

**Mt. Pleasant Planning Commission**  
**Minutes of Regular Meeting**  
**October 3, 2013**

**I.** Chairman Smith called the meeting to order at 7:01 p.m.

Present: Cotter, Dailey, Hoenig, Kostrzewa, Lents, Smith (Chair).

Absent: Brockman, Holtgreive (Vice-Chair) Shellady.

Staff: Bean, Murphy.

**II. Approval of Agenda:**

Motion by Kostrzewa, support by Lents to approve agenda.

Motion approved.

**III. Approval of Minutes:**

A. September 5, 2013 Regular Meeting:

Motion by Dailey, support by Kostrzewa to approve minutes from the September 5, 2013 regular meeting as written.

Motion approved.

B. September 5, 2013 Work Session

Motion by Dailey, support by Kostrzewa to approve minutes from the September 5, 2013 Work Session as written.

Motion approved.

**IV. Zoning Board of Appeals Report for June.**

Commissioner Lents provided a report on ZBA action for the month of September. The Board considered a request from United Apartments for 403 & 431 E. Bellows. The applicant is proposing tearing down the apartment house and Single Family house currently on the sites, combining the lots and replacing the buildings with a 4 unit apartment for 16 occupants and a rooming dwelling for 6. In order to do this, the applicant needed variances from setback requirements. Commissioner Lents noted that the ZBA discussed the characteristics of the property and approved the setback requests 5:1.

In addition, Commissioner Lents reported that the Board considered a request from Mr. Olivieri for redevelopment of properties at 808 and 810 Pleasant Street. Mr. Olivieri is also planning to raze the existing buildings, combine the lots, and wants to put up an apartment building. The Board addressed lease language and elevations and voted to approve the request on the condition that the applicant revise the elevation drawings to be approved by staff.

Commissioner Lents noted that both properties appear on the Planning Commission's agenda tonight for Special Use Permit and Site Plan Approval.

**V. Public Hearings:**

**A. SUP-13-14-2013 403 & 431 E. Bellows**

Alan Bean, Spicer Group, acting as Interim Staff Liaison for the Planning Commission, introduced case SUP-13-14 and SPR-13-20, noting that this request involves combining two parcels, razing the apartment building and home currently standing and constructing two new buildings on the site. Bean noted that the applicant is proposing improved parking and architectural facade features on the buildings. Bean shared the site location with the Commission, noting that the property is zoned M-2, with M-2 zoning to the south and west, and R-3 zoning on the north and east.

Chairman Smith asked for clarification on the variance requests that were granted by the ZBA.

Bean reported that for the applicant to move forward with the project, they needed variances for the required side street yard for open porches and a setback variance to reduce the required side yard for properties with multiple buildings on a single lot. Bean noted that these variances were granted by the Zoning Board of Appeals at their September 25, 2013 meeting as noted below:

- a) A variance was granted to allow a reduction in the required setback equal to the height of the building, for both buildings, in accordance with section 154.095 of the Zoning Ordinance.
- b) A variance was granted to allow a reduction in the required side setbacks of 10 feet for buildings on side streets, in accordance with section 154.095 of the Zoning Ordinance, to construct a new covered entryway for the proposed four unit townhouse building at 403 East Bellows and to construct a covered porch at the proposed Clayton House building at 431 East Bellows. These additions will allow the existing side setback to be reduced from 10 feet to 5 feet for the building at 403 East Bellows and reduced from 10 feet to 7 feet for the building at 431 East Bellows.

Bean reported that the applicant is not proposing an increase in the overall density of the site, but is proposing keeping the occupancy at a total of 22.

Bean shared the existing site plan and the new proposed site plan, noting that the applicant is proposing moving the higher density building to the west, farther into the M-2 zone, and will be putting the lower density building on the east side of the property that abuts the Residential district.

Bean also noted that the project includes several site improvements including a 6 ft fence and landscaping, which will help create a buffer between this site and the neighboring sites.

Bean concluded his report, noting the Special Use Permit is being recommended for approval with the following stipulations:

- The applicant complies with all site plan review requirements.

- The applicant complies with the ZBA requirements pertaining to the variances granted on September 25, 2013.

Bean further noted that he is recommending approval of the site plan with the following stipulations:

- The applicant submit a planting list for the landscape screening along the northeast corner of the parking area to demonstrate compliance with the planting requirements for greenbelts indicated in 154.106(C) of the Zoning Ordinance.
- The applicant submit specifications and photometrics for the lighting fixtures to demonstrate compliance with the requirements of Section 96.13 of the City Code.
- The applicant comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Commissioner Kostrzewa noted for clarification purposes that currently the majority of the occupants are on the east side and that will change. The majority will be moved to the west side with 16 occupants and the east side will house 6 occupants.

Commissioner Kostrzewa questioned whether the egress on Fancher will be eliminated. Bean noted that it would be - all of the cars will enter/exit from the Bellows Street side. Kostrzewa noted that speaking with several area residents, they were in favor of this reconfiguration of the site.

Commissioner Dailey asked if there was currently an egress on Bellows Street. Bean noted that there is, as the parcels are currently separate and have their own parking. The request includes combining the parcels into one zoning lot. Discussion ensued on the benefits of combining the lots.

Tim Bebee, Central Michigan Surveying & Development, addressed the Board on behalf of United Apartments. Mr. Bebee explained how the Ordinance defines the front/side/rear lot, noting that the narrowest part of the lot is considered the front yard.

He further noted that the west lot is a single family home that was converted to a rental. The site on the east lot is a four-unit apartment, with 5 occupants in each unit for a total of 20. The existing site is accessed off Fancher Street with angled parking, which cars are backing out of onto Fancher. The access for the combined parcel will be off Bellows and will be a 26' wide drive to meet Fire Department requirements, with landscaping along Fancher.

Mr. Bebee also reported that the only variance required along Bellows Street was for the porch projections. Mr. Bebee explained that a setback of 6 1/2 ft. at the rear of the 4-unit building (which by Ordinance would be considered the side yard) would meet Ordinance standards if this was the only building on the parcel; however, by joining the parcels and putting two buildings on the lot, the Ordinance requires a setback equal to the height of the building. The applicant requested that they be allowed to take the building back to the 6 1/2 ft. setback.

Commissioner Dailey asked if the applicant was asking for a variance. Mr. Bebee responded that the variance had been granted by the ZBA.

Mr. Bebee reviewed the non-conformities that would be eliminated with the project and also noted that he and the applicant and the applicant's architect had worked out details on the building elevations with staff, which will include a wraparound porch on the smaller unit to maintain a more residential appearance. In addition, he noted that the applicant had also agreed to install vinyl fencing in lieu of wood at the neighboring property owner's request. Other requests from the same property owner included keeping the hedges that currently separate the properties and to plant additional hedges, which the applicant has agreed to do.

Commissioner Kostrzewa expressed some concern that the large trees between the two parcels would need to be taken down to accommodate the new drive access, noting that this is something that bothers him with many of the requests - trees are being taken down and asphalt is being put in their place.

Mr. Bebee noted that although the trees would need to be removed, there would be additional landscaping provided. Mr. Bebee also noted that they went through several different site layouts with staff and shifting the majority of the occupants to the west, closer to the M-2 zoning and consolidating the parking on the interior of the site was the best received.

Chairman Smith commented that the city could plant trees in the Right-of -Way, and noted that this is the trade off for getting traffic off Fancher Street.

Chairman Smith opened the public hearing. There being no one who wished to speak, the public hearing was closed.

#### Board Discussion:

Commissioner Lents expressed concern with the rooming dwelling proposed for the corner as it is close to the single family residential area and she is concerned that having a 6 unit rooming dwelling will encourage parties. She stated that she would like to see the building split into two units to help deter that, noting that she isn't as concerned with the overall occupancy of 6; but is not in favor having all six in one unit. She did indicate that she likes the looks of the proposed building.

Commissioner Kostrzewa commented that he had spoken with several of the neighbors in the area and they did not have any problems with the request. Their biggest concern was with traffic and they felt that this would be improved by removing the drive from Fancher. Commissioner Kostrzewa acknowledged Commissioner Lent's concern and asked Mr. Bebee if the unit could possibly be divided. Mr. Bebee noted that this had been discussed at the ZBA meeting and the owner wishes to keep the unit as a 6-unit rooming dwelling. He further noted that the owner owns several rental properties in the City and has developed the strict lease language that the city is asking for on all of these re-developments, also commenting that the owner has many years of experience handling student rentals. Mr. Bebee also noted that currently there is a building on that corner that has 4 5-bedroom units with 20 occupants, reminding the Board that the higher density building proposed for 16 occupants will be moving to the other side of the property and will be replaced by the 6 occupant building.

Chairman Smith asked about the screening fence. Mr. Bebee noted that the proposed 6 ft. wood fence will be changed to vinyl at the request of the neighboring property owner and will extend all the way from Fancher to Lansing.

Motion by Kostrzewa, support by Daily, to approve the request for SUP-13-14 from United Apartments for the properties located at 403 and 431 E. Bellows to allow the construction of a 2,147.2 square foot rooming dwelling and a 988 square foot rooming dwelling, along with redesigned parking and aesthetic improvements with the following conditions:

1. The applicant shall comply with all site plan review requirements.
2. The applicant shall comply with the Zoning Board of Appeals requirements that pertain to the two variances that were granted on September 25, 2013, for case ZBA-17-2013.

Motion approved 5:1

#### **B. ZC-13-01 - 1701 Gover Parkway**

Bean introduced case ZC-13-01, noting this was a request to conditionally rezone the property from I-1 Industrial to C-3 General Business District. Bean reported that the applicant is proposing to conditionally rezone the property to allow the use of the site for a commercial baseball training center.

Bean explained the difference between a conventional rezoning request vs. a conditional rezoning request, noting that with a conditional rezoning the applicant offers the conditions. Bean noted that the conditions being offered by the applicant include limiting the use to a commercial baseball training center for a limited duration and that the proposed recreational use will be conducted wholly within the existing building. Bean reported that there are no proposed changes to the site and no structural changes within the building. In addition, it is proposed that at such a time that the indoor recreational use ceases operations, the site will revert back to the I-1 Zoning designation. In addition, the applicant has requested that if approved, the zoning change will not take effect until after January 8, 2014.

Bean noted that if the conditional rezoning is approved, a formal Conditional Rezoning Agreement would need to be submitted to ensure compliance with the Zoning Ordinance. The formal agreement would then be referred to the City Attorney for review.

Commissioner Dailey referred to another case on the agenda for an ammunition manufacturing company, asking if this would be next door to the baseball training facility. Chairman Smith noted that this was in a different part of the city.

Chairman Smith opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Commissioner Dailey asked for clarification on the letter submitted by MMDC. Commissioner Hoenig noted that although MMDC noted that there is nothing that specifically allows for this use in the Industrial area, it appears they are remaining neutral on this request.

Commissioner Lents referred to the correspondence from JBS Contracting, expressing concern with the truck traffic in the area.

Commissioner Kostrzewa questioned what the hours of operation would be. Mr. Ingram, applicant, addressed the Board, noting that the proposed hours are 4:00 p.m.- approx. 9:00 p.m., Monday - Friday and possibly 10:00 a.m. - 6-8:00 p.m. on weekends, noting that most of the other businesses in the area will be closed for the majority of those hours.

Commissioner Kostrzewa asked about the ages of the patrons of the facility and how many the applicant expected to have there at any given time. Mr. Ingram stated that it would be for ages 5 through adult and would offer both softball and baseball. The occupancy would be anywhere up to 40 people.

Commissioner Dailey questioned whether there would be enough parking. Mr. Ingram stated there would, as there are over 50 spaces available. Mr. Ingram also noted that the peak hours for the younger patrons would be from 6-9 p.m. and in response a question regarding bike traffic, indicated he feels that based on the location, he does not expect bikers - most will arrive in vehicles.

Commissioner Dailey questioned whether a fence would be useful. Chairman Smith reminded the Commission that they were not looking at site features, but just being asked to consider the rezoning request.

Commissioner Kostrzewa commented that the drivers of the trucks in the area are professional drivers and does not feel that this would be an issue. Commissioner Hoenig also noted that based on the layout of the area, the trucks should not be speeding.

Chairman Smith commented that the Board does not have the authority to make the requested zoning change, they are just being asked to make a recommendation to the City Commission.

Motion by Kostrzewa, support by Hoenig to recommend that the City Commission approve the conditional rezoning request ZC-13-01 from Earl Ingram/ Raymond W. Ribitch for the property located at 1701 Gover from I-1, Industrial to C-3, General Business, with the proposed conditions offered by the applicant to be formalized into a Conditional Rezoning Agreement.

Motion approved 5:1

**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.

**VI. Site Plan Reviews**

**A. SPR-13-17 & SUP-13-11 - 808/810 Pleasant.**

Chairman Smith verified with staff that the Public Hearing for the Special Use Permit had already taken place.

Bean shared information that was provided to the Zoning Board of Appeals regarding this case, noting that the request includes three buildings on two lots. The applicant is proposing combining the lots, razing the existing structures and building one 7-unit rooming dwelling. Bean reported that the applicant recently went to the ZBA and received approval to allow the redevelopment of the two rental properties based on the number of non-conformities that were being eliminated.

Bean shared the proposed site plan and elevation drawings, noting that based on the ZBA discussion and approval, the applicant provided updated elevation drawings.

Bean commented that the site plan looks good and is therefore being recommended for approval with several conditions, which were noted in the staff report.

Chairman Smith noted that based on the fact that the Public Hearing had already taken place, the Commission would be looking for a vote on both the Special Use Permit and Site Plan Review. Motion by Kostrzewa, support by Lents that the Planning Commission approve the request for SUP-13-11 from Olivieri Management for the properties located at 808 and 810 Pleasant to allow a 7 unit apartment building and associated site improvements with the following conditions:

1. The applicant shall comply with all site plan review requirements.
2. The applicant shall comply with the Zoning Board of Appeals requirements that pertain to the variances that were granted on September 25, 2013, for case ZBA-11-2013.

Commissioner Dailey asked about the lighting. Chairman Smith noted that the applicant will need to submit the photometrics to demonstrate compliance with City code.

Motion approved.

Motion by Lents, support by Kostrzewa, that the Planning Commission approve SPR-13-17 to allow the demolition of three buildings on two lots and the subsequent construction of a seven-unit apartment building and associated site improvements on those two lots at 808 and 810 Pleasant with the following conditions:

1. Submit revised building elevations that note the height of the proposed building and that also fulfill the design requirements according the approval from the 9/25/2013 ZBA meeting.

2. Submit a floor layout to demonstrate compliance with the 300-sf of floor area per occupant requirement.
3. Submit plans to show what is required for handicapped parking in terms of the Michigan Barrier-Free Code in order to demonstrate compliance with the requirements of Section 154.121(F).
4. Submit revised site plans to show the actual design of the driveway onto the site from Pleasant, including turning radii, in order to demonstrate compliance with the requirements of Section 154.121(G).
5. Submit revised site plans to show what the surfacing of the parking area will be in order to demonstrate compliance with the requirements of Section 154.121(K).
6. Submit revised site plans to show which areas of the parking lot will be curbed in order to demonstrate conformance to storm water regulations in the City of Mt. Pleasant.
7. Submit specifications and photometrics for the lighting fixtures to demonstrate compliance with the requirements of Section 96.13 of the City Code.
8. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved.

**B. SPR-13-19 - 801 Industrial Drive.**

Bean introduced Case SPR-13-19 submitted by Alex Hollenbeck to use an existing building for a small arms ammunition storage and mercantile use facility. Bean noted the site is located in the North Industrial Park and is surrounded by Industrial property. Bean commented that the use fits the industrial area and further noted that the industrial zone allows for ancillary uses associated with the industrial use.

Bean reported that the proposed business, "On the Mark" is currently located in Mecosta Michigan. The applicant operates under a Type 7 Federal Firearms License, which enables the business to manufacture firearms and ammunition and the applicant may also act as a dealer, with limitations on the types of ammunition. Bean noted that based on the changes to the building that will be required by the Michigan Building Code for the H-3 Use Group (High-Hazard Storage) , a site plan review is required.

Bean noted that based on his review, the use fits the Industrial zoning and is being recommended for approval.

Alex Hollenbeck, applicant, addressed the Board, offering to answer any questions.

Chairman Smith asked about the other tenant in the building.



Mr. Hollenbeck noted that it is a multi-band communications company that has been there for four years and they are staying and have no concerns with the use. He further commented that they have their own dock and they would not be co-mingling.

Mr. Hollenbeck explained that they deal mainly in 3-4 calibers and mainly for law enforcement. They also test new ammunition for new guns. He explained that he needs the class 7 license in order to sell to law enforcement, which also allows them to manufacture and assemble ammunition. Although they are allowed to sell retail, their main avenue is law enforcement and new style gun manufacturers and in addition, they sell to shooting ranges. The class 7 license allows him that outlet.

Mr. Hollenbeck explained that they deal in smokeless powder, which does not explode and it is not considered a high hazard material. He indicated there are regulations on storage; however, and noted that they are well within the limits.

Mr. Hollenbeck commented that by the end of next year, he anticipates hiring up to 40 employees.

Commissioner Kostrzewa asked if they would be dealing with walk-in customers. Mr. Hollenbeck noted that because they specialize in 4 caliber, they don't have a lot of walk in customers and they won't have displays for that purpose.

#### Board Discussion:

Chairman Smith noted that the Commission would be voting on two issues: they will need to determine if they want to grant a sidewalk waiver and will be deciding on the Site Plan Review.

Commissioner Lents noted that this area is not identified in the non-motorized transportation plan as an area for future sidewalks.

Motion by Lents, support by Kostrzewa, that pursuant to the requirements of Section 154.022(B) of the Zoning Ordinance, the Planning Commission grant a waiver to the requirement to install sidewalks in the public rights-of-way on a finding that the property is not located on a street designated as a school walking route and there are no existing intermittent public sidewalks on the streets within the block where the property is located.

Motion approved.

Motion by Kostrzewa, support by Lents that the Planning Commission approve the request for SPR-13-19 for the property located at 801 Industrial Drive, based on the site plan dated August 19, 2013 and prepared by JBS Contracting, Inc. for Alex Hollenbeck, with the following conditions:

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

Motion approved.

**C. SPR-13-20 403 & 431 E. Bellows.**

Bean noted he had nothing more to add to his report on these properties.

Motion by Kostrzewa, support by Dailey that the Planning Commission approve SPR-13-20 to allow construction of a 2147.20 square foot rooming dwelling and a 998 square foot rooming dwelling as well as parking and site improvements at 403 and 431 E. Bellows Street based on the site plan drawings prepared by CMS & D Surveying / Engineering and schematic design drawings prepared by Goudreau Associates Architects with the following conditions :

1. Submit a planting list for the landscape screening zone along the northeast corner of the parking area to demonstrate compliance with the planting requirements for greenbelts indicated in 154.106(C) of the Zoning Ordinance.
2. Submit specifications and photometrics for the lighting fixtures to demonstrate compliance with the requirements of Section 96.13 of the City Code.
3. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved 5:1.

**VII. Unfinished Business:**

None

**VIII. New Business:**

None

**IX. Other:**

**A. Staff report:**

**1. November Meeting:**

Bean reported that Graff has been working with their architect and have agreed to go with a 30' drive with rolled curbs. They have not yet submitted their site plan; however, we expect them to be ready for the November meeting.

In addition, Bean noted that we will likely see the request for 1016 S. Main on the agenda.

Commissioner Lents noted she would like to see something from the Historic District regarding the proposed redevelopment of 1016 S. Main as some of the features on the existing home have been looked at as examples for other redevelopments.

**X. Adjournment:**

Motion by Dailey, support by Kostrzewa to adjourn.

Motion approved.

Meeting adjourned 8:40 p.m.

bam