the Board for the re-zoning request and offered to answer any questions.

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

Board Discussion:

Motion by Smith, support by Lux, to approve the request for SUP-10-06 from the Wesley Foundation at Central Michigan University to construct a Registered Student Organization dwelling at the property located at 1400 S. Washington with the following conditions:

1. Occupancy of the dwelling shall be limited to not more than 8 people.
2. The applicant shall comply with all site plan review requirements.
3. The applicant shall comply with the applicable requirements of the Housing Licensing Code and the Division of Public Safety.
4. The applicant shall comply with the terms and conditions of the Conditional Rezoning Agreement that governs the subject property.

Motion approved unanimously.

**C. SUP-10-07 – 1116, 1202 E. Pickard and 802 N. Brown.** Request for a Special Use Permit to allow construction of Belle Tire Store.

Staff reported on the request for SUP-10-07 and SPR-10-17, stating that this site also recently went through a conditional rezoning for the south 60 ft. of 802 N. Brown from R-3 to C-3. Staff reported that the site plan and drawings are essentially the same as presented earlier. Staff further reported that the applicant has offered several solutions to address noise concerns expressed by the Commission as follows and staff suggested the Board may wish to include them with their recommendation:

- All of the tire service bays are oriented toward Brown Street and the commercial and office uses that are west of the property.
- The southern service bays are used exclusively for vehicle alignments and no pneumatic tools are used there.
- Interior walls are used to prevent sound from travelling through the building from the tire service bays.
- Bay doors would be open when weather permits. There would be no exterior audio devices, outdoor music, etc.
- All vehicles are driven into the service bays by Belle Tire employees; Belle Tire does not honk vehicle horns prior to opening service bays.
- Belle Tire only services passenger cars and trucks; there is no servicing of large commercial vehicles.
- Deliveries would occur using larger trucks and would occur during the hours of operation; the only activity on site outside of the hours of operation would be lawn mowing and property maintenance.
- The proposed building has been oriented to the north of the property keeping it more than 85 feet away from the residence to the south.
- The applicant offered at the public hearing to extend the 6-foot high brick masonry wall planned along the south property line along the east property line to limit any impacts on properties to the southeast.

Staff stated that the setbacks comply with ordinance requirements and that the three parcels will be combined into one. The site plan shows more than adequate parking and additional landscaping has been included. Staff also reported that the site will share a drive with the property to the east off Pickard. Sidewalks are already in place and they will be thickened at the driveway approaches.

Christopher Enright, applicant, addressed the Board.

Chairman Orlik asked for information on the Noise Study referred to in their application. Mr. Enright distributed copies to the Board and explained that they had tested 4-5 areas on the site along Pickard, gauging the existing noise levels from traffic, etc. They then tested the sound from a building/operation similar to what they were proposing. The noise levels tested at the similar operation were very close to what already exists on the Pickard site.

Commissioner Robinette asked for clarification on the hours of operation. Mr. Enright indicated the hours of operation were spelled out in the Conditional Rezoning Agreement.

Commissioner Lux asked for assurance that there would be no drop-offs/pick-ups etc. after the regular hours of operation. Mr. Enright assured her these activities would only take place during operational hours. Commissioner Lux also asked if the wall shown is what they are proposing, i.e., bricks. Mr. Enright stated that the pictures shown were examples and assured the Board that the proposed wall would be constructed of bricks to match the building.

Chairman Orlik opened the Public Hearing.

Mike and Stephanie Spiris, 710 N. Brown, addressed the Board. They indicated they would prefer the proposed wall to be 8 ft. high rather than 6 ft. Commissioner Lux asked if they had been approached by the applicant regarding the project. Mr. Spiris indicated that the applicant had talked with his wife, Stephanie, however, he was not present during the conversation.

Commissioner Lux asked Mr. & Mrs. Spiris if they were okay with the wall being placed on the property line. They stated they were. It was further clarified that the maintenance of the wall would be the applicant's responsibility.

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

Board Discussion:

Discussion took place on the proposed masonry wall, including whether an 8 ft. wall had ever been constructed. Commissioner Lux stated there was one incidence where there was an 8 ft. screening wall, and stated that the Board needs to look at this as it is a request from a neighboring resident and the reason we have the Public Hearing is to get community input. It was suggested by Commissioner Brockman that the residents had the opportunity to speak at the first Public Hearing for the re-zoning request. Staff assured the Board that the concern is not being dismissed; however, per ordinance, the applicant is only required to put in a 6 ft. fence.

Commissioner Smith commented that the developer has been very accommodating and has worked with staff on the site design.

Commissioner Rautanen commented that currently there is no fence at all to help with the noise from Pickard and further commented that the 6 ft. fence would be a significant help in that regards.

Commissioner Holtgreive suggested requiring a 7 ft. fence. Chairman Orlik questioned whether that was within the Board's right. Staff stated that this may be a separate discussion and the Board may wish to look at the Ordinance and if the ordinance is not working, then the Board may amend it. He further stated that the 6 foot height requirement is intended to match the typical height of a residential fence.

Chairman Orlik reiterated that the Board needs to determine if a tire store is a viable use.

Motion by Rautanen, support by Brockman to approve the request for SUP-10-07 from Christopher Enright Architects on behalf of Barnes Development for property located at 1116 and 1202 E. Pickard and 802 N. Brown to allow construction of a Belle Tire Store with the following conditions:

1. The approval shall be effective upon the effective date of the conditional rezoning of the property.
2. The applicant shall comply with all site plan review requirements.
3. The applicant shall comply with the conditions of Section 154.067(C)(2) of the Zoning Ordinance and the Conditional Rezoning Agreement for the subject property.
4. The property shall be operated as represented by the applicant, and as summarized in the staff report, with regard to the management of noise.

Motion approved unanimously. Commissioner Holtgreive approved, commenting that he prefers a 7' fence.

**D. SUP-10-08 915 S. Main** - Request for a Special Use Permit to allow razing of existing building and construction of a Rooming/Boarding dwelling for up to 8 occupants.

Staff reported on both SUP-10-08 and SPR-10-18, stating that the site is currently licensed for up to three occupants. The applicant has proposed razing the existing structure and building a new dwelling for up to eight occupants. Staff stated that the site complies with the ordinance and no variances were required. Staff stated that there is currently no sidewalk along the Gaylord side of the property and the applicant has included that in the plans. Staff commented that the applicant has worked with staff and was open to staff suggestions and has adjusted the drawings accordingly.

Brandon LaBelle, 405 S. Mission, addressed the Board as applicant for the case. Chairman Orlik asked Mr. LaBelle when he acquired the property, commenting on the numerous code violations. Mr. LaBelle stated the just recently purchased the property, in August of 2010, and further stated that they have strict rules and regulations in their lease agreements and conduct daily patrols of their properties. He stated the current renters will be there through Mid-May.

Chairman Orlik commented that the occupancy will increase from 3 to 8, and clarified that the applicant is proposing one building.

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

Board Discussion:

Motion by Lux, support by Rautanen to approve the request for SUP-10-08 from Rentwood Management, LLC to demolish the existing structure and construct a rooming dwelling at the property located at 915 S. Main with the following conditions:

1. Occupancy of ~~each~~ the building shall be limited to not more than 8 people.



2. The applicant shall comply with all site plan review requirements.
3. The applicant shall comply with all requirements of the Housing Licensing Code.

Motion approved unanimously.

## **VI. Public Comments:**

Chairman Orlik opened the floor for public comments.

Jeff Jakeway, 625 E. Cherry addressed the Board, asking if any progress had been made in regards to stricter Code Enforcement. Mr. Jakeway commented on the number of violations at various properties, and indicated he would be willing to sit down with the Board and discuss ways to get more teeth into the code enforcement program, and get some positive movement in this direction.

Chairman Orlik commented that the Code Enforcement department has recently had a reduction in personnel. Staff stated that the Board would be addressing this issue in their 2011 Goals. Commissioner Kostrzewa asked when the 2011 Calendar would be set. Staff stated the Board generally does that at their February meeting. Staff noted that they have been working with the City Attorney and conversing with land lords to be in a position to address the issue early in 2011.

There being no one else who wished to address the Board, the public comments session was closed.

## **VII. Site Plan Reviews:**

- A. SPR-10-16 – 1400 S. Washington.** Site Plan Review to construct a Registered Student Organization dwelling with eight occupants.

Jon Jensen, architect for project, addressed the Board to answer any questions.

Motion by Rautanen, support by Robinette to approve SPR-10-16 from the Wesley Foundation at Central Michigan University to construct a Registered Student Organization dwelling on the property at 1400 S. Washington, based on the site plan and the building elevation prepared by J.Jen for the Wesley Leadership Residence with the following conditions:

1. The building design shall be as shown in the elevation drawing.
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.

**B. SPR-10-17 - Site Plan Review to construct a Belle Tire store.**

Christopher Enright, applicant, addressed the Board, stating that the first thing they did when planning this project is to meet with the neighbors. He reminded the Board that economics was not a factor in regards to the fence; in fact, in response to neighbors' concerns, they added an entire length of wall. Mr. Enright commented that generally a 6 ft. wall is the accepted height for acting as a buffer for noise and light and an 8 ft. wall is rarely if ever constructed, as they appear too obtrusive. He further commented that the 6 ft. wall and building should help not only with noise and light, but should also help eliminate cut-through pedestrian traffic.

Motion by Kostrzewa, support by Brockman to approve SPR-10-17 to allow construction of a Belle Tire store on the property located at 1116 and 1202 E. Pickard and 802 N. Brown based on the site plan drawings prepared by Christopher Enright Architects for Barnes Development Company, LLC, dated September 9, 2010 (Project Number 10-240) with the following conditions:

1. The applicant shall file the appropriate documents to combine the parcels into a single parcel prior to occupancy of the building.
2. The site plan shall be revised to illustrate the curb radius connection to the adjoining parcel to the east; to reduce the width of the Brown Street driveway to no more than 30 feet; and to remove the screening wall from the sidewalk prior to issuance of a building permit.
3. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved 7:1, with Holtgreive voting no.

**C. SPR-10-17 – 915 S. Main - Site Plan Review construct a Rooming Boarding Dwelling licensed for eight occupants .**

Chairman Orlik commented that the applicant had worked with staff to make the proposed building look less like a dorm. Staff agreed, commenting that the original submission did not include architectural details such as the gables and the wrap-around porch, and further stated that the applicant took into account some of the historic features of homes along Main Street and worked with staff to incorporate some of these into the design features.

Motion by Kostrzewa, support by Lux to approve SPR-10-18 from Rentwood Management, LLC to construct a rooming dwelling on the property at 915 S. Main, based on the site plan and building elevations dated August 19 and August 26, 2010 (Job No. 100053), prepared by Lorenz Surveying and Engineering, Inc. for Rentwood Management, LLC:

1. The occupancy of ~~each~~ the building shall be limited to 8 individuals.

2. The building materials shall be those shown in the elevation renderings.
3. 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. New Business:**

Commissioner Lux requested that the Board re-visit the recent Taco Bell re-build at the next meeting, in particular, its proximity to the street. Discussion took place on the Mission Redevelopment Overlay Zoning and the goals it was designed to address, such as bringing buildings closer to the street to improve the city streetscape. Other discussion involved buildings at the North end of Mission that are close to the street, as a comparison to the new development.

#### **IX. Other**

- A. November Planning Commission Meeting:** Staff reported that the deadline for the November meeting is October 11. Nothing has been received at this time.
- B. Administrative Review – 1524 Portabella Trail – Tendercare of Mt. Pleasant.** Staff reported that with the Board’s approval, staff had conducted an administrative review of the service drive addition, which was approved. There was no change in the footprint of the building; information was included in Board packets.
- C. Staff Clarification of OS-1 Uses -** Staff referred the Board to the e-mail correspondence included in packets confirming the ordinance had been amended in 2007 to reflect the ZBA interpretation of allowed uses in the OS-1 district.

#### **X. Adjournment**

Motion by Robinette, support by Holtgreive to adjourn. Motion passed unanimously.

Meeting adjourned 8:52 p.m.

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