

**Mt. Pleasant Planning Commission
Minutes or Regular Meeting
June 2, 2011**

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

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

Staff: Gray, Murphy.

II. Approval of Agenda:

Motion by Kostrzewa, support by Holtgreive to approve agenda.

Motion approved.

III. Minutes:

- A. May 5, 2011 Regular Meeting

Motion by Holtgreive, support by Rautanen to approve the minutes.

Motion approved.

IV. Zoning Board of Appeals Report:

Commissioner Brockman reported that the ZBA heard one case in May, from Todd Gurzick, of ToDbld Party Store. Mr. Gurzick was looking for a determination on whether adding an SDD (Specially Designated Distributor License) liquor license to allow the sale of alcohol would be an increase in the legal non-conforming use of the property. The site is currently operating under an SDM (Off Premises Specially Designated Merchant) license which allows the sale of beer and wine. Based on the fact that the State views the licenses differently, the Board determined that adding an SDD license would be an increase in the non-conformity.

V. Public Hearings:

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

- A. SUP-11-05 – 1216 Upton. Staff reported that this was a request for a Special Use Permit to allow the operation of a group day care home, licensed for the care of up to 12 children. Staff reported that the site is located on the corner of Upton and Maxwell and is zoned R-4, Single Family Residential. The applicant currently runs a daycare for 6 children, which based on our ordinance, is treated as a single-family residence. The licensing for additional children requires a Special Use Permit under the Zoning Ordinance. Staff shared the site plan provided by the applicant, indicating

that the site meets ordinance requirements for both indoor and outdoor play areas. Staff commented that the ordinance requires fences for daycares to meet front yard setbacks. In this case, there is an existing fence that encroaches into the front yard. Staff's position is that the Planning Commission can authorize approval for the existing fence as it meets and exceeds the minimum 30" height. Staff commented that if the Board disagrees, they can ask the applicant to either apply to the ZBA for a variance or the applicant can put up a new fence, meeting the requirements. Staff further commented that the site meets the area requirement either way. In addition, staff reported that the site is within 200 feet of Millpond Park, and, based on the ordinance, the outdoor area may be waived by the Planning Commission if a Public Park or school space is available within 500 feet of the subject property. Staff concluded his report stating the request meets the criteria and is therefore recommended for approval.

Commissioner Smith asked if there are any requirements that the daycare operator live at the location. Staff commented that there is and the applicant does reside there, currently renting the home.

Commissioner Kostrzewa asked if the requirement for daycare fences to meet the front setback was for safety reasons. Staff indicated the intent of the ordinance was to keep the outside play area in the rear yard; however, the shape of this particular lot is not conducive to that. Staff clarified that child safety is not an issue with this fence.

Connie Sanders, applicant, addressed the Board. Ms. Sanders commented that the 20' setback for the fence would not make any difference in regards to safety and further commented that the parents of her current child care operation have not expressed any concerns with the fence layout. Ms. Sanders offered to answer any questions from the Board.

Chairman Orlik commented that a childcare operation for this number of children is required to have at least two adults and asked if Ms. Sanders had hired extra help. Ms. Sanders commented that she has interviews set up with several applicants next week; and further commented that the State has advised her to get the zoning approval first, and then apply for her license, which will take 6-12 weeks to process. Chairman Orlik asked if the applicant has ever had any complaints against her current daycare operation. Ms. Sanders stated she has not.

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

Motion by Lux, support by Rautanen that the Planning Commission approve the request for SUP-11-05 from Connie Sanders for a group day care home licensed for up to 12 children at the property located at 1216 Upton Avenue. Approval is based on the site plan received by the City on May 6, 2011 with the following conditions:

1. In accordance with Section 154.051(C)(4)(h) of the Zoning Ordinance, the facility shall be subject to inspection prior to occupancy, and annually thereafter, by the Building Official and Fire Marshall for compliance with current codes. The

applicant shall contact those officials no less than 45 days prior to the anniversary date of the prior year's inspection to schedule the annual inspection.

2. The applicant shall comply with any other DPS requirements.
3. If the existing fence is modified or replaced, then it must comply with ordinance requirements for daycares.

Motion approved unanimously.

- B. ZC-11-01. Chairman Orlik explained that the applicant for this case has asked for a postponement as he is still working on the proposal; however, based on the fact that we had published the Public Hearing, he asked if anyone would like to address the Board. Because no one wished to speak there was no Public Hearing.

Motion by Holtgreive, support by Smith to postpone case ZC-11-01 until the July meeting.

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

No Site Plan reviews scheduled.

VIII. New Business

None

IX. Other Business:

A. July Meeting

Staff reported that we would be hearing case ZC-11-01 which was postponed from tonight's meetings. He further commented that although we have not received any other applications as of this date; the deadline for submittal isn't until next week.

- B. Commissioner Lux asked if we had received any requests from a salon owner regarding permanent makeup. Staff reported that we did have an inquiry and the individual had been provided with the information regarding gaining approval for the operation. Staff reported that permanent makeup would be regulated the same as tattoos under our ordinance, which is considered a Regulated Special Use. Part of the approval process involves the applicant to petition for approval from 51% of the land owners within 500 feet of the property. In the meantime, the individual has moved

forward with the other part of the salon and we are waiting to hear back from them on whether they will be pursuing approval to offer the permanent makeup. If they do, the request will come to the Planning Commission for approval at that time.

X. Adjournment to Work Session:

Chairman Orlik commented that the Board would be adjourning to the work session to discuss Ordinance language to allow hotels in the downtown. Commissioner Rautanen had questioned whether he should recuse himself from the discussion as he is employed in the hotel business. Chairman Orlik commented that he does not feel that Commissioner Rautanen has a conflict of interest and further commented that he would have some expertise in the business to offer to the discussion. The Board concurred.

Motion by Holtgreive, support by Lux to adjourn to the work session.

Motion approved.

Meeting adjourned at 7:17 p.m.

bam