

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
July 11, 2013**

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

Present:, Hoenig, Holtgreive (Vice-Chair), Kostrzewa, Quast, Shellady, Smith (Chair).

Absent: Brockman, Cotter, Dailey.

Staff: Gray, Mrdeza, Murphy.

II. Approval of Agenda:

Motion by Kostrzewa, support by Quast to approve the agenda.

Motion approved.

III. Approval of Minutes:

June 6, 2013 Regular Meeting:

Motion by Kostrzewa, support by Shellady to approve minutes from the June 6, 2013 meeting as written.

Motion approved.

IV. Zoning Board of Appeals Report for June.

Commissioner Quast reported that the ZBA heard three cases in June. They approved a request submitted by Greentree Cooperative Grocery to allow them to remain open an additional hour. In addition, the Board approved a variance, with stipulations, for 303/305 N. Main to allow parking for a bed and breakfast to be located in the front yard. They also approved a request at 1033 N. Arnold, with stipulations, to allow renovations on a non-conforming rooming dwelling use (non-conforming based on lot size), on a finding that the proposed renovations and related site improvements constituted a decrease in the degree of non-conformity, noting that the applicant was not asking for an increase in the current legal occupancy of four. Commissioner Quast also reported that the Planning Commission would be hearing requests from both 303/305 N. Main and 1033 S. Arnold tonight.

V. Public Hearings:

A. SUP-13-01 & SPR-13-01 - 2013 S. Mission - Ronald McIvor.

Chairman Smith reported that staff had sent a final letter to the applicant to provide them one last chance to have their case heard by the Commission.

Staff noted that the letter indicated that the application was incomplete and advised the applicant that the Commission would likely take action to remove the case from the agenda if we did not hear back from them. Staff reported that the letter had also informed the applicant that this action would also remove case SPR-13-01 from the agenda and that if the applicant wished to

pursue this request in the future, they would be required to file a new request. We have not had any response from the applicant.

Chairman Smith addressed the audience to verify the applicant was not in attendance. He was not. Chairman Smith opened the floor for anyone who wished to speak on the case. As no one wished to speak, the floor was closed.

Motion by Kostrzewa, support by Holtgreive, that the Planning Commission removes Special Use Permit 13-01 and Site Plan Review 13-01 from Ronald McIvor for the proposed use of the property located at 2013 S. Mission from its agenda based on the following:

- The Planning Commission has provided the applicant notice of a Public Hearing to consider the request and notice of the additional information necessary to consider the request.
- As the applicant has been unresponsive to those notices, the Planning Commission is unable to consider the request at this time.

Future consideration of the request will require the applicant to file new application forms and a fee, as well as the additional information requested by the Planning Commission or a basis that the Planning Commission should consider the request without the additional requested information.

Motion approved.

B. SUP-13-08 - 303/305 N. Main.

Staff introduced case SUP-13-08, and stated that the applicant is seeking a Special Use Permit to use the existing building, which was previously licensed as a duplex, as a Bed and Breakfast. The applicant resides in one portion of the building and intends to use the other portion for lodging. Staff noted that the applicant is the same person who owns and operates the Ginkgo Tree Inn to the north.

Staff reported that the property is zoned OS-1, with OS-1 to the east and south, C-3 to the north and R-4 to the west, which is Island Park.

Staff reported that the applicant is not proposing changes to the residence, but would like to make some site improvements such as decorative fencing, hard surfaced parking and landscaping. Staff noted this case was recently before the ZBA requesting a variance from the Ordinance which requires parking for a Bed and Breakfast to be located in the rear yard. Due to the topography of the property, the variance was granted and the applicant is proposing paving the front area which was used for parking for the duplex.

Staff noted that the Commission is actually reviewing two cases; the Special Use Permit to allow the use and later on the agenda there is Site Plan Review to consider the site improvements. Staff noted that he would be reviewing both cases with his report.

Staff reported that Bed and Breakfasts are allowed in the OS-1 district and are regulated under a Special Use Permit. Staff noted that one of the conditions requires a separation of 660 feet to another bed and breakfast dwelling; and noted that there are no other Bed and Breakfasts within that distance as the Ginkgo Tree Inn next door is considered a Hotel by Ordinance.

Staff noted that Bed and Breakfasts are subject to annual inspections and licensing.

Staff shared the site plan, noting that there are six parking spaces required by Ordinance, which the applicant has. In addition, it was noted that although there is no additional landscaping required, the applicant shows shrubs and an additional tree are planned for the space.

Staff noted that at this time there are no signs proposed; however, further commented that signs are allowed for a Bed and Breakfast and if the owner adds signage in the future, it will need to be approved by the Building Official.

Staff reported that the Department of Public Works has indicated that water and sanitary sewer upgrades may be required, along with a grease trap. The Department of Public Safety provided comments following the report writing, which have been placed on the dais, indicating they have no concerns with the proposal.

Staff concluded his report, recommending approval with the conditions noted.

Jean Prout, applicant, addressed the Board, stating she has owned the property for three years. Mrs. Prout stated that she doesn't like the gravel parking in the front and would like to pave it. She also reported that while making repairs and updates to the home, she decided to convert a portion into the Bed and Breakfast. Mrs. Prout indicated her intent is to have overnight guests dine at the Inn next door, and does not plan on having them dine at this site.

Commissioner Kostrzewa stated it would be nice if the parking could've been placed in the back; however, noted it is physically impossible with this site. He also commented that even if the parking could be placed in the rear, there isn't anything that would prevent the applicant from paving the front yard.

Chairman Smith opened the Public Hearing.

Frederick Overgear, attorney representing Peter and Anne Reale, owners of the property to the South, addressed the Commission. Mr. Overgear stated that he was not speaking in opposition of the request; however, was there to protect his client's interests in regards to the property boundary. He noted that the owners have filed in circuit court to address the question of property lines/boundary. He wished to make the Commission aware of this issue, noting there was potentially a need for a survey.

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

Motion by Quast, support by Holtgreive that the Planning Commission approve the request for SUP-13-08 from Jean M. Prout to convert the existing home at 303 and 305 N. Main Street for use as a Bed and Breakfast Dwelling, based on the site plan drawings submitted with the request and subject to the following conditions:

1. The applicant shall comply with the requirements of Section 154.051(C)(8) of the Zoning Ordinance, including the requirement limiting the maximum stay to not more than 14 consecutive days and not more than 30 days in a year, and the requirement for annual approvals from the Fire Department, Building Department, and Health Department.
2. The applicant shall comply with the requirements of the Zoning Board of Appeals, including the requirement to install a decorative fence. The fence plan shall be subject to review and approval by the City Building Official.
3. The applicant shall comply with all site plan review requirements.

Motion approved.

VI. Public Comments:

Chairman Smith 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-13-01 - 2013 S. Mission. Chairman Smith noted this case has already been removed from the agenda.

B. SPR-13-10 - 1033 S. Arnold.

Staff introduced case SPR-13-10, submitted by Les Thomas, stating the location is on the east side of Arnold, just north of Bellows. The property is zoned M-2, and is surrounded by M-2 properties. The property is currently licensed as a rooming dwelling for four occupants. Staff reported that the applicant is proposing property renovations; however, does not plan on razing the building. Staff noted that the applicant is proposing adding a full upper level and plans to maintain the current occupancy of four. Staff commented that there are no changes to the building footprint; however there are some proposed site improvements that are subject to Site Plan Review.

Staff reported that the Zoning Board of Appeals heard the case and determined the proposed changes were a marked decrease in the degree of non-conformities; however, attached several conditions to their finding as noted:

1. *The applicant shall secure a local agent to oversee the property on a permanent basis.*
2. *The owner will personally visit the site a minimum of once a month to inspect the property for compliance with the terms of the approval.*
3. *The landscaping shall be installed in such a way to prohibit further parking in the front yard once the project is complete. Details shall be worked out with staff.*
4. *The lease shall include language to increased owner responsibilities for compliance with City Codes related to nuisance parties, trash/litter, etc.*
5. *No more than four occupants may live on the site.*

Staff informed the Commission that a copy of the lease provisions has been provided by the applicant and were placed on the dais for their review, with additions highlighted. Staff indicated he will review the lease agreement with Mr. Kench, staff liaison for the ZBA to assure the ZBA conditions have been met.

Staff noted that there is parking for four shown on the site plan, with a portion located in the front yard. Although a greenbelt is not required, the applicant has included proposed landscaping and is also proposing a fenced enclosure to screen the trash.

Staff reported that the Department of Public Works has indicated a grading plan will be required to assure proper drainage with the new hard-surfaced parking area.

Staff concluded his report noting that with the approval granted by the ZBA, the property complies with the minimum requirements of the Ordinance and is therefore recommended for approval.

Les Thomas, applicant, addressed the Board explaining that the 2nd floor of the structure is in disrepair and also commented that he has been working with staff to assure he is hitting the marks.

Commissioner Kostrzewa asked who the builder will be. Mr. Thomas stated he would be acting as the general contractor with several sub-contractors.

Board Discussion:

Commissioner Kostrzewa asked staff to clarify the parking area. Staff stated that there will be one space in front and three stacked parking along the side. There is currently gravel parking.

Motion by Holtgreive, support by Kostrzewa that the Planning Commission approve SPR-13-10 to allow the existing building located at 1033 S. Arnold to be renovated for the continued utilization as a rooming dwelling, based on the site plan dated May 20, 2013 prepared by Wilson and Associates, P.C. with the following conditions:

1. The occupancy of the building shall not exceed 4 people.
2. The applicant shall comply with all conditions of the Zoning Board of Appeals
3. The applicant shall comply with the requirements of the Division of Public Safety (DPS), including all licensing requirements, and the requirements of the Division of Public Works (DPW).

Motion approved.

C. SPR-13-11 - 303-305 N. Main.

Staff noted that he had nothing else to add to this case.

Jean Prout, applicant, addressed the Board regarding the fence that the ZBA has requested be placed on the south border, noting that she will need to wait until the property dispute has been settled before she is able to install the new fence.

Vice-Chairman Holtgreive stated that the Courts will decide where the property line is and he is comfortable with that.

Motion by Holtgreive, support by Kostrzewa that the Planning Commission approve SPR-13-11 from Jean M. Prout to construct a parking addition and convert the existing home at 303 and 305 N. Main Street for use as Bed and Breakfast Dwelling, based on the site plan drawings submitted with the request and subject to the following condition:

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

Motion approved.

D. SPR-13-12 - 1523 S Mission. D & D Development.

Staff introduced case SPR-13-12 commenting that the Planning Commission recently approved a McLaren ready-care and medical office building at 1523 S. Mission under the Mission Redevelopment Overlay Zone. At the time of the approval, the applicant was proposing a monument style sign; however did not have the details or the design of the sign. The Planning Commission placed a condition on their approval that the sign be subject to site plan review.

Staff noted that the proposed sign replicates the cornice on the building and has an overall height of 14' including the base, and is 13' across. Staff reported that MDOT has agreed to release a portion of the right-of-way; however there is still a significant right-of-way and the sign will be setting a bit further off Mission Street than others in the area. Based on this, staff indicated he would recommend approval.

Tim Driessnack, applicant, noted he had nothing to add to staff's report but offered to answer any questions from the Commission.

Commissioner Kostrzewa commented that because the sign would be set back from the road, he has no problem with the height.

Commissioner Quast asked how far the sign would be from the sidewalk. She also noted that she is comfortable with this request; however commented that it seems that the requests for the monument signs keep increasing in height.

Staff responded that the sign is about 17 feet from the sidewalk, where normally they are only a few feet. Staff also noted that the CVS sign is approximately 10' in height, and the Mission Mall sign is slightly higher - between 15-17 feet, noting that they too are dealing with the additional setback.

Staff also reported that he had alerted the applicant that height may be an issue of concern and the applicant subsequently reduced their request by a couple of feet.

Motion by Kostrzewa, support by Holtgreive that the Planning Commission approves the proposed monument style sign for the property located at 1523 S. Mission Street, with an overall height of 14 feet and a width of 12 feet, as shown on the illustration prepared by Sign Brokers, LLC.

Motion approved.

VIII. Unfinished Business:

None

IX. New Business:

None

X. Other:

A. Staff report:

1. Staff Resignation. Staff referred to the e-mail sent out to the Commissioners noting that he has recently accepted the position of Village Manager for the Village of Jonesville. Staff commented that he has enjoyed working for the Planning Commission and noted they should be proud of their accomplishments in the past few years.

Chairman Smith thanked staff for helping to open the eyes of the Commission to the power of negotiation and commented that as a result we have gotten better projects. Vice-Chairman Holtgreive also commented that the projects currently being built are a testament to staff being willing to work with developers and encourage better projects.

Staff turned the floor over to Bill Mrdeza, Director of Community Services and Economic Development, who spoke of the transition period until the City can get a new Planning Director on board. Mr. Mrdeza commented that the work that the Planning Commission is doing is extremely important and remaining staff will keep them in the loop on the hiring process. In the interim, staff will provide the information necessary to them to allow them to continue to make informed decisions. Mr. Mrdeza also noted that he will be attending meetings until we get someone on Board and get them familiarized with their role.

2. August Meeting:

Staff reported that there three cases on the agenda for the August meeting.

XI. Adjournment:

Motion by Holtgreive, support by Kostrzewa, to adjourn to work session

Motion approved.

Meeting adjourned 7:45 p.m.

bam