

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
April 24, 2013

Staff called the meeting to order at 7:02 p.m.

I. Roll Call: Staff called roll.

Members Present: Berkshire, Fokens, Palm, Quast, Raisanen, White.

Absent: Kulick

Staff: Kench, Murphy

II. Approval of Agenda:

Motion by Bershire, support by Quast, to approve agenda. Motion approved.

III. Welcome New Board Member:

Staff welcomed Lara Raisanen as the new member to the Zoning Board of Appeals, replacing Kim Ellertson.

IV. Election of Officers:

Motion by White, support by Palm to nominate Commissioner Fokens as Chair. There were no other nominations. Motion approved.

Motion by Quast, support by Fokens to nominate Commissioner Palm as Vice-Chair. There were no other nominations. Motion approved.

Staff turned the meeting over to Chairman Fokens.

V. Approval of Minutes from January 23, 2013 regular meeting:

Motion by White, support by Berkshire, to approve the minutes from the January 23, 2013 regular meeting as submitted. Motion approved.

VI. Communications:

Staff reported that there were no communications to share at this time.

VII. Public Comments:

Chairman Fokens opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

VIII. Public Hearings:

Chairman Fokens explained board proceedings, noting that a quorum was present.

A. ZBA-02-2013 - 2013 S. Mission - Ronald McIvor.

Staff introduced case ZBA-02-2013 noting that the applicant is proposing a drive-through restaurant in a location formerly used as a bank. Staff explained that drive-through restaurants are a permitted use in the C-3 zoning district; however, the Ordinance requires that they be set back from the property line a minimum of 75 feet to accommodate stacking of cars, whereas other uses in the district only require a 50 ft. setback. In addition, staff noted that drive-through restaurants are regulated under a Special Use Permit, and if approved, the applicant will need to get Planning Commission approval as well.

Staff noted that the property is zoned C-3 Commercial, bordered by C-3 zoning on the north, south and west and OS-1 on the east, which is currently used as multi-family residential. In addition, staff noted that the future land use is designated as Commercial.

Staff shared the site plan, noting that the applicant shows the access drive off Mission Street, along with access available onto Broomfield. Staff commented that the applicant has proposed considering a right-turn only onto Mission Street, and if approved through the ZBA, will need to work with the Planning Commission and MDOT in regards to access drives.

Staff shared photos of the site, noting that the applicant is proposing using a portion of the existing drive-through, but moving the window to the North side of the building to allow more stacking room.

Commissioner Berkshire questioned whether the south window would be used for ordering, noting that if so, there would only be room for three cars without causing a back-up into the street. Staff noted that the applicant is proposing only one window on the north side for both order and pickup. Staff also commented that there will not likely be a vast number of cars stacked up as you may see in a larger restaurant chain.

Commissioner Raisanen expressed some concern with the stacking area, noting that she feels the proposal limits options for exiting the site; and asked if the applicant had considered having customers enter on the north side and wrap around the building.

James Plamondon, representing the applicant, addressed the Board, noting that the reason the drive-through was moved to the north side is to provide the required area to accommodate stacking for 10 cars. He noted that having the cars enter from the north wouldn't be a feasible solution, as the window would be on the passenger side of the vehicle.

Mr. Plamondon acknowledged Commissioner Raisanen's concern; however, noted that there is a lot of area in front of the building and he does not anticipate any problems.

Commissioner Raisanen asked if they could incorporate some signage to help alleviate any issues with exiting. Mr. Plamondon noted that they would and also noted they are proposing a right turn only lane. He further noted that MDOT would prefer that they close off the access drive onto Mission Street.

Commissioner Berkshire asked if closing off the access drive would affect their ability to get cars through there. Mr. Plamondon stated it would affect them tremendously, and would likely require them to reconfigure the site.

Commissioner Palm asked if there would be any indoor seating. Mr. Plamondon stated there would, but it would be limited to around 30.

Commissioner Palm asked if there would be any upgraded landscaping. Mr. Plamondon noted that they would like to include some decorative fencing such as they did next door and would be working with the city on that.

Staff noted that if the ZBA approves the variance request, the Planning Commission will be looking at circulation, landscaping etc.

Commissioner Berkshire noted that unlike some of the recent student housing redevelopments that were recently approved, this request is just for a variance and the Planning Commission will deal with landscaping issues, etc. Staff confirmed that was the case.

Commissioner Quast asked if passing the variance request would hinder the Planning Commission in any way. Staff noted that it would not. Staff also noted that the Planning Director is working closely with the applicant on the site plan. Staff noted that the ZBA is only being asked to determine if the circumstances warrant granting the setback variance.

Commissioner White expressed some concern over granting the variance and then having MDOT require closing the access drive and how that may affect things. Staff noted that the Planning Director is working closely with the developer and MDOT to ensure proper access from the site to Mission Street can be made.

Chairman Fokens opened the Public Hearing. There being no one who wished to speak, the Public Hearing was closed.

Staff noted that the only correspondence received was from the Department of Public Works, noting fairly standard requirements.

Motion by Berkshire, support by Palm to approve Case Number ZBA 02-2013 filed by Ron McIvor, for a variance from section 154.067 C-4, to establish a drive-through restaurant in the existing building located at 2013 Mission Street that is within the required 75' front setback, noting that the plan will utilize a former building and there is adequate stacking area to not interfere with traffic on Mission Street.

Commissioner Quast noted she approves the motion, but asked that the Board go through the criteria required for granting the request.

The Board reviewed criteria 1-6, noting the following:

Commissioner White noted that the exceptional circumstance for this request is that they are using a building that was used as a bank drive-through and reconfiguring the site for a restaurant. Commissioner Berkshire added that the applicant has allowed for the additional stacking area by relocating the drive-through window.

Commissioner Quast noted that the setbacks are similar to others in the area. Commissioner White added that we are looking to encourage developments with less setbacks.

Commissioner Raisanen noted that the applicant is taking a vacant building and repurposing it and improving the general look and feel of the area, and it will have no negative impact on the surrounding properties.

Chairman Fokens called the question.

Motion approved.

IX. Old Business:

None

X. New Business

None

XI. Other Business

A. May Meeting - Staff noted that there will potentially be a couple of re-development requests on the May agenda.

Staff noted that several of the recent approved redevelopments on Washington Street are under permit and encouraged Board members to go by the area to see the progress.

Commissioner Berkshire verified the next meeting date as May 22, 2013. (Meetings are held on the fourth Wednesday of the month and this May has five Wednesdays).

Chairman Fokens again welcomed Commissioner Raisanen to the Board.

XII. Adjournment

Motion by Quast, support by Raisanen to adjourn.

Motion approved.

Meeting adjourned 7:35 p.m.

bam