

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
January 7, 2016**

**I.** Chairman Cotter called the meeting to order at 7:02 p.m.

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

Absent: Kostrzewa

Staff: Kain, Murphy

**II. Approval of Agenda:**

Motion by Friedrich, support by Irwin, to approve the agenda.

Motion approved unanimously.

**III. Approval of Minutes**

**A. December 3, 2015 Regular Meeting:**

Motion by Ranzenberger, support by Irwin, to approve the minutes from the December 3, 2015 regular meeting as submitted.

Motion approved unanimously.

**IV. Zoning Board of Appeals Report for December:**

Commissioner Friedrich reported that the ZBA did not meet in December.

**V. Communications:** Kain noted that three letters were received regarding SUP-16-02, one which was included in the packet, with the others placed on the dais.

**VI. Public Hearings:**

**A. SUP-16-01 1000 S. University**

Kain introduced SUP-16-01, submitted by Ramon Beaulieu, requesting a Special Use Permit for a rooming dwelling for six occupants at 1000 S. University, located on the southeast corner of University and Gaylord Streets.

Kain reported that the property is zoned M-2 Multiple Family and is surrounded by M-2 properties. The future land use designation of Multiple Residential (Medium) is consistent with the use.

Kain shared photos of the site, noting the parking area, which includes a covered carport. Kain noted that the home is currently licensed for 5 occupants, however, the land area and dwelling area

would allow for 6 occupants. Based on the recent changes in the Ordinance to allow limited stacked parking, it would now be permissible to allow six occupants. Kain reported that the only proposed change, which is included in the suggested condition for approval, would be to install some type of protection along the diagonal portion of the driveway to prevent cars from parking or driving over the lawn.

Kain noted that the Planning Commission does have the ability to require additional parking beyond the minimum provisions; however, noted that this is not being recommended by staff.

Kain concluded his report, noting that staff is recommending approval with the condition noted. Kain also commented that the applicant has already been looking into options and feels that placing boulders may be the best solution.

Commissioner Ranzenberger asked if parking was the only reason that the site hasn't been licensed for six. Kain confirmed this was the case.

Ramon Beaulieu, 630 S. Washington, owner of the property, addressed the board. Mr. Beaulieu noted that he has invested in the rehabilitation of this property and takes pride in fixing up his properties. Mr. Beaulieu reiterated that the only reason this property has not been licensed for six is the Ordinance did not allow stacked parking in the past.

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

#### Board Discussion:

Commissioner Dailey asked for more clarification on the proposed boulders. Kain shared photos of the boulders the applicant is proposing to use, noting that they are roughly 18" in diameter. Kain noted that staff recommended that the boulders be of a size that they could not be easily picked up.

Commissioner Horgan noted that when people drive or park on the yard, it leaves obvious marks. She noted that this allows the code enforcement officers to address the problem; however, it was further noted that there was no evidence that this has been happening at this location.

Kain also added that the landscaping on the site, including an existing street tree, would likely preclude any vehicles from driving over the grass or curb.

Motion by Ranzenberger, support by Friedrich, that the Planning Commission approve SUP-16-01.

Motion approved unanimously.

#### **B. SUP-16-02 1070 S. Kinney**

Kain introduced SUP-16-02, noting that this was a request submitted by Nichole Garcia to allow a group day care home for up to 12 children at 1070 S. Kinney, located just north of Bellows Street.

Kain reported that the zoning on the site is R-3, with R-3 zoning to the north, east, and west, along with M-2 zoning to the east and south. Future land use is designated as Urban Residential.

Kain shared photos of the site showing both the front and back of the property.

Kain noted that daycares are allowed in the R-3 zoning district; however, have unique requirements that need to be met. Kain noted that this request meets the requirements outlined in the zoning ordinance. Kain commented that the Building Official would need to issue a Certificate of Occupancy prior to the applicant using the site as a daycare.

Kain explained that the site is currently a licensed rental property and in this case, the applicant is renting the property. Kain noted that the owner is aware of the request and we have received authorization from him.

Kain reviewed the site plan requirements, noting that the parking requirement has been met. He further noted that daycares are required to provide a minimum of 150 square feet per child, of fenced-in outdoor play area within the back yard, which the applicant is planning to do.

Kain explained the requirements for the indoor area for the daycare that require a minimum of 35 square feet of habitable indoor play area for each child, exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep. Kain noted that the applicant is able to provide that area in the finished basement.

Kain concluded his report recommending approval with the conditions noted in the staff report.

Commissioner Friedrich questioned whether it was appropriate for the tenant to place a fence when they aren't the property owner. Kain explained that we have received authorization from the owner and commented that any time a request is submitted by a tenant rather than the owner of the building, owner authorization is required.

Nichole Garcia, 1070 S. Kinney, addressed the Board offering to answer questions.

Commissioner Friedrich asked if the daycare would have any additional employees. Ms. Garcia indicated there would be one other employee other than herself.

Commissioner Dailey asked about the age of the children. Ms. Garcia indicated she currently has 7 children in her care, all age four and under.

Commissioner Dailey asked if there was a second dwelling on the property as indicated in one of the letters received. Kain noted that the author of the letter that Mr. Dailey was referring to was mistaken.

Commissioner Ranzenberger asked if the applicant was currently running a daycare. Ms. Garcia stated she was. She is currently living at 1070 S. Kinney, but still operating the daycare out of her previous home.

Commissioner Dailey asked about security cameras as mentioned in one of the letters received regarding the daycare, and if they were a requirement. Kain responded that the Board needs to make a distinction on the use determination rather than the State's requirements for daycares (which do not require cameras). Kain further commented that the Ordinance doesn't mandate the number of staff; that this too is addressed under the State requirements.

Commissioner Dailey asked about the traffic related to drop off/pick up of the children. Ms. Garcia commented that this has never been a problem with her daycare, noting that not all the parents arrive at the same time. Commissioner Horgan agreed that in her experience with daycares, this was the case - that many times she would be the only parent there to drop off/pick up a child. In addition, she commented that noise was never an issue.

Ms. Garcia also noted that she would be parking in the back, which would free up the front drive.

Chairman Cotter commented that he feels many parents will just park at the curb.

Chairman Cotter opened the public hearing.

Ella Reegan, 1016 S. Kinney, addressed the Board. Ms. Reegan indicated she had spoke with the City Planner and was informed that the home has the area required for the daycare; however, she feels it would be more reasonable to have no more than 8 children. In addition, Ms. Reegan commented that she feels this is allowing a business into a residential neighborhood and expressed concern that this may open the door for other businesses to come in. Ms. Reegan concluded, saying other than the concerns expressed she welcomes children into the neighborhood.

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

Commissioner Ranzenberger commented that as a business, daycares are allowed in a residential neighborhood and with 6 or less children they can operate without permission of the local zoning authorities.

Kain explained that the applicant currently has 7 children in her daycare and staff advised her to request the maximum of 12 to allow her flexibility. Kain further noted that daycares are treated differently than other home occupations and there are certain distance requirements to prevent "clustering." Kain also explained that some home occupations are allowed by right in residential zoning district.

Motion by Ranzenberger, support by Driessnack, that the Planning Commission approve SUP-16-02 with the following conditions:

1. A certificate of occupancy shall be issued prior to operation.
2. The group day care home shall be inspected annually by the Building Official and Fire Marshal for compliance with current codes.

Motion approved unanimously.

**C. ZC-16-01 - 210/212 W Pickard.**

Kain introduced ZC-16-01, noting that this was a request to amend the current conditional rezoning of the property. Kain reported that the property is located just west of Main Street on the north side of Pickard. The property is currently operating under conditional C-3 zoning. The properties to the north, east and south are zoned I-1 Industrial, with a mixture of I-1 Industrial and R-4 Residential to the west.

The property currently houses a yoga studio and what was once a tea room, which is no longer in business. Kain reported that in 2011, when the property was conditionally rezoned, the conditions were very specific to only allow those two uses. With the tea room no longer in operation, the owner is looking for some flexibility.

Kain explained that this is the first of two public hearings that are required for rezoning requests. The applicant has provided a response to the 13 criteria, and Kain indicated that staff concurs with the responses.

Kain explained that for conditional rezoning requests, the Planning Commission or City Commission cannot propose conditions, the applicant is the only one allowed to do so. Kain also noted that the Planning Commission would only be making a recommendation to the City Commission, who will hold a second public hearing in February. The City Commission will ultimately approve or disapprove of the proposal.

Kain reviewed the future land use map, and noted that in staff's opinion the request is compatible with the future land use proposed for this property.

Kain explained that the applicant is proposing C-3 zoning limited to the following uses, which eliminates some of the C-3 district's more intense commercial uses:

**B) Principal Uses Permitted.**

1) Any retail business or service establishment permitted in C-1 Local Business District and C-2 Central Business District as principal uses permitted and uses permitted subject to special use permits.

5) Accessory structures or uses customarily incidental to the above permitted uses.

Staff concluded his presentation with the recommendation that the Planning Commission recommend approval.

Commissioner Dailey asked if the restricted use of a yoga studio and tea room was self-imposed in 2011. Kain noted that he wasn't on staff here at that time; however, noted that significant modifications were made to the building to accommodate these businesses.

Commissioner Ranzenberger commented that he was here in 2011 and the request was for those specific uses.

Tim Bebee, Central Michigan Surveying and Development, addressed the Board as the owner's representative. Mr. Bebee stated that the staff in 2011 recommended writing the request for exactly what they were wanting at that time, which made it very restrictive. Mr. Bebee explained that the Tea Room has closed down and based on the wording of the agreement, they can't put anything else in there so that is why they are back before the Planning Commission. Mr. Bebee commented that basically they are asking for C-3 zoning with the uses allowed in a C-2 zoning district.

Chairman Cotter asked if the applicant had a tenant in mind. Mr. Bebee responded that they have been in discussion with a hair salon; however, without knowing the outcome of the rezoning request, it is difficult to try and recruit someone.

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

#### Board Discussion:

Commissioner Horgan asked if this request would take away the specificity. Kain affirmed that it would, noting that the proposed conditions would allow more flexibility. Retail and service establishments would be allowed, as well as certain commercial uses.

Commissioner Ranzenberger questioned what would happen to a conditional rezoning if a "blanket" rezoning would be considered for that area under the new zoning ordinance.

Kain commented that the adoption of a new zoning ordinance does not necessarily mean that properties will be rezoned. Typically a new ordinance would be adopted and then any need for rezoning would take place afterwards.

Motion by Friedrich, support by Horgan, to recommend that the City Commission approve ZC-16-01.

Motion approved unanimously.

## **VII. Public Comments:**

Chairman Cotter opened the floor for public comments. There being no one who wished to speak, public comments was closed.

## **VIII. Site Plan Reviews:**

### **A. SPR-16-01 - 1000 S. University.**

Kain noted that this request coincides with SUP-16-01 to allow a rooming dwelling for six occupants at 1000 S. University. Kain noted that staff is recommending approval with the condition noted in the staff report, and stated that staff will work with the applicant to see that the condition is noted on the site plan.

Ramon Beaulieu, 630 S. Washington, addressed the Board, noting that the trees and bushes on this property are pretty significant, making it difficult to drive through the lawn area. He commented that he feels that boulders are a good solution, as fences have a tendency to get destroyed.

Motion by Driessnack, support by Irwin that the Planning Commission approve SPR-16-01 with the following condition:

1. The applicant shall work with the City Planner to identify an appropriate means of preventing vehicles in spaces 3 and 4 from backing into the grass and over the curb and sidewalk such as landscape boulders or other approved method.

Motion approved unanimously.

**B. SPR-16-02 - 1070 S. Kinney.**

Kain noted that this request coincides with SUP-16-02 and staff is recommending approval.

Motion by Horgan, support by Driessnack, that the Planning Commission approve SPR-16-02.

Motion approved unanimously.

**IX. Unfinished Business:**

**A. None**

**X. New Business:**

**A. Form Based Codes training.**

Kain provided information on an online Form Based Codes training course, noting that the department has received funding to draft a new Zoning Ordinance for the City of Mt. Pleasant, which he anticipates will be substantively form-based.

Kain noted that he has secured a one month subscription to this training for each of the Planning Commissioners and would be sending directions via email on how to log in. Kain noted that this training includes 8 courses, with each course taking about an hour. Kain acknowledged that this is a big commitment; however, he feels that this will be invaluable to everyone moving forward. Kain also noted that there are subsequent in-person trainings on Form-Based Codes that require completion of this initial online training series as a pre-requisite and that staff hopes at least some Planning Commissioners will consider that extended training.

**B. Set Work Session for February:**

Kain noted that he is recommending the Planning Commission set a work session following their regular February meeting. The Planning Commission will be discussing goals and will also use this time to discuss the Form-Based Codes training.

**C. Community Improvement Awards:**

Kain referred to the information included in packets regarding nominations for Community Improvement Awards, noting that eligible projects include those that were completed in 2015. Staff will provide an email survey for Commissioners to choose their favorite projects.

Kain noted that he would like to include the winners in the Annual report, which will be available in draft form for the February meeting. Kain noted he would like feedback by January 24th.

**XI. Other:**

**A. Administrative Review Report:**

Kain provided a report on a site plan that went through an administrative review. The project, SPR-15-24, for 911 E. Pickard, was to allow some minor site alterations to facilitate the location of a Harbor Freight store within a portion of an existing shopping center.

**B. February Planning Commission Meeting:**

Kain reported that staff has continued to meet with developers in pre-application meetings; however, he is unsure if any of these projects will be moving forward in time for the February meeting.

**XII. Adjournment:**

Motion by Friedrich, support by Irwin, to adjourn.

Motion approved unanimously.

Meeting adjourned at 8:10 p.m.

bam