

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
January 5, 2017**

I. Chair Hoenig called the meeting to order at 7:00 p.m.

Present: Dailey, Driessnack, Friedrich, Hoenig, Horgan, Irwin, Joseph, Kostrzewa, Liesch.

Staff: Kain

II. Approval of Agenda:

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

Motion approved unanimously.

III. Approval of Minutes

A. November 3, 2016 Regular Meeting:

Motion by Dailey, support by Friedrich, to approve the minutes from the November 3, 2016 regular meeting as submitted.

Motion approved unanimously.

IV. Zoning Board of Appeals Report for October:

Commissioner Friedrich reported that the Zoning Board of Appeals (ZBA) did not meet in November or December.

V. Communications: There were no communications to report on at this time.

VI. Public Hearings:

Z-17-01 - 205, 209-219, 221 E. Bellows and 1021 S. University - United Investments.

Kain introduced case Z-17-01, explaining that this request involves three separate tax parcels addressed as: 205, 209-219 E. Bellows and 1021 S. University.

Kain noted that the two parcels addressed off Bellows Street are currently zoned C-1 Local Business. The request is to rezone them to M-2 Multiple Family Residential. The parcel addressed off University Street is currently zoned P-1 Vehicular Parking and the applicant is requesting that it also be rezoned to M-2 Multiple Family Residential.

Kain shared an overview of the area, noting that this is the site of the former SBX Book Store and associated parking area, and is currently the site of the Kaya Coffee House.

Kain reported that the areas to the north, east and west are a mixture of C-1 Local Business and M-2 Multiple-Family Residential zoning districts, with the majority being zoned M-2. Future land use for these areas, including the subject site, is listed as Multiple Residential (Medium), which coincides with

what is our current M-1 and M-2 zoning classifications. The area to the south of the property is Central Michigan University (CMU) property and is zoned U, University.

Kain shared photos of the site and the current conditions, from various angles.

Kain noted that this is the first straight re-zoning request the Planning Commission has heard in some time and referred to Section 154.172 of the Zoning Ordinance, noting that the applicant is required to respond to the 13 criteria outlined in that section of the zoning ordinance.

Kain reminded the Planning Commission that their role in this case is to provide a recommendation to the City Commission, who will hold a second public hearing and make the final determination on the request.

Kain reviewed the current and proposed zoning districts and provided information on the purpose and allowed uses of each of these zoning districts, noting that C-1 Local Business is the least restrictive of the commercial zoning districts. He explained that the P-1 zoning district is designed to provide for additional parking for adjoining properties and restricts the placement of additional structures on a site. Kain noted that the proposed M-2 zoning district allows for all uses that are permitted in Residential and M-1 districts, and also allows rooming/boardings dwellings and Registered Student Organizations. Kain explained that if approved, the existing building would become non-conforming and commercial uses would not be allowed; however, noted that the coffee shop that is currently in operation would be allowed to continue to operate there.

Kain reviewed the criteria from Section 154.172(D), noting that this should be the core of the Planning Commission's discussion and the criteria will be used in either recommending approval or not. Kain further referred the Commission to the applicant's response to the criteria, which was included in the packets.

Kain noted that the City is in the process of writing a new Zoning Ordinance, and commented that the Commission may wonder how this might impact their decision. Kain stated that until the new code is in effect we are still operating under the current Ordinance. He further noted that the new code will likely have new zoning designations that will likely not include a M-2 zoning district, as all properties in the city will receive a new designation when adopted. In the meantime, he reiterated that all applications for development will be considered under whatever code is in effect at the time.

Kain commented that the Master Plan should play an important part in decisions, noting that although the Master Plan does not dictate a decision, it does serve as a guide and is one factor to consider. Kain shared the Future Land Use map, noting that the properties to the north and east of the subject property are designated as Multiple Residential (Medium), with properties to the south Central Michigan University, and to the north and east, at quite a distance, is Urban Residential. Kain reiterated that the Future Land Use map should not dictate the decision; however, commented that the Commission should keep in mind compatibility to surrounding properties when making their decision.

Kain concluded his report with a recommendation that the Planning Commission recommend to the City Commission to approve the request.

Vice Chair Horgan noted that she has several questions and commented that when going through the criteria, there were some that popped out. She further commented that she feels that it is an awkward time to rezone an area when we are in the midst of the code review and update.

In regards to the criteria, Vice Chair Horgan referred to criteria 3: *Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.*

Vice Chair Horgan stated that the Commission hasn't really talked about this property except under the current zoning. Vice Chair Horgan commented that she would hate to limit what could go there and wondered what other possibilities might be available. She noted that we have the non-motorized plan; have made progress towards being a walkable community and have discussed the power of mixed use properties to attract young professionals. She noted that this is a very unique property as it sits on the edge of the university. Vice Chair Hoenig asked if there has been other inquiries on the property that were turned down based on the current zoning.

Kain responded that the SBX property has been vacant since July of 2014 and has been for sale for much of that time. He noted that the city has received several inquiries regarding the property based on its proximity to CMU and the fact that it is a fairly large piece of property for that area. The majority of the requests were related to the possibility of mixed uses for the property. Under the current ordinance, only one district (C-2) would allow mixed use. Kain noted that the challenge with that is, even under C-2 zoning, the flexible parking standards that are in place only apply if the property is within a certain distance to municipal parking facilities. This property would not be eligible and therefore, the site would likely not be large enough for the required parking for a mixed use development under C-2 zoning.

Vice Chair Horgan asked if it might be feasible under the new code to make it fit for a multiuse property.

Kain noted that it is a possibility; however, he has not seen any of the proposed new code. He noted that he expects there may be more opportunities for mixed use developments throughout the city. Kain further noted that whether or not the property is rezoned now, it will be rezoned at the time the new zoning ordinance is adopted. He noted that if the Commission approves the rezoning, the developer could submit a plan under the current M-2 zoning standards and that approval would be valid for one year. If the new code is adopted within that year, the developer can decide if the new code is more favorable and, if so, come in with a new plan. Or they could move forward under the current M-2 standards provided their approval was still valid.

Vice Chair Horgan asked if staff feels there is a market out there for things other than student housing for this site. Kain responded that he feels the best location for a mixed use development is either downtown or adjacent to the University. He noted that at this point in time, any discussion on the new zoning ordinance is very speculative, and will continue to be even once we've seen it, until it is adopted by the City Commission.

Vice Chair Horgan referred to criteria 7. *The apparent demand for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned and available to accommodate the demand.*

Vice Chair Horgan commented that this is a high student area and the applicant has noted that there is a waiting list of students waiting to get into that area. She noted, however, that the consultants indicated that they could possibly take some pressure off the neighborhood and that area by having development move along Mission on East Drive and by increasing density from Main Street to the railroad tracks.

Vice Chair Horgan referred to criteria 13: *Other factors deemed appropriate by the Planning Commission and the City Commission.*

Vice Chair Horgan reiterated that this property is very unique based on its location and is the only possible location of anything commercial or of mixed use for the area. She noted that she feels this property deserves some thought and exploration before changes are made.

Commissioner Driessnack offered his perspective as a developer, noting that he owned and operated a coffee shop adjacent to this property for 19 years. He commented that the market changed and business was decreasing during those years. Commissioner Driessnack continued, noting that CMU offers so much more on campus as far as retail and coffee shops, etc., which has affected these adjacent businesses. Commissioner Driessnack stated his property sat vacant for 1 1/2 years and there is currently another coffee shop operating out of that location; however, although the shop is doing OK, he would not say it is successful. Commissioner Driessnack also noted that the former owners of the Malt Shop indicated business was down and although it is currently in operation under new ownership; he isn't sure how successful it is.

Commissioner Driessnack speculated this as likely the reason the SBX Bookstore closed, with CMU offering their own bookstore and students acquiring books in different ways. Commissioner Driessnack also commented that although it seems there has been some interest in the property since it has been vacant, none of the businesses that were interested in coming in would've been good for the neighborhood. He noted that there may be a market for some sort of mixed use with commercial and residential, but it will be market driven and as a developer, he stated he would be afraid of it.

Chair Hoenig asked to curb discussion until questions are concluded.

Rick McGuirk, applicant, addressed the Commission offering to answer questions.

Commissioner Joseph asked about the plan for the current building if the zoning change is approved and if they would consider selling the property.

Mr. McGuirk commented that time will tell and they will likely wait to see what options are available. He further commented that rehabbing the current building into multifamily use not an option and they would likely demo it.

Vice Chair Horgan asked about the parcel of land adjacent to the alley and whether the piece of the alley was part of the request. Mr. McGuirk indicated that this area is part of the request.

Kain provided some background on the area in question, noting that when the building that was previously on the site was destroyed by fire, the owner requested that the alley be closed to allow the current buildings to be joined. The City agreed, with the provision that the City had easement rights. Kain further commented that the parcel that is currently zoned P-1 is not a buildable lot, without an alley adjustment, in the M-2 zoning district. In addition, depending on the type of development, the lot would not be allowed to be used as a parking area for a M-2 development as parking is required to be on the same lot.

Commissioner Friedrich asked Mr. McGuirk if anyone has offered to purchase the property in the past two years. Mr. McGuirk commented that they are currently trying to purchase it; they are not the current owner. Commissioner Dailey questioned whether it is possible to request a rezoning of property that you don't own. Kain noted that it is allowed with the owner's authorization, which we have.

Chair Hoenig opened the public hearing. There being no one who wished to comment, the public hearing was closed.

Board Discussion:

Commissioner Kostrzewa commented that historically this corner was a real attractant; however the property has been vacant for some time. He commented that he appreciates the historic piece; however noted that even with the number of students in the immediate area, there doesn't seem to be any demand for professional offices at this location. He noted that the overriding thing that confuses him is the fact that everything will be rezoned and what affect that will have on this.

Commissioner Dailey noted that although he appreciates that things are changing, the Planning Commission still has a job to do. Someone has brought in a proposal and the Commission needs to deal with it. He noted that he would prefer to see something go in there that would be more old world where students gather rather than more housing; however, noted that there may not be a market for that.

Commissioner Driessnack noted that there is a Starbucks on campus that is always busy, noting the students like the convenience of staying on campus. He further noted that ultimately the City Commission will be making the decision and the developer will need to work with the city to figure out the best use. He also commented that he feels the rezoning is consistent with the Master Plan.

Vice Chair Horgan reiterated her concern that we may be giving up an opportunity for a mixed use development.

Commissioner Friedrich referred to criteria 9 & 10:

- (9) *If a rezoning is appropriate, is the requested zoning district considered to be more appropriate from the city's perspective than another zoning district?*
- (10) *If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?*

In regards to Criteria 9, Commissioner Friedrich questioned whether rezoning to C-2 would allow some of the other uses discussed. In addition, he commented that if it is left as C-1, could there be changes made to that district to allow something different. Discussion ensued on other areas of the city that were zoned C-1 and it was noted that although there aren't many properties zoned C-1, any changes to the C-1 District would include all C-1 districts.

Commissioner Irwin commented that the property has been vacant for a couple of years so it appears that the choices are to change the zoning or have the property remain vacant.

Vice Chair Horgan commented that she is concerned with the timing, noting again that we may be losing out on an opportunity.

Commissioner Driessnack commented that we have no way of knowing how long it will be before the new code is adopted or what it will include.

Chair Hoenig asked for a motion before continuing discussion.

Commissioner Kostrzewa clarified that if the property is rezoned to M-2 Multiple Family Residential, then no part of the property could be used for commercial purposes, other than the Kaya Coffee House that is currently operating from there. Kain concurred, noting that if the current use doesn't lapse it can continue;

however, they would not be able to change to other C-1 uses. Kain further commented that if the use lapses for more than a year, it could not be reinstated without permission from the Zoning Board of Appeals.

Kain noted that if the new code passes, then the property would only be M-2 until the new zoning takes effect and reviewed the process:

- The Planning Commission makes a recommendation to the City Commission.
- The City Commission will receive the Planning Commission's recommendation at their January 9th meeting.
- The City Commission will set a public hearing for some time in February and will likely make a determination at that meeting.
- If the City Commission approves the rezoning request it will become effective 30 days following their decision.

Kain noted that based on this process, the applicant could not submit an application under the new code until it is adopted and goes into effect.

Motion by Friedrich, support by Kostrzewa, to recommend that the City Commission approve Z-17-01.

Vice Chair Horgan commented that she isn't concerned about what anything this applicant would bring would look like, nor is she concerned over additional student housing; however, she is concerned that we may be giving up a unique opportunity for this property.

Commissioner Friedrich commented that he feels mixed uses go hand in hand with a walkable community and the C-1 district caters to that. He also expressed some concern that by rezoning the property to M-2, we would be losing that.

Chairman Hoenig called the question:

Ayes: Dailey, Driessnack, Friedrich, Hoenig, Irwin, Kostrzewa, Liesch.

Nays: Horgan, Joseph.

Motion passed 7:2.

SUP-17-01- 1415 E. Pickard.

Kain introduced SUP-17-01 & SPR-17-01 submitted by Goudreau & Associates and Greenwald BC on behalf of Krapohl Ford/Lincoln. Kain noted that this is a large piece of property that is located on the north side of Pickard at the eastern edge of the city. The property extends north to Corporate Drive and has frontage on Pickard, Packard and Corporate.

Kain explained that the subject property has split zoning with a portion being C-3 General Business and a portion being I-1 Industrial. Properties to the east and west share this split zoning, with property to the north being a general business district located in Union Township.

Kain shared photos of the site and surrounding area, noting the location of the proposed addition.

Kain reported that there is general criteria for all special use permits and additional criteria for car dealerships. Kain reviewed the additional criteria, noting that the greenbelt standard has not been met and in addition,

stated that if the Planning Commission should choose to approve the request, the criteria for servicing vehicles located in Section 154.067 of the zoning ordinance should be included as a condition.

Kain shared the site plan for the site, noting the location of the proposed addition, along with the location of existing services and buildings on the property. Kain noted that there are a number of items that are not included on the site plan, making it difficult to offer a recommendation or guidance.

In terms of height, bulk and density, Kain noted that the building height and lot width requirements are met. Kain noted that a 0' setback would apply on the west side, which is met. On the east side, the requirement is 25'. Based on the information submitted, the proposed setback is unknown. Kain further stated that although the front setback is also unknown, it will not be impacted by the addition. Rear setback is 0' and therefore is met, even though not shown.

Kain noted that the parking requirement is 108 spaces. He noted that there are several different numbers shown, which differ from his count; however, all are well over the required 108 so that requirement has been met.

Kain noted that the existing greenbelt falls short of the requirement.

Kain reported that the applicant has submitted a sidewalk waiver request for the Packard and Corporate Street sides. Sidewalks exist along Pickard Street.

Kain reported that code requires dumpster enclosures and noted that there are a number of dumpsters on the site that are not currently enclosed and therefore, not in compliance.

Kain reported that because the property is located on M-20, the Access Management Plan also comes into play. The plan calls for the closure of two driveways on the property. The applicant has contacted MDOT and MDOT's response is included in Board packets. Kain noted that MDOT has a partial say on whether the driveways are closed; however, the Planning Commission is also authorized to weigh in on the decision as well.

Kain concluded his report with two recommendations, noting that whichever course they follow with the SUP, he would recommend that do the same thing for the site plan review:

- 1) Postpone action until the deficiencies outlined in the staff report are addressed;
- 2) Approve with the two conditions noted in the staff report.

In regards to the Site Plan Review:

- 1) Postpone action until the deficiencies outlined in the staff report are addressed;
- 2) Approve with the five conditions listed in staff report, and consider the two additional conditions that address the Access Management Overlay Zone and sidewalks along Packard and Corporate.

Commissioner Driessnack asked for clarification on the greenbelt. Kain noted that for motor vehicle sales, the code specifies a 10 ft. greenbelt between the vehicle display area and Pickard Street. In addition, all new developments are required to provide a 10 ft. greenbelt between the developed area and the public right-of-way. Kain noted that common sense would indicate that a greenbelt along Corporate Drive or the northern portion of Packard would not serve any function and feels a fair interpretation of the zoning ordinance would not require that. In areas where there is development along Pickard and a portion of Packard it would be required.

Commissioner Driessnack stated he feels that it would constitute a hardship for the developer to provide a larger greenbelt as he likes to be able to see the vehicles on display and it would require a reduction in the parking area.

Kain noted that the Planning Commission has no role in determining hardship.

Colin Herren, Greenwald BC, and Aimee Goudreau, Goudreau & Associates addressed the Board as representatives for the case.

Mr. Herren explained that many of the dealerships in the area are going through major overhauls of their sites. Krapohl has decided that they prefer to keep the hometown feel of their site; however they are being somewhat forced by Ford to make some changes. Mr. Herren stated that they have evaluated the existing structure and have determined that the proposed addition will allow the additional space that they need for storage and for servicing of vehicles. Mr. Herren further indicated that this is the first step of the overhaul of the site, but stated there would be no changes to the facade.

In regards to the greenbelt, Mr. Herren explained that the Fire Department liked the 20' clearance that is currently on the site. If the greenbelt is extended they would lose that; however, he noted that the owner has indicated that if they have to extend it they will. In regards to the dumpster enclosures, Mr. Herren indicated that would not be a problem. He noted again that this is the first step to see if the idea is going to work and if the design will fit.

Vice-Chair Horgan asked why the site plan didn't show the setbacks. Mr. Herren stated he wasn't aware of that until a few days ago, but indicated that was an easy fix. Kain reviewed the deficiencies in the site plan for clarification purposes.

Commissioner Friedrich commented that if it is an easy fix then he would prefer to postpone until the deficiencies were addressed.

Commissioner Driessnack asked Mr. Herren how he felt about a postponement. Mr. Herren responded that they would like to see if the plan is feasible, or if it would be a more reasonable alternative to demo the building and move. Mr. Herren commented that they wouldn't likely be bidding the project until closer to spring.

Commissioner Irwin asked if Mr. Herren was saying that if not approved the dealership would move out of the city. Mr. Herren stated that when Ford tells you that you have to do something, they don't always leave you a lot of choices. Krapohl has decided that they like the hometown dealership and they are looking at options that would work at their current location and would also satisfy Ford. Mr. Herren stated that to do everything Ford wants would take a large piece of property and would not be possible on this site.

Vice-Chair Horgan stated she doesn't want to turn the request down; however, would like to have all the information to be able to make a good decision.

Ms. Goudreau indicated that the owner hasn't expressed any concerns over anything that has been asked. Mr. Herren stated that they are looking for direction to allow them to continue with their plans.

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

Motion by Friedrich, support by Joseph, to postpone SUP-17-01 until the deficiencies outlined in the staff report are addressed.

Motion approved unanimously.

VII. Public Comments:

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

VIII. Site Plan Reviews:

A. SPR-17-01 - 1414 E. Pickard

Mr. Herren addressed the Board, noting that the one thing that would be a deal breaker for the owner is if they are required to close any of the drives on Pickard.

Commissioner Irwin asked Kain if the City had any authority over this.

Kain explained that the Planning Commission does have authority. If the State requires closure and the owner was required to have a right-of-way permit, then that would likely prevail. He noted that in this case, the owner is not required to have a right-of-way permit from MDOT, and they have indicated that they will not require compliance with the Access Management Plan; however, Kain stated that the Planning Commission must still review the proposed site plan for compliance with the Access Management Plan.

Motion by Friedrich, support by Joseph, to postpone SPR-17-01 until the deficiencies outlined in the staff report are addressed.

Motion approved unanimously.

IX. Unfinished Business:

None.

X. New Business:

A. 2017 Meeting Schedule: Kain referred to the proposed meeting schedule for 2017, noting that there were two months that may cause a conflict. The April date is during the week of the scheduled spring break for Mt. Pleasant Public Schools and Sacred Heart. Kain suggested leaving the meeting at its regular date if we can secure a quorum. The July date may interfere with 4th of July holiday plans for both the Board members and applicants and therefore, it is suggested that this meeting be moved up a month to June 29th.

Motion by Dailey, support by Kostrzewa, to approve the 2017 meeting schedule as presented.

Motion approved unanimously.

B. Community Improvement Awards: Kain noted that each year the City provides a Community Improvement Award for projects completed the previous year to recognize high quality work that

improves the community. He explained that eligible projects for this years awards are projects that were finalized before December 1, 2016 (December 2015 - November 2016)

Kain referred to the information in Board packets regarding eligible projects for receiving these awards and noted that he would be sending out a survey via Survey Monkey to allow board members to identify projects they feel are deserving. Kain noted that the improvements need to be visible from the public right of way and therefore, interior renovations are not eligible.

Kain stated that the survey would be closed on January 20th and results would be included in the 2016 Annual Report, which will be presented to the Planning Commission at their February meeting.

XI. Other:

A. Administrative Review Report:

Kain reported that there have been two projects approved administratively since the last meeting:

- 1) A use change at 407 E. Broadway from residential to office with modifications for ADA compliance to include an access ramp.
- 2) Meijer renovation, to include a small addition to the front of the store, facade improvement, and landscaping.

B. Zoning Ordinance Consultant Update:

Kain reported that the consultant is still working on the update and there isn't anything new to report at this time.

C. February Planning Commission Meeting:

Kain stated that SUP-17-01/SPR-17-01 would be back on the agenda. In addition, we will be holding the election of officers for Chair, Vice-Chair, and cross-over to the ZBA. The Commission will also receive the Annual Report.

XII. Adjournment:

Motion by Dailey, support by Irwin, to adjourn.

Motion approved unanimously. Meeting adjourned at 8:45 p.m.

bam