

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
August 6, 2015**

I. Chairman Cotter called the meeting to order at 7:03 p.m.

Present: Cotter, Dailey, Driessnack, Friedrich, Hoenig, Horgan, Irwin, Kostrzewa, Ranzenberger

Absent: None

Staff: Kain, Murphy

II. Approval of Agenda:

Motion by Kostrzewa, support by Friedrich to approve agenda.

Motion approved unanimously.

III. Approval of Minutes

A. July 9, 2015 Regular meeting

Motion by Horgan, support by Driessnack, to approve the minutes from the July 9, 2015 regular meeting as submitted.

Motion approved unanimously.

B. July 9, 2015 Work Session

Motion by Hoenig, support by Ranzenberger, to approve the minutes from the July 9, 2015 work session as submitted.

Motion approved unanimously.

IV. Zoning Board of Appeals Report for July:

Commissioner Friedrich reported that the ZBA heard two cases in July. The first was an appeal of the Planning Commission's denial of a Special Use Permit for a duplex at 714 S. Main. The ZBA reversed the decision 4:1, stating that they felt the applicant met the criteria for a duplex and there was no clear record of why it was denied.

The second case was a request from the owners of 407 S. Bradley asking for a variance to allow a solid three foot fence in the front yard. The ZBA granted the request noting the predominance of nonconforming fences in the area.

V. Communications: Kain noted that one communication was received and included in the packets with additional correspondence placed on the dais. Kain noted that packets are finalized and sent

out the Friday before the meeting; therefore any correspondence received prior to that time is included in packets. Any correspondence received after that time is shared with the board at the meeting; however, it does not appear in the packets.

VI. Public Hearings:

A. TC-15-06 - M-2 Codification

Kain introduced TC-15-06, commenting that because this is somewhat complicated, he would prefer to address questions from the Commission as the case is being presented.

Kain reviewed the background of the issues from 2009 to present.

In 2009 the Planning Commission (PC) and Zoning Board of Appeals (ZBA) first discussed the idea of redevelopment under the non-conforming use section of the Zoning Ordinance and approved the first project under the M-2 redevelopment procedures. Discussions continued throughout 2010 and 2011, and in 2012 the City Commission (CC) requested that the M-2 redevelopment procedures be documented. As a result, the ZBA and PC crafted and adopted the procedures, which were then revised in 2013.

Also in 2013, the City Commission approved engaging Rowe Professional Services to do a M-2 study with the goal of codifying the procedures. Several work sessions were held with two public open houses in 2014. The consultant presented three options to the PC; the "As Is", "SUP" and "Overlay" options. In December of 2014 the PC recommended the CC adopt the "As Is" option.

In January of 2015 the CC again referred this back to the PC for further discussion. Following a joint meeting with the CC in February, the PC held a work session in March and devised a plan of action. A "walking tour" with interested community members took place in April and another open house was held in May. In June of 2015 the PC held another work session and developed the framework for a text change, which was introduced at last month's (July) meeting, and a public hearing was set for August.

Kain noted that during the walkthrough tour held in April, concerns were discussed with members of the public. It was discovered that there was a lot of misconception on what was happening and as a result, a webpage dedicated to the M-2 Redevelopment was created.

Kain noted that the draft ordinance language that is being presented tonight attempts to capture the feedback from the PC following the neighborhood walk, open house, and work sessions.

Kain also commented that concurrent activities are taking place to help with the concerns over the M-2 area, including:

- The City Commission has allocated funds to add a code enforcement officer dedicated to the student neighborhoods.
- The creation of a Neighborhood Recourse Unit (NRU).
- There will be adjustments in the policing approach, which will be implemented in the fall of 2015.

- Staff is working on a policy recommendation related to blight, property maintenance and enforcement and is looking at other communities and how they handle similar problems.
- Staff is working on a report on the Owner Occupied Incentive Program to determine if changes should be made to the program.

At the June work session the Planning Commission identified the following goals:

- Create a transition area within the M-2 district adjacent to any R district;
- Preserve the neighborhood look and feel consistent with the outcomes from the current redevelopment procedure;
- Maintain involvement of the Zoning Board of Appeals in the review of non-conforming redevelopment projects;
- Reduce the impact of on-site parking;
- Eliminate incentives for and provide restrictions on the combination of existing platted lots; and
- Allow for continued occupancy incentives with explicit limitations.

Based on these goals, Kain reviewed the proposed text changes as they relate to the goals.

1) Transition area: Currently Registered Student Organization dwellings (RSOs) cannot share a lot line with a "R" zoned property. The proposed text adds an additional restriction that they cannot be located across a local street or alley. Existing RSOs would be allowed to remain, but this will strengthen the limitations for future RSOs.

Currently Rooming/Boarding Dwellings cannot share a side lot line with a "R" zoned property. The proposed text change adds an additional restriction that no rooming and boarding dwelling with a common lot line or across an alley or local street from a property in the R district shall be permitted to have more than 4 occupants per dwelling unit. For all other rooming and boarding dwellings, there shall be no more than 6 occupants per dwelling unit.

Commissioner Ranzenberger asked for clarification on what constitutes a dwelling unit. Kain provided the clarification that a dwelling unit is one or more rooms with kitchen, sanitation and sleeping facilities.

Kain commented that currently land area is the only control on the number of occupants and noted that this is a big change, as any rooming dwelling in the M-2 district would be limited to no more than 6 per unit.

Commissioner Dailey questioned whether there would be multiple dwelling units allowed. Kain responded that this would be a possibility; however, the 1:900 land area requirement would continue, as would the parking and setback requirements; and commented that there would be very few lots that would allow for multiple dwelling units, noting that many of them are only 5,000 square feet and it would be difficult to exceed five occupants. Kain commented that it is likely that the most you would see is 6, split into two units. Kain also commented that the properties that currently have large numbers of occupants would be grandfathered properties.

Commissioner Dailey commented that in his mind, the feel of a "buffer" zone goes away if multiple units are allowed and questioned whether the limit of four occupants per unit in the transition zone was restrictive enough.

Commissioner Horgan commented that if we restricted the occupancy in these units to two, we would essentially be rezoning the property to an "R" district.

Kain noted that based on discussion during the June work session, discussion on this topic included 3, 4, 5, and 6 occupants per unit and he feels that four creates a meaningful transition area, agreeing with Commissioner Horgan that lowering it to two would in effect be the same as rezoning the property.

Commissioner Dailey expressed concern on the "two bonus" occupants that may be awarded to a developer. Kain commented that there has been a pretty high threshold for two additional occupants and commented that any bonus occupants would not negate the "per unit occupant" restriction. Kain also noted that if the text change is approved, it would be suggested that a joint meeting be held with the PC and ZBA to discuss implementing the change and expectations moving forward.

Goal # 2 - Preserving the neighborhood look and feel. Kain noted that based on the discussion at the July meeting an additional element was added to the proposed text change to include landscaping elements such as plantings, fencing and preservation of healthy non-invasive trees, along with maintaining building aesthetics and the appearance of a single family dwelling, taking into consideration the shape, location and architectural details of homes in the neighborhood.

Commissioner Dailey commented that perhaps the language should also include the phrase "not limited to". Commissioner Ranzenberger commented that the words "include" and "such as" implies that these are only examples and not all-inclusive.

Commissioner Dailey suggested adding something about the historic homes in the neighborhood. Chairman Cotter asked if "historic homes" is defined.

Kain noted that we don't currently have any registered historic homes in that neighborhood; however, he noted that it has been the practice of staff to work with applicants to incorporate architectural features found in the neighborhood. He further commented that if there are features that the PC and ZBA would like to see, that staff is open to ideas and added that staff also is sensitive to bringing diversity to the architecture of the area.

Commissioner Friedrich commented that he would not want to see the term "historic homes" included in the text as he feels this may actually give the developers more freedom as there are no registered historic homes in the neighborhood and they may feel that this gives them more freedom to do whatever they want.

Kain continued with Goal 2 noting that text has also been suggested to allow flexibility for rear entryways in multiple unit dwellings that do not back up to residentially zoned properties which will help to preserve the neighborhood look.

Regarding Goal 3: Continue to involve the ZBA. Kain stated that the text basically codifies the M-2 process to explain the ZBA's role in the process and also clarifies that any bonus occupants are based on land area, not on current licenses.

Commissioner Dailey again expressed concern over allowing additional occupancy in the transition area. Vice-Chair Hoenig commented that with the four per unit restriction and the available land area, it is not likely that there would be enough land area for additional units. Chairman Cotter agreed.

Goal 4: On-site parking. Kain reported that current ordinance requires that anything other than single family dwellings must have parking lots and maneuvering lanes. The proposed change would allow for some stacked parking to help reduce the amount of asphalt and paving areas.

Goal 5: Eliminate combining of lots to allow for larger developments. Kain noted that this will likely result in smaller projects and also noted that the language would require parking to be on the same lot as the development, further restricting size.

Goal 6: Allow for continued occupancy incentives with explicit limitations. Kain explained that this change would clarify that bonus occupancy is based on "land area" not on current licensure. Kain stated that additional language would limit occupancy of RSO's (all areas of M-2) to 12 occupants, and again noted that new RSOs would not be allowed in the transition area. In addition, rooming/boardings dwellings in the transition area would be limited to four occupants per unit and 6 occupants per unit in the other areas of M-2.

Commissioner Horgan commented that there are very few lots that have sufficient land area to allow two units (for a total of 12). Kain agreed that in this neighborhood that is true; however, noted there may be some (not many) M-2 lots in other areas of the city that may have enough land area to accommodate two units.

Kain recommended a "text cleanup" to change a references to "family duplex" to "two-family," as duplex is not a defined term in our ordinance, whereas two-family is, and they are essentially the same thing.

Kain reviewed the changes being proposed:

- Implements the PC's vision for the M-2 neighborhood
- Substantially revised "as-is" process:
 - Creates a meaningful transition to R districts through lower permitted occupancies per unit
 - Clarifies that bonus occupancy incentives will be based upon 1:900 land area occupancy not current licensed occupancy
 - Limits occupancies per unit throughout district
 - Reduces the impact of on-site parking on neighborhood aesthetics
 - Preserves existing neighborhood integrity by limiting lot combinations
 - Facilitates higher quality redevelopment than either existing zoning ordinance or redevelopment procedures
 - Codifies process in accordance with initial City Commission request in 2013

Kain concluded his presentation noting that he recommends that the Planning Commission recommend that the City Commission adopt Text Change 15-06.

Kain noted that if the PC makes this recommendation, the CC has been asked to set a public hearing for September 24, 2015. If adopted by the PC, Kain reiterated that he would suggest a joint meeting with the ZBA and PC to discuss how to move forward and implement.

Chairman Cotter opened the public hearing.

Henry Fulton, 807 S. University, addressed the Board, noting that he appreciates the efforts of Mr. Kain and the Planning Commission to maintain the neighborhood. He commented that the draft amendment is lengthy and complex and questioned whether the restricted occupants per unit in the transition area is sufficient, suggesting that converting these properties to R-3 and replacing the students with adults and young families would do it. Mr. Fulton commented that landlords will look for exemptions and questioned if the PC would stand up for this amendment when it goes before the CC and they are faced with opposition from landlords. Mr. Fulton commented that he doesn't feel the amendment will do anything about the noise and bonus occupants make him nervous, and questioned where the stacked parking would apply. Mr. Fulton commented that basically he likes the amendments; but would like more clarification.

Sam Raisanen, 507 S. University, also thanked the PC for the work that they have done on this issue, commenting that he participated on the neighborhood walk in April. Mr. Raisanen expressed a concern that the packet wasn't posted until Monday and feels this was too short of a time for residents to digest such a complex issue. He indicated that he felt Mr. Kain provided a very helpful summary; however, he noted that there are many residents neighboring the M-2 area that are out of town and asked that the Commission postpone their decision and hold a second public hearing and possibly meet with the public to go through the changes.

Michael Lents, 502 S. University, commented that his home was built in 1884 and he considers it to be a historic home. Mr. Lents thanked Commissioner Kostrzewa for his comments at the July meeting regarding preserving trees. Mr. Lents indicated his issue with the transition area is the number of occupants per unit and recommended the PC do a study and consider reducing the number to two per unit as a way to prevent problem behavior. He stated that Central Michigan University no longer builds student housing with more than two students per unit. He also commented that he feels the transition area should include more than just the abutting properties and suggested it be extended to 300'.

Edward Clayton, 302 E. High Street, addressed the Board, thanking Mr. Kain and the PC for the work they have done on this. Mr. Clayton also commented that the packet has only been on the website since Monday and that many people are on vacation with this being a busy time of year and suggested the PC postpone action and solicit and encourage participation from residents in the area. He also suggested expanding the public notice area from 300' to 600'.

Steven Berkshire, 602 S. Main, addressed the Board, and referred to a letter he had submitted. He indicated that after hearing the concerns voiced about the occupants per units, he may amend his letter.

Eric Chercover, 318 E. Cherry, addressed the Board noting that his home is 110 years old and he considers it historic. He commented that he likes a lot of what he heard tonight and hopes that it will stand up against opposition by landlords. Mr. Chercover commented that he loves living in the area and the variety it offers, but feels that there are limits and feels that the city has reached a critical point on how many students are in the area. Mr. Chercover commented that it is nice that the city is hiring an extra code enforcement officer, but wondered if it is best to spend money on dealing with problems or preventing them.

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

Kain commented on a common thread that was heard during public comments about the zoning amendment being complicated. He commented that as the City Planner, his door is always open, and he is available by phone or email, and encouraged anyone who had questions on any of the PC cases or the Zoning Ordinance to contact him. He said he is available to the public and guarantees he will respond.

Kain noted that one thing this text change will not do is eliminate non-conforming uses. He commented that short of condemning properties or purchasing them, non-conforming buildings and uses will remain a challenge. He further noted that if we make the language overly restrictive or not in line with what the market is demanding, it will not be utilized.

Kain also referred to the comments on the timing of the public hearing, noting that this timeline was developed in March. He further noted that the text change before the commission tonight is the same, with one minor change, that was presented in July and has been available since early July.

Kain commented that the 300' area is based on state law. The city can choose to increase this area; however, the City Commission looked at this issues earlier this year and felt that the 300' was sufficient. Kain shared the new zoning notice signs that the department recently had made and commented that the notices are published in the newspaper, are on our website and public television, noting the various ways the city attempts to get the information out to residents.

Board Discussion:

Commissioner Friedrich commented that if there are others out there who couldn't be at tonight's meeting that the CC will be holding another public hearing. Kain verified that, noting that if the PC votes to recommend the text change it will go to the CC and they have been asked to set a public hearing for their September 24th meeting. In addition, he will be presenting the information to the CC on August 24th and reiterated that in the meantime, he is available to meet with anyone who wishes to get some clarification.

Commissioner Ranzenberger asked for clarification on the date for the CC public hearing. Kain noted that he would be presenting the information to the City Commission on August 24th. The CC will then set a public hearing for September.

Commissioner Ranzenberger commented that we are talking about the M-2 area not the R-3, and commented that unless redevelopment occurs, the problem with high numbers of occupants in a unit is not going to change.

Commissioner Horgan commented that behavior can be dealt with by communicating with code enforcement, working with the NRU, calling dispatch, etc.

Commissioner Horgan acknowledged that this issue is confusing; however, she added that it has been brought to the citizens more than once, and we have Mr. Kain as a resource to help those who are confused with the language and feels it is time we move it on. She reiterated that there will be more opportunities to hear Mr. Kain present and there will be another public hearing at the CC. She indicated that she feels this is a good compromise and it feels good. It is not rezoning and is not everything everyone wants, but she feels good about it.

Chairman Cotter agreed.

Commissioner Kostrzewa commented that there has been a tremendous amount of work that has went into this and he feels this does provide a buffer zone and is willing to give this a chance and move it on. He credited Kain for doing a good job.

Kain acknowledged the work and late nights that the PC put into this issue.

Motion by Ranzenberger, support by Kostrzewa, that the Planning Commission recommend that the City Commission adopt Text Change 15.06.

Motion by Dailey to postpone taking action for one month and invite the public in and provide an opportunity for a public work session. Motion failed due to lack of support.

Chairman Cotter called the question.

Ayes: Cotter, Driessnack, Friedrich, Hoenig, Horgan, Irwin, Kostrzewa, Ranzenberger.

Nays: Dailey.

Motion carried 8:1

VII. Public Comments:

Chairman Cotter opened the public comments section of the meeting. There being no one who wished to speak, public comments was closed.

VIII. Site Plan Reviews:

A. SPR-15-12 -714 S. Main - Rentwood Management.

Kain introduced SPR-15-12 noting that this site plan is related to the Special Use Permit request to convert the home into a duplex. Kain reported that following the Planning Commission's

denial of the Special Use Permit at their May meeting, action on the Site Plan review was postponed. The applicant appealed the Planning Commission's decision to the Zoning Board of Appeals who overturned the denial and issued the SUP at their July meeting. As a result the request for site plan approval is back before the board.

Kain noted that the home sits on a double platted through lot and is zoned R-3 Residential, with future land use designated as Urban Residential/Main Street Overlay District. Surrounding zoning includes R-3 Residential to the east, M-2 Multiple Family to the south and R-3 Residential to the west. Future land use on surrounding properties is a mixture of Urban Residential, Main Street Overlay District and Multiple Residential (medium).

Kain reported that the site plan is the same as what was before them in May. Kain reported that the site plan primarily adds additional landscaping and screening for the parking area as required by the Zoning Ordinance. Kain noted that although it is not required, the applicant is providing a screening fence for the waste receptacles.

Kain reported that the site meets all setback requirements with the exception of an existing nonconforming side setback, which will not be made more non-conforming with the proposed change. Kain also noted that the site includes six parking spaces as required and the proposed planting will supplement the existing.

Kain concluded his report, recommending approval.

Brandon LaBelle, representing Rentwood Management, addressed the Board, offering to answer questions.

Commissioner Ranzenberger referred to the recommendation by the Division of Public Works, to eliminate a parking space and asked if the applicant planned to do that.

Kain clarified that this isn't a requirement of the zoning ordinance and therefore it is only a recommendation. He added that the applicant would be required to get a variance in order to drop the parking space.

Mr. LaBelle stated they did not have any plans to eliminate it.

Board Discussion:

Motion by Kostrzewa, support by Irwin, to approve SPR-15-12 with the following condition:

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

Motion approved unanimously.

B. SPR-15-10 - 617 W. Pickard.

As neither the applicant nor his representative was present to speak on the application, Kain suggested postponing.

Motion by Hoenig, support by Dailey, to postpone SPR-15-10 until next month.

Motion approved unanimously.

IX. Unfinished Business:

A. Discuss and consider a text change to Section 154.021 (Fences or Walls).

Kain referred to the discussion at last month's meeting regarding the zoning ordinance requirements for fences and walls. As mentioned in Commissioner Friedrich's ZBA reports, variances for fences have been granted at the last two ZBA meetings. Kain also mentioned that one of our PC members was a recipient of a variance for a fence and asked if he could speak to this issue.

Commissioner Dailey stated that one of their arguments for the variance they received was the number of fences in the area that are non-conforming. He also referred to hedges that can be used as a fence that are not 50% see-through and noted there does not seem to be a lot of enforcement regarding this requirement. He further commented that the way their home is structured, placing a fence as allowed by Ordinance would've taken away a large portion of their yard and noted that the fence that they constructed is not a vision obstruction in any way.

Kain noted that he did not put together any draft language as he is looking for discussion on this issue and at the end of the discussion will determine if a text change is needed or not.

Based on the request from last month, Kain shared several photos of non-conforming fences throughout the city, along with a couple of locations where hedges were planted right up to the sidewalk. He also shared a diagram of how our current standards restrict fences in front yards and in side street yards of corner lots to 3 feet high and 50% see-through. The diagram also showed where a six foot privacy fence would be allowed.

Kain asked for discussion on two separate issues:

- 1) Front yard restrictions of 3 ft. and 50% open
- 2) Side street yards - height and setback

Commissioner Dailey commented that their fence installer suggested moving their fence in a foot from the sidewalk and commissioners agreed that this seems less oppressive than when flush with the sidewalk.

Commissioner Ranzenberger commented that hedges grow over the sidewalk and cause problems for pedestrians and that isn't regulated.

Kain was asked to follow up to see what action is taken when vegetation encroaches over the sidewalk.

Commissioner Horgan commented that there may be limitations on what is even available in a 50% open and 3 ft high fence.

Kain commented that we have heard arguments that the 50% open requirement may not function to contain small pets. Kain explained to the Commission that they have unlimited flexibility to provide some middle ground and look at various alternatives.

Commissioner Driessnack noted that in the side yard, privacy is a concern for many, along with safety and security.

Kain commented that generally when you look around the community and see a lot of non-conforming fences and know that several variances have been granted, it may be time to look at the ordinance.

Commissioner Horgan observed that some of the lots do not have sidewalks. Kain noted that the Commission should treat this as if there were sidewalks on all the lots as the city has adopted the Complete Streets policy and will be adding sidewalks at some point in the future.

Kain noted that he would be willing to work with the Building Official, Brian Kench, to draft some ideas for the Commission to look at. In the meantime, it was asked that the Commission forward any ideas and/or photos and locations of fences that they may see that they would like considered.

X. New Business:

A. Mission Redevelopment Overlay Zone. Kain noted that we have received a formal request from the City Commission to look at the Mission Redevelopment Overlay Zone and asked that the Commission start sharing their thoughts on the Overlay Zone with staff.

B. Appeals & Variances. Kain reported that the City Commission has asked the City Attorney to look at the ordinance language on appeals and variances. The City Attorney will be providing some language to help clean up and clarify that section of the Ordinance.

C. University District. Kain noted that Central Michigan University has informally indicated they would be interested in the City implementing a setback requirement for when other zoning districts abut the U-University District.

XI. Other:

A. Staff Report

- 1. September Meeting:** Kain noted that they may or may not see the Mission Overlay on the agenda.
- 2. 2-Way Conversion:** Kain reported that the 2-way conversion on Main and Washington Streets is scheduled to go live on August 11, 2015.

- 3. Citizen Planning Training:** Kain reported that there will be a Citizen Planner Training that will take place in Mt. Pleasant. Information was placed on the dais. Kain asked that anyone who is interested in attending should let him know.

XII. Adjournment:

Motion by Friedrich, support by Kostrzewa, to adjourn.

Motion approved unanimously.

Meeting adjourned at 9:28 p.m.

bam