

**Mt. Pleasant Planning Commission
Minutes or Regular Meeting
July 7, 2011**

- I. Chairman Orlik called the meeting to order at 7:01 p.m.

Present: Brockman, Holtgreive, Kostrzewa, Lux, Orlik (Chair), Quast, Rautanen, Shellady, Smith (Vice-Chair)

Absent: None

Staff: Gray, Murphy.

II. Approval of Agenda:

Motion by Holtgreive, support by Rautanen to approve agenda.

Motion approved.

III. Minutes:

A. June 2, 2011 Regular Meeting

Motion by Rautanen, support by Brockman to approve the minutes from the June 2, 2011 regular meeting.

Motion approved.

B. June 2, 2011 Work Session

Motion by Quast, support by Brockman to approve minutes from the June 2, 2011, work session.

Motion approved.

IV. Zoning Board of Appeals Report:

Commissioner Brockman reported that the ZBA heard two cases in June. One of the cases appears on the Planning Commission agenda tonight for 510 W. Pickard. The applicant was requesting a setback variance, which was approved; however, there were several site plan questions and concerns from DPS/DPW that the applicant will need to address.

Commissioner Brockman also reported that a case that had been denied by the ZBA two months ago was back on the agenda. This case involved a deck that had been built within the required setbacks without prior approval. The contractor brought this case to the

ZBA in an attempt to get a variance however the request was denied. The owners, along with legal representation, brought the case back to the ZBA, which was again denied.

Commissioner Quast commented that she appreciates the ZBA asking questions regarding site plan issues prior to the cases coming to the Planning Commission.

V. Public Hearings:

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

A. ZC-11-01 – 560-616 W Pickard. Staff reported that the site is located on the North side of Pickard Street, east of the Ann Arbor Railroad. It is presently zoned I-1, with the exception of the Mt. Pleasant Brewing Company, which was conditionally rezoned to C-3 in 2009.

Staff reported that this request would conditionally rezone a portion of the property from I-1 to C-3. Staff explained that this request came about because it became apparent that many of the existing and recently proposed uses are more retail than industrial in nature. These uses might be described as heavy commercial, like Absolute Granite and Mr. Rooter. The uses tend to be more intensive than traditional Downtown or Mission Street businesses, but do not involve pure manufacturing or processing that would traditionally be found in an industrial district.

Staff reported that the original Conditional Rezoning Agreement was included in Board packets along with the agreement which was modified following attorney review. Staff reported that a final rezoning agreement was submitted prior to the meeting tonight, which has also been provided for the Board. The final agreement provides a list of uses, which is illustrative in nature and would permit heavy commercial uses to occupy the center. Staff commented that the agreement also allows for a suite by suite one time reversion back to I-1 zoning if a traditional industrial user were to be interested in occupying the property. However, a request for a reversion may not be considered until six months following the approval of the agreement.

Staff further reported that in evaluating the request, the Commission will want to consider whether the proposed uses will put this location in competition with other areas of the City zoned for commercial where vacancies exist. It appears that the proposed uses are consistent with what the market is supporting in this area and are uses that are not interested in being elsewhere in the city. Staff commented that if approved, the Board can anticipate a site plan review request as the owner is looking at demolishing the existing free-standing building and placing an addition on the front of the rear building.

Chairman Orlik questioned the reversion clause, commenting that we could conceivably have intermixed I-1 and C-3 uses within the same complex. Staff verified that could be the case, however, further commented that the proposed commercial uses would be “heavy commercial” and would not be consistent with those uses already in the center and with industrial uses. He further explained that in

the event that a reversion was requested, the owner would send us the information and a letter indicating they have found an industrial tenant interested in leasing the space. Staff would then make the determination on whether the conversion was warranted. Chairman Orlik commented for clarification that the list is illustrative and could include other uses than those listed. Staff concurred, however stated that any proposed use would need to be considered "heavy commercial."

Commissioner Kostrzewa asked about the suite size and if they could be combined. He further questioned whether there was currently a restaurant on the site. Staff clarified that the "tasting room" or restaurant portion of the brewery was permitted by conditional rezoning because it is a traditional ancillary use to the manufacture of beer. Restaurants are not proposed as a part of this agreement.

Commissioner Brockman questioned whether there was currently a medical marijuana business located there. Staff indicated there was; however, dispensaries are not authorized at this location under the current zoning, and would not be allowed if the rezoning is approved. The applicant has begun proceedings to remove the tenant.

Matthew Romashko, attorney representing the applicant, addressed the Board. Mr. Romashko commented that this site is unique in its design. He commented that although it has been marketed for Industrial uses, it has never obtained full occupancy. The owner has proposed using the property in a variety of ways. Mr. Romashko stated that the intent is not to interfere with other commercial sites; that is not the market they are looking for. The tenants are somewhat unique in that they don't fit with traditional commercial or industrial uses. Mr. Romashko stated the uses are more heavy commercial and commented that the illustrative list provides a good guideline. Mr. Romashko further commented that the one-time conversion clause was included to prevent a situation that the applicant would need to come back to the Planning Commission if an industrial use wanted to move in. He explained that this is only a one time opportunity. Mr. Romashko also suggested that there may be some merit in looking at development of a new zoning district.

Commissioner Smith asked for clarification on the conversion process. Mr. Romashko explained that if an Industrial tenant was interested in leasing space, the owner would provide the information to staff, who would make the determination if a conversion was warranted.

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

Motion by Lux, support by Rautanen to recommend that the City Commission approve conditional rezoning ZC-11-01 for a portion of the property located at 560-616 W. Pickard Street from I-1, Industrial to C-3, General Business, in accordance with the Conditional Rezoning Agreement offered by the applicant. Approval of the conditional rezoning is recommended on the following basis:

1. The proposed retail uses are heavy commercial in nature and consistent with the existing uses in the area.
2. The proposed heavy commercial uses are complementary to the existing and planned industrial character of the area.
3. The agreement authorizes future use of the property for traditional industrial users, in accordance with the Master Plan.

Chairman Orlik asked staff to explain the use of the Reversion Clause. Staff explained that once the C-3 zoning is in place, if the applicant has a tenant that is Industrial, they will provide the city with a letter. Staff will determine if the use is industrial in nature and will note the suite number for the file. The zoning map will be changed to illustrate the zoning change. Once the reversion is complete, the suite will stay I-1 unless it comes back to the Planning Commission and City Commission.

Chairman Orlik questioned if the zoning classification is independent of ownership. Staff indicated the Conditional Rezoning Agreement runs with the property and will be recorded on the deed.

Commissioner Brockman questioned the difference in setback requirements for each zoning district. Staff commented that the rationale for keeping the I-1 setbacks is to keep the site compatible with the surrounding industrial properties.

Chairman Orlik called the question.

Motion approved unanimously.

Chairman Orlik explained that the Planning Commission will pass on their initial recommendation to the City Commission who will then hold a public hearing and make the final determination.

- B. ZC-11-02 – 210 W Pickard.** Staff reported that this site is zoned I-1 and, similar to the previous request, the re-zoning request is for only a portion of the property. The area to be rezoned includes the office building that sits at the front of the property. Staff explained the request is to provide the opportunity for OmBodies Yoga Studio, which is currently located downtown, to move to this location and expand their business.

Staff reported that the proposed agreement would authorize only the uses specified, which would include a yoga studio/classroom, related retail and a tea room. Staff commented that the business owner also owns the property, which currently has no tenants.

Staff commented that this case is somewhat challenging as it involves a successful downtown business and it raises some concern in regards to rezoning additional property for commercial use when there are already vacancies in the existing commercial areas, including the Downtown and Mission Street. Staff has provided

no hard line recommendation and is looking for discussion and feedback from the Board.

Staff further commented that we have received an enormous response from current patrons of the business and clarified that the business relocation was not initiated by the City, but was the decision of the business owner. Staff also commented that if this rezoning request is denied, the City is willing to help the business find another location.

Chairman Orlik questioned the Tea Room use, commenting that unlike the previous request, the applicant is proposing a use that could be viable in other existing commercial areas of the City. Staff commented that this is the use the applicant has offered and noted that the list of uses is descriptive and limited only to those offered in this case.

Commissioner Smith questioned how long the applicant has owned the land. Commissioner Kostrzewa asked for a comparison of square footage from their current site and the proposed location. Commissioner Holtgrieve questioned whether the related retail space and Tea Room would be open to the public or if it would be strictly for class participants. Staff referred those questions to the applicant.

Tim Bebee, Central Michigan Surveying and Development, addressed the Board as representative for the applicant. Mr. Bebee commented that the site is unique based on the setup of the buildings. The office is set apart from the industrial uses, creating a distinct separation. Mr. Bebee compared this case to the previous case, commenting that the yoga studio is similar to the gymnasium; similar retail sales, and further commented the Tea Room and the Tasting room are also similar uses. Mr. Bebee commented that all cases coming before the Board need to stand on their own merit.

He stated that this property is owned by the Otterbines, who have their existing business located downtown. Their business has grown to a point that they are looking for a new location and with some remodeling could utilize their own building. Mr. Bebee further suggested that if they are not allowed to use a building that they already own, there is a potential that they could move their business out of the City to the Township. Mr. Bebee also commented that there was a clause included in the original agreement that was submitted that would limit the re-zoning to the current owners; however, it was taken out at the suggestion of the City Attorney.

Commissioner Lux asked if the goal was to allow their business to expand.

Heather Otterbine, owner of the property and business, spoke to the Board, indicating that they currently have a small retail space and would like to expand it.

Commissioner Lux commented that although there may be some worry about losing a downtown business, there is a potential that we could lose it either way. Staff again noted that staff is willing to work with the applicant to look for other options if the rezoning is not approved.

Commissioner Holtgrieve asked if it was the yoga class or retail portion of the business that would expand. Mrs. Otterbine responded that it was both – they have grown significantly and they don't want to turn people away.

Chairman Orlik opened the Public Hearing.

Janet Hemming spoke in support of the re-zoning commenting that this would be advantageous to both the city and the Otterbines.

Lisa Ferden, 1113 Kent Street, spoke in support of the request, commenting on the number of years the Otterbines have been in business and have supported the City.

Mike Harter, 1109 Kent Street, spoke in favor of the request, commenting on the many years the owners have paid taxes to the City. Mr. Harter also commented that the owner's have had a difficult time finding a tenant for this building and this would be a good use for the property.

Laurie Richards, 1633 Abbey Court spoke in support of the request and commented on the health benefits of yoga.

Sue Murphy, West Bellows, spoke in support of the request and spoke of the relationship of the tea room and retail business to the yoga studio.

Carey Pauquette, 219 E. Bennett, spoke in favor of the request which would allow the expansion of the business.

Ashley Stevenson-Duffy, spoke in favor of the request, questioning why we wouldn't rezone the building that was owned and could be utilized by the business owners.

Jericho Simon, Pine Street, spoke in favor of the request, commenting that this could also serve to strengthen the relationship between the city and the student population.

Amy Tuma Matteson, 1525 Briarwood, spoke in favor of the request, commenting that 50 years ago the City told her father that his restaurant (The Embers) would not be successful as it was too far from town, but gave him the chance. She asked that they give Mrs. Otterbine the chance as well.

There being no one else who wished to speak, the public hearing was closed.

Board Discussion:

Commissioner Rautanen commented that it is unfortunate that we could lose a business downtown, however, he also commented that it is a positive thing that the business has grown and wishes to remain in the city and he would be supportive.

Commissioner Lux commented that this would be a great way to utilize the property which is owned by the applicant and has been vacant for some time. She also

commented that there is a lot of community support and she would hate to lose the tax base if the business moves out of the city.

Commissioner Holtgreive asked for clarification on the square footage. Staff commented that the building itself is 6200 square feet; however there is a portion of surrounding property included in the request as well, bringing the total to 10,000 square feet.

Commissioner Kostrzewa commented that the testimony from the public is compelling. He further stated that we see spaces open up all the time which are eventually filled and he also voiced his support.

Commissioner Brockman asked if this request also had the condition that it could revert back and if it would be coming back for Site Plan Review. Staff commented that the property would revert to I-1 if the proposed yoga studio, retail use and tea room were discontinued. He indicated there may be some changes to the parking lot which would be subject to site plan review.

Motion by Quast, support by Rautanen, to recommend that the City Commission approve conditional rezoning ZC-11-02 for a portion of the property located at 210 W. Pickard Street from I-1, Industrial to C-3, General Business, in accordance with the Conditional Rezoning Agreement offered by the applicant.

Chairman Orlik commented that although he appreciates the support shown by the community he is troubled by a couple of things:

- 1) The uses will compete with other vacant spaces within the city.
- 2) A lot of the testimony in regards to family ownership of the building is not a good way to do zoning.

Based on these two reasons, Chairman Orlik commented that he would not be supporting the rezoning request.

Commissioner Smith commented that from a planning standpoint he could see Chairman Orlik's point of view, and further commented that prior to the conditional rezoning tool, he does not see how this request could even be considered. He stated that he likes the fact that the building for the proposed re-zoning is not attached and supports the request. Commissioner Smith further spoke of the discussion of taking business from the Downtown, commenting that he is not sure that has ever been taken into consideration and he's not sure it should be.

Commissioner Rautanen commented that with the conditional rezoning tool, we can make use of a building that has sat vacant for an extended period of time.

Commissioner Kostrzewa commented that the family ownership is irrelevant to him.

Staff commented that the primary staff concern has been the rezoning of additional land to allow relocation of a viable business from the Downtown.

Commissioner Rautanen commented that we could make that argument about any business moving from any location in the city.

Commissioner Shellady questioned how rezoning would impact the warehouse facility if someone wanted to lease that with the retail space in front. Staff stated that the family has made the decision, knowing it could have an adverse impact on leasing the remaining property.

Commissioner Holtgreive questioned whether the Commission may be using their power to lead us down a path we should go and asked staff to add to the next agenda discussion on adding an additional zoning district.

Chairman Orlik called the question. Roll call vote: 6 ayes, 3 nays (Orlik, Holtgreive and Shellady).

Motion approved. The recommendation will be forwarded to the City Commission.

- C. SUP-11-06 1022 S. Mission.** Staff introduced this case, stating the site is near the SW corner of Mission and Gaylord. The site is currently operating under approval granted in 2010 as a specialty food store, carrying unique and organic foods, meats, pastries, etc., along with beer, wine and liquor. The store was to maintain 60% of its inventory value in non-alcoholic sales. As the market for the specialty foods has not been as anticipated, it has recently been found that more than 50% of the floor area is dedicated to alcoholic beverages. Based on this finding, staff notified the applicant that they would need to obtain a Special Use Permit for a liquor store to continue their current operations.

Staff reported that because liquor stores are considered a Group B Special Regulated Use (SRU), there are specific separation requirements from residential areas that need to be met. Staff further commented that Group B Special Regulated Uses are limited to four within 1,000 feet of one another. Group B Special Regulated Uses are not allowed within 300 feet of residentially zoned property, trailer park, K-12 school, public park, church or cemetery, however the Planning Commission may waive this requirement if a petition is signed by at least 51% of the property owners within 500 feet.

Staff reported that the applicant received 47 signatures, which is approximately 62% of the property owners. Staff further commented however; that we began to get calls following the public hearing notice indicating some confusion. Callers indicated they were under the impression that the petition was being circulated for the purpose of a digital sign. Staff suggested that based on the questions received, it may be appropriate to suggest the applicant circulate a new petition clarifying the issue.

Fouad Senni, business owner, and Judy Denslow, representing the applicant, addressed the Board. Ms. Denslow reported that the intent for the store was to sell

specialty items similar to their previous business, Country Vineyard. The owner had the opportunity to rent his property on High Street and move to a building on Mission Street. Though they carried many specialty items when they opened, they had to throw many of them out as their shelf life expired. They submitted a permit to install a digital sign to help advertise the specialty items.

Mr. Senni addressed the Board, stating he opened his business 1 ½ years ago. He used to own the Country Vineyard and when he moved, he had his liquor license relocated to the Mission Street address. At that time, he stated he was told that all was approved and therefore, he signed the lease. He stated he feels that the confusion with the petition came about when he asked for their signatures and people would indicate that they didn't know what the store sold. It was then that he stated he explained to them then that he had invested in getting a digital sign to advertise what he sells, and that is where he feels the confusion started.

Chairman Orlik commented that he read the case file and in January of 2010, the applicant did a nice job of detailing his merchandise. He further commented that a year later the percentage of food sales/alcohol sales had changed considerably and questioned if the applicant went to the city or if the enforcement people discovered this. Mr. Senni commented that he was told he couldn't advertise in the window of his store. Chairman Orlik explained that he was asking about the merchandise not the sign.

Ms. Denslow stated that Mr. Senni didn't understand that he was in violation of anything and that it was never intentional.

Chairman Orlik asked if Mr. Senni had pictures of the digital sign when he was obtaining signatures on the petition. Mr. Senni stated that he had pictures on his cell phone that he showed them.

Commissioner Quast commented that she was unaware that the store sold specialty foods and asked why that wasn't indicated in the original signage. Mr. Senni commented that he was told he couldn't put signs on the windows.

Commissioner Brockman stated he has been in the store and questioned when the inventory was switched as he was not aware of any specialty foods.

Mr. Senni again stated that he lost a lot of product due to a short shelf life. He again stated that is why he wanted an electronic sign – so he could advertise specialty foods.

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

Board Discussion:

Chairman Orlik commented that the name of the store doesn't reflect the nature of the store, and led to immense confusion on the petition.

Commissioner Smith questioned what would happen if the applicant is denied. Staff stated we would need to discuss it with the Police Department in regards to the liquor license.

Commissioner Smith commented that we need to assure the applicant is clear on what we are asking him to do, and questioned whether a postponement was a viable option.

Commissioner Quast asked if there was some way to ensure owners of parcels are property informed. Staff indicated the language on the petition could be changed and calls could be made to random owners who have signed the petition.

Motion by Holtgreive, support by Smith, to postpone action on Special Use Permit 11-06 from Fouad Senni to operate a liquor store (Group B Special Regulated Use) at the property located at 1022 S. Mission Street until the August 4, 2011 regular meeting. The purpose of the postponement is to allow the applicant an opportunity to circulate a new petition to property owners within 500 feet of the subject property. The revised petition shall be received at City Hall no later than the close of business on Thursday, July 14th. If the petition is not provided by the 14th, staff is directed to commence with the appropriate actions to enforce City ordinances.

Commissioner Kostrzewa stated that the petition is pretty clear on what was being proposed and questioned whether we were proactive in contacting those who signed or if they contacted us. Staff stated that we were contacted by the individuals. Commissioner Quast commented that after being informed of the confusion she had sought out a couple of individuals who had signed and asked them. They confirmed that it was represented that the petition was for a digital sign.

Commissioner Lux asked when the site was found to be not in compliance and what options Mr. Senni was given at that time. Staff stated that it was on May 3, 2011. At that time the applicant was given the option of applying for the Special Use Permit or appealing staff's decision to the Zoning Board of Appeals. He was given the deadline of May 17th, 2011 to file either application.

Chairman Orlik called the question.

Roll Call Vote: 6 Ayes, 3 Nays (Orlik, Lux and Shellady). Motion passed to postpone until August 4, 2011 to allow the owners to circulate a new petition.

- D. SUP-11-07 – 1803 S. Mission.** Staff introduced this case explaining that the applicant is requesting a Special Use Permit to allow permanent makeup as one of the services offered by her salon. Sky Salon currently operates at 1803 S. Mission as a full-service hair and nail salon, offering massages. Staff explained that the permanent makeup is a form of tattoo, therefore considered a Group A Special Regulated Use, and subject to the requirements of Section 154.051(C)(10) of the Zoning Ordinance. Group A uses are not allowed within 1,000 feet of residentially zoned property; however, the Planning Commission may waive this requirement provided a petition is signed by at least 51% of the property owners within 500 feet. Staff reported that the

applicant submitted a petition signed by 61% of the parcel owners. Staff also commented that the property does not directly abut a single family residential property as there are some commercial properties creating a transition to the adjoining single family neighborhood.

Staff further commented that the ordinance contemplates full-fledged tattoo parlors, whereas in this case, this will be a small part of the existing full service salon. Staff reported that there would be no site changes as the applicant is utilizing an existing suite on the property.

Commissioner Rautanen questioned what would prevent the salon from becoming more of a tattoo parlor. Staff suggested that the approval could be tied to the floor plan submitted by the applicant, which shows only a small portion of the suite to be devoted to the permanent makeup.

Commissioner Lux questioned whether the application of permanent make-up is actually a form of tattoo. Staff commented that the applicant represented that the permanent makeup is a tattoo; therefore we have taken the conservative approach and determined that a Special Use Permit is required. Staff further suggested if the commission does not take that view, then the applicant does not need this approval.

Commissioner Kostrzewa questioned why tattoos are subject to these regulations. Staff stated that it is common for Zoning Ordinances to regulate tattoo parlors.

Kimly Nguyen, applicant, addressed the Board. Ms. Nguyen explained that she is seeking approval so she can offer this additional service in her salon. She clarified that the makeup application is applied through the 2nd layer of skin, whereas a traditional tattoo goes to the 3rd layer. Ms. Nguyen stated that this service is a benefit to those with allergies to makeup and also for cancer patients who have lost their eyebrows due to their treatments.

Commissioner Lux asked if the permanent make-up is considered a tattoo. Ms. Nguyen stated that they are trained in tattoo application; however, it is referred to as “permanent makeup”. Commissioner Lux asked if the permanent makeup had to be reapplied after a length of time. Ms. Nguyen affirmed this to be true.

Commissioner Brockman asked if there was any certifications and if it was regulated. Ms. Nguyen stated the technicians are required to receive certification and they go through Bloodborne Pathogen training as well. They are also regulated by the Health Department. Following approval from the Planning Commission, the Health Department will come in and inspect the facility.

Commissioner Kostrzewa asked about limiting the procedures or if the salon could perform full body tattoos as well. Commissioner Lux asked the applicant if this was her intent – to be a full-fledged tattoo parlor. Ms. Nguyen stated they will only be doing eyes, eyebrows, and lips. Commissioner Lux asked if she would be opposed to that stipulation being placed in the approval. Ms. Nguyen stated that would be acceptable to her.

Motion by Lux, support by Smith to waive the 1,000 foot separation requirement from three existing Special Regulated Uses, and from the adjoining residential uses to allow the application of permanent makeup by tattoo, to be limited to the eyes, eyebrows and lips, at the property located at 1803 S. Mission Street is warranted on the following basis:

- a. Based on the representations of the applicant, the application of tattoos is an ancillary part of the existing full service salon.
- b. As the application of permanent makeup is an ancillary part of the business, it is distinguished from the other Special Regulated Businesses in the vicinity and the Planning Commission finds that the proposed use will not encourage development of a “skid row” area. Further, the proposed use has received support from a significant majority of the commercial and residential property owners in the vicinity of the site.
- c. The proposed use is not contrary to any neighborhood conservation program and, in fact, has been placed at a site that provides some transitional commercial, office, and high density residential uses between it and the single family neighborhood.
- d. Based on the representations of the applicant, the use will otherwise comply with the requirements of the Ordinance.

Motion approved.

Motion by Rautanen, support by Quast to approve the request for SUP-11-07 from Kimly Nguyen to allow application of permanent makeup by tattoo, limited to the eyes, eyebrows and lips, (a Group A Special Regulated Use) at the property located at 1803 S. Mission Street. Approval is subject to the following conditions:

1. The business shall be conducted in accordance with the representations of the applicant.
2. The applicant shall comply with DPS and DPW requirements.

Motion approved.

- E. SUP-11-08 – 807 S. Mission.** Staff reported that the applicant is proposing to redevelop the former Main Bar site for use as a financial institution, which will include a drive through window. The site is located on the east side of the Public Safety Building, and is surrounded on the north, west and south sides with C-3 property. Staff commented that the applicant has applied for a Special Use Permit under the Mission Redevelopment Overlay Zone. Staff reminded the Board that the Mission Redevelopment Overlay Zone offers some flexibility to the Commission in applying typical zoning requirements.

Staff spoke of the challenges of this site, with the shallow depth, and the Billboard on the site. The owners of the Billboard have an easement which prescribes the location of any building on the site. Staff reported that another challenge with this site involves traffic circulation and curb cuts as this is a busy intersection. The site currently has four curb cuts – two on Mission Street and two on High Street. Public Safety has expressed interest in working with the applicant to provide safe access and is willing to share access from their existing driveway to Mission Street.

Staff also reported that the site plan was presented to the Mission DDA yesterday as they will likely be asked to be involved financially. Staff reported that after considerable discussion in regards to access drives, the DDA unanimously approved the following motion:

The DDA strongly supports the proposed project as presented and is willing to provide support to improve traffic circulation.

Staff has sought assistance from a professional traffic engineer on possible options to improve on-site circulation and reduce concerns with the proposed High Street access. The recommendations provided have addressed many of the concerns noted in the staff report.

Staff commented that the site is a signature corner in the city – the gateway to Mission Street from the west. Staff provided a list of waivers that would be required if the Board is comfortable with the information provided.

Chairman Orlik commented that the applicant has been willing to work with us on this and asked if it would be helpful to have another month to work out some of the details. Staff indicated that he is in a comfortable position to move forward at this time, but it is up to the Planning Commission if they feel it best to postpone action.

Tim Lapham, representing D & D Development, addressed the Board. Mr. Lapham commented that the Board was likely all very familiar with the site and its challenges. Mr. Lapham reported that Dave Lapham, owner of the property, has had several potential tenants in the past few years; however did not feel they were they right type of tenant for this site. He feels that this type of tenant, with limited hours and less traffic than many types of businesses would be ideal for this site. Mr. Lapham commented that the building will be a landmark building and will improve Mission Street. He further stated they have worked with staff to meet the requirements and the access on High Street is the only issue left to work out between staff, the owner and the potential tenant. Mr. Lapham commented that the tenant has indicated they require three lanes on High Street – one in and two out to move forward with their plans. Mr. Lapham referred to the traffic study, and stated that the intersection is saturated to a point that there is no way to dramatically improve traffic flow, however, again stated the prospective tenant will have a limited number of vehicles. He asked the Board to approve the request with three lanes as proposed.

Commissioner Orlik asked at what point did they get in touch with the digital sign people. Dave Lapham, owner of the property, stated it was 8 years ago. Prior to that

time, it was a stationary sign. The previous owner worked with the sign company and at the time they changed the sign to a digital sign they purchased a portion of the property for an easement. Mr. Dave Lapham thanked staff for the time they have put into this proposal, and reiterated Tim Lapham's request to keep the three lane driveway on High Street.

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

Chairman Orlik commented that this is a good project, and asked staff again if it would be beneficial to have an additional 30 days to look at the traffic study. Staff commented that it depends on the Commission; however, commented that the traffic issue has been looked at pretty closely and the bank has indicated they have certain needs.

Commissioner Lux asked if there were any changes on Mission Street. Staff indicated there were not.

Commissioner Quast commented that she appreciates the efforts staff and the applicants have taken to address the challenges of this site. She questioned whether having three lanes off High Street would give the perception that the main entrance was off High Street. She questioned whether there was room for three lanes on Mission Street as well. Tim Lapham commented they had considered that option, however part of the drive would likely have to go on the applicant's property, not all on the city property.

Commissioner Smith commented that the discussion during the DDA meeting concluded they were not concerned about the traffic on High Street. They felt this was a good project and did not want to jeopardize it.

Commissioner Holtgreive commented that patrons will develop the best way to get in and out. He commented that this is a beautiful building on a gateway corner in the city and feels we are not going to get anything better than this.

Motion by Lux, support by Smith to authorize the following waivers to the traditional standards of the Zoning Ordinance, pursuant to the provisions of the Mission Redevelopment Overlay Zone, Sections 154.068(C)(2), (3), and (5):

- A reduction in the required setback of 50 feet from the High Street right-of-way to 36 feet.
- A reduction in the landscaped greenbelt along High Street from 10 feet to 8 feet and along Mission Street from 10 feet to 1 foot. Decorative fencing and some landscaping would be installed in lieu of the traditional greenbelt.
- A waiver of one required parking space. 27 parking spaces are required by ordinance, 26 are provided on the site plan.

- A waiver to the access management requirements for the proposed driveway on High Street to allow it to be placed approximately 57 feet from the driveway to the east and approximately 117 feet from the Mission/High intersection.

The waivers are granted on the basis that they advance the goals and objectives of the Master Plan, the findings of the Mission Street study, the total number of curb cuts has been reduced, landscaping and decorative fencing has been used to screen the parking area, the development signage is consistent with the objectives of the June 2008 Planning Commission Sign Report.

Motion approved.

Motion by Lux, support by Rautanen to approve Special Use Permit 11-08 and the site plan from D & D Real Estate investments, LLC to allow the construction of a financial institution and drive through on the property located at 807 S. Mission Street under the Mission Redevelopment Overlay Zone. Approval is based on the site plan and elevation drawings prepared by Lapham Associates, last revised on June 10, 2011 subject to the following conditions:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).
2. The applicant shall obtain the appropriate approvals from the City for connection to the Public Safety driveway along Mission Street.
3. The applicant shall provide revised elevation drawings for review and approval by the Community Development Director showing an increased height and presence on the north side of the building prior to issuance of a Building Permit.
4. The applicant shall provide a revised site plan for review and approval by the Community Development Director prior to issuance of a Building Permit that implements the following circulation recommendations provided by OHM in their correspondence related to the site: on-site directional signage, interior circulation geometry, and pedestrian safety.

Chairman Orlik questioned staff whether allowing the three lanes on High Street would be a significant problem. Staff commented that this is consistent with the DDA approval and the bank is aware of the issues, and they would be the ones impacted the most. Orlik asked if another bank were to move into the site and wanted to move the driveway, if they would come back to the Planning Commission. Staff concurred they could.

Motion approved.

VI. Public Comments:

Chairman Orlik opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VII. Site Plan Reviews

- A. SPR-11-08 510 W. Pickard.** Staff introduced this case, stating it was located on the North side of Pickard. The site is zoned I-1 Industrial. Staff reported that the applicant has submitted a Site Plan for review to construct two new mini-storage units. The Zoning Board of Appeals granted the applicant a setback variance at their June meeting; however had several site related questions that the applicant needed to address prior to Site Plan Review. Staff reported that he had met with the applicant earlier in the day, along with Public Safety staff to address several issues. Staff stated if the Commission is comfortable with staff working with the applicant they can approve the plan; however if they would rather see a revised site plan, which meets DPW requirements and addresses the concerns expressed by the ZBA, then they may wish to postpone.

Tim Bebee, Central Michigan Surveying and Development, addressed the Board as the applicant's representative. Mr. Bebee stated they had met with the Public Safety department and the Water Department earlier in the day in regards to placement of the fire hydrants and drive widths. Mr. Bebee indicated the buildings were being moved 2 ft. to the south to allow drive widths to be increased to 24 ft. The fire hydrants will be placed at the south end of the existing storage structure and also at the north end. Mr. Bebee indicated that Malcolm Fox, Water Superintendent, will be working with them on approval of the materials used. They have received conceptual approval only at this time.

Chairman Orlik commented on the question raised by the ZBA in regards to environmental issues and suggested the Commission postpone action.

Motion by Kostrzewa, support by Brockman to postpone action on Site Plan Review 11-08 to allow the applicant to provide a revised site plan that meets all DPS requirements, addresses the concerns presented by the ZBA regarding the adjoining environmental cleanup site, and provides any other information deemed necessary by the Planning Commission.

Motion carried.

VIII. New Business

None

IX. Other Business:

- A. August Meeting**

Staff reported there will be another rezoning request on the August agenda for the North side of Pickard. Deadline for submissions is Monday, July 11.

B. Hotels/Motels in the Downtown

Staff commented that due to the volume of this month's agenda, he had not provided proposed ordinance language to address hotels/motels in the Downtown. The Commission may see that on the August agenda.

C. Walking Tour

Staff commented that last year a walking tour was scheduled, and then canceled due to inclement weather. He asked the Commission to bring their calendars to the next meeting to see if we could reschedule a tour in the near future.

X. Adjournment

Motion by Rautanen, support by Kostrzewa to adjourn.

Meeting adjourned at 9:47 p.m.

bam