

PLANNING COMMISSION MINUTES
Regular Meeting
January 8, 2008

CALL TO ORDER: By Chairperson Abent at 7:00 p.m.

PRESENT: Commissioners Horton, McRae, Powers, Ranville, Robinette, Siarny, Snyder, Wildern, Abent, Councilmember Smith.

ABSENT: None.

APPROVAL OF MINUTES OF DECEMBER 4, 2007: Moved by Wildern, supported by Siarny, Carried. 9 Yeas 0 Nays as written.

APPROVAL OF AGENDA AS PRESENTED: Moved by Siarny, supported by Snyder to approve the agenda with the addition of 9a) Election of Officers. Carried. 9 Yeas. 0 Nays.

PUBLIC COMMENT: Claudia Perry St. Andrew, 316 E. Harris stated that she feels the Tastee Twist is operating well under the current zoning. If it was to be changed to commercial it would change the surrounding area. Would like it to be left at the current zoning of RT Two-family residential. Rezoning for CVS was discussed already for another area in the City and denied and she would hope that it is again tonight. CVS currently has a good site. There is no reason to destroy residential neighborhoods for other gains. Beautiful homes are being torn down for commercial property. She does not want the area rezoned to allow CVS to be built.

Leila Klaiss- 416 W. Lawrence, stated that she agrees. She is not a resident in the area this time but would like to note that CVS has 6200 stores in 38 states. She feels that they do not care about our town, would like them to build at the plaza or other properties better suited such as Walmart area, Hoover property, etc. Now is the time to correct past mistakes. Questioned if the report had been presented

regarding the historical districts that was requested at the November 26, 2007 City Council meeting.

John Ramsey, 108 Krebs Ct., stated that Krebs Ct. is a narrow one city block street, which narrows to 16' wide during the winter with snow. The parking is limited to the north side of the street. When cars are parked along the street it makes it a one lane street. The proposed site plan for CVS proposes delivery trucks using Krebs Ct. and there is no adequate parking on Krebs Ct. The neighbors have collected 168 signatures by going door to door against the project. Of all the places they went to only 5% of the people did not sign their petition against the project. Feldpausch, Wildern's Drug Store and Carters IGA are already there and they would like them to stay. He is requesting that the rezoning be denied.

Joy Cordell, 104 Krebs Ct., stated that she moved there 8 years ago and has three children and does in home day care for some of her friends. She is a mother who worries about her children and is concerned about the trucks that will be delivering there. Trucks can not see small children. She feels that the family orientation of the neighborhood will be gone. She is concerned about the lighting on the residences in the area. She would like to see the businesses brought back to the plaza.

Jennifer Robles, 105 Krebs Ct., stated that in the 60's and 70's there were three pharmacies in the downtown area. She does support CVS.

Patrick Gadola, owner of 317 S. Cochran, would like to have CVS located there. He would then purchase another building that is vacant in the downtown area and feels that would help the downtown area.

UNFINISHED BUSINESS – REMOVE FROM TABLE SIGN ORDINANCE AMENDMENT – VIDEO SIGNS: Moved by Siarny, supported by Snyder. Carried. 9 Yeas. 0 Nays.

Chairman Abent stated that she had recently visited Owosso where they have a few of these and she didn't find them to be offensive. Most of them were smaller signs. She stated that the Interim City Manager has sent some language for an ordinance change regarding electronic graphic display signs and video display signs for the commission to review.

Commissioner Ranville is troubled by the language in the ordinance proposal, particularly (17) which states; signs of types not specifically authorized by this Code shall be prohibited. He wants to know if this would then pertain to all signs in the city except these kinds of signs.

Interim Manager Guetschow stated that this language has not been reviewed by the City Attorney as yet and it is merely for the commission to look at and make a decision as to whether or not they would like to add this language to the current sign ordinance. This would not change or effect any other part of the sign ordinance that is currently in place. It is to deal with new sign technology that is being used.

Commissioner Horton stated that anything in the sign ordinance that is not specifically addressed is not allowed.

Building Official Hummel stated that if it is not listed in the zoning ordinance that it is not allowed. Sign companies many times like to play on that. It is the intent to look for language to address these issue before they come about. Non-conforming signs already in place can not be made to be removed unless a change is being made. All new signs have to have approval and a permit. For example, Speedway had to go to the Zoning Board of Appeals to get a variance because their new sign is larger than permitted in the sign ordinance.

Commissioner Ranville stated that he still has some concerns with the language in number 17.

Lothar Konietzko, 534 High St., stated that he is the Chairman of the Zoning Board of Appeals. He stated he is not personally in favor of the video display signs being allowed. He feels that they are distracting especially now when people are talking on cell phones and driving. He feels it just another distraction. In terms of Zoning he feels that there will be variances coming through for these types of signs. He commented that he did not vote for the new Speedway sign as he feels that it was not a hardship. He feels that these types of signs should be banned and regulated later. He feels that the charm of Charlotte will be taken away if these kinds of signs are allowed.

Mike Lahr, 422 Pearl, stated the red letters on the new Speedway sign conflict with the red in the traffic light and is confusing with the light being so close.

Leila Klaiss questioned what type of signs they are talking about.

Commissioner Horton stated that it would be a sign that resembles a television screen with moving pictures, like the one at the Mt. Pleasant Casino.

Commissioner Snyder read the language proposed for the sign ordinance change regarding video display signs.

Commissioner McRae stated he would like to look over the language more before proceeding.

Commissioner Horton stated that the attorney would draft the correct language and then it could be discussed.

Commissioner Horton moved to have the City Attorney draft ordinance language to address Electronic Graphic Display Signs and Video Display Signs. Supported by Siarny. Carried. 9 Yeas. 0 Nays.

NEW BUSINESS

PUBLIC HEARING – REZONE REQUEST- 102 LANSING

(TASTEE TWIST) RT- B-3: Public Hearing was opened at 7:51 P.M. Fay Binkowski, owner of Tastee Twist, 102 Lansing St., stated that she would like to rezone the property. Believes that the property will still be used as commercial in the future. Most people would not build a house in the area. They plan to rebuild in the future on that lot. There is actually two lots together there.

Councilor Smith asked if the property was currently sitting between two other properties that are zoned B-3.

Chief Fullerton stated that it is currently between two properties that are zoned B-3.

Commissioner Horton stated that the use fits the rezoning.

Chief Fullerton stated that they were granted a Class A Non-Conforming Use years ago and the cleanest way to take care of the problem would be to rezone it to B-3. He explained that it could be sold and used for the same class of business at the current zoning, however to rebuild they would need to rezone.

Andy Smith, 120 Pleasant, stated that he feels that if this property is rezoned and the other ones on each side of it are already zoned B-3 that they will be back once again because it will become a big piece of commercial property. He is not opposed to her rebuilding but feels that if she wants to do that she could do the rezoning at that time. He does not want to give a rezone to that property at this time.

Public Hearing was closed at 8:00 P.M.

ACTION ON REZONE REQUEST – 102 LANSING ST. –

Commissioner Siarny moved to recommend that the rezoning for 102 Lansing St. from RT to B-3 be denied at this time, supported by McRae. Carried. 6 Yeas. 3 Nays. (Horton, Powers, Ranville)

Commissioner McRae stated that there are currently two master plans, one that has been adopted and one that is proposed. He feels a policy needs to be adopted during the transitional period so that everyone knows which one to operate with.

Discussion was held on Conditional rezoning.

PUBLIC HEARING – SITE PLAN REVIEW – 911 W.

SHEPHERD WEST SIDE FIRE STATION: Public Hearing was opened at 8:10 P.M. Interim Manager Guetschow presented the site plan for the West Side Fire Station. He explained the landscaping along the west property line as a buffer to the residential house in that area. He explained that the lighting is designed to have minimal effect on the perimeter of the property. The building footprint may change as well as one access drive which may be eliminated. They are seeking approval for the maximum at this time. There will be doors on both ends of the bays. All concerns have been forwarded to the engineers.

Commissioner Robinette questioned the elevation on the west and south sides of the building and how the run off will be addressed.

Interim Manager Guetschow stated that there will be a detention basin.

Jim Schineman with Wolverine Engineers explained the drainage.

Jerry Kirkland, Weiland-Davco stated that soil tests have been done and the soils are very good in that area and will be able to take water at a very good rate. No problems are anticipated.

Commissioner Robinette stated he feels this will be a very attractive building and hats off to the landscaping plan. He stated that if the concerns with the drain commissioner are addressed and he is happy there shouldn't be any problems.

Commissioner Wildern stated that he has been on the Fire Department for 33 years and this station has been talked about for at least half of that time. He will be glad to see it done and it will make for a safer community in the long run.

Art Ickes, Vice President of operations for Spartan Motors stated that they are aware of the drainage issues and have been working in concert with the City to resolve all of the issues. It is progress and they think it is great.

Public Hearing was closed at 8:27 P.M.

ACTION ON SITE PLAN REVIEW – 911 W. SHEPHERD:

Moved by Horton, supported by Wildern to accept the site plan for the West Side Fire Station, 911 W. Shepherd as presented. Carried. 9 Yeas. 0 Nays.

Chief Fullerton stated that construction would begin in April and it is projected to be completed before the end of the year.

**PUBLIC HEARING – MASTER PLAN AMENDMENTS-
TRADITIONAL NEIGHBORHOOD TO CBD AND MIXED
USE TO CBD – VARIOUS PROPERTIES BOUND BY S.**

COCHRAN, KREBS CT. & 100 BLK. E. SEMINARY: Public Hearing was opened at 8:30 P.M.

Jeanette Sommer, owner of 139 S. Cochran, stated that she does not want downtown to look like Lansing Street. She does not want a big box store downtown. Both Master Plans have mixed use areas. Let downtown be downtown.

Lothar Konietzko, 534 High, stated his opinion was somewhat neutral. He feels they need to consider what the residents want and also the petitioners. He wondered if the Eagles property had been discussed for a possible location.

Dick Remenack, 405 E. Lovett, was there last time and feels that this is the same thing only a different location for CVS. There were over 400 signatures against the project last time, there is over 160 this time. The commission needs to consider this.

Mary Jane Hummel, 108 Krebs Ct., stated that she is the second owner of a 1916 home in a nice neighborhood and does not want it commercial. She helped circulate the petitions and stated that the people have spoken. She feels that they want to keep the stores that are already there in the area.

Chairman Abent asked if anyone from CVS had contacted her.

Mary Jane Hummel stated that they had not.

Leila Klais, 416 W. Lawrence, stated that when she spoke at the last meeting that representatives from CVS called her. She asked that the commission please do not do this.

Interim Manager Guetschow presented the petition with signatures for the record.

Several letters were received regarding the project. Letters from Sharon K. Nightengale, 107 Krebs Ct., Mary Jane Hummel, 108 Krebs Ct., Deborah Miller, 114 Krebs Ct. and Bryan and Amanda Myrkle, 126 E. Seminary. They will be placed in the file for the record.

Bryan Myrkle, 126 E. Seminary, stated that his and Sharon Nightengale's property would be directly behind the proposed CVS building and neither of them are actively opposed to the project. They have addressed some concerns in their letters to the current site plan. He and his wife do have concerns and realize it will not be fun to live next to a construction site however he feels CVS is a reputable business and if it is done in a thoughtful way they would be

able to live next to it. It would be hard to argue that it would not be an improvement to that area.

Commissioner Wildern stated that he did have concerns but that they have competed with CVS for years. However, he feels it will clean up that area and doesn't want to discourage any new business from coming downtown. He doesn't feel that we need any more tattoo parlors or karate shops in the downtown stores as fillers. Would like to see CVS rather than fillers like that.

Mary Jane Hummel, 108 Krebs Ct. stated that KC corner store could be cleaned up, the dentist office is very nice. When she purchased her house the high school was at the end of her street, there was no paint on the house and the kids called it the haunted house. She feels the houses on Seminary can be cleaned up and encourages the commission to not rule out redoing the corner.

Jeanette Sommer, owner 139 S. Cochran, stated that a big box pharmacy will not improve that area.

Mike Lahr, 422 Pearl, stated that he agrees that it needs to be decided which master plan should be used at this time. Why wouldn't the current master plan be used which means this property would not be zoned for this currently.

Bruce Michael, with Ojibway Development, explained the context of the layout with a map. He stated that most of the surrounding area is already commercial.

Dick Remenak, 405 E. Lovett, stated that there are many other places that wouldn't have to touch residential areas where CVS could locate.

Leila Klais, 416 W. Lawrence, stated that there will soon be no one left to go to the stores if they keep chipping away at residential. She

also stated that Bryan Myrkle was the Economic Development Director for the City of Charlotte.

Bruce Michael, with Ojibway Development, stated that Mr. Myrkle would not be benefiting from the project monetarily nor would Sharon Nightengale and they both support the project.

Public Hearing was closed at 8:59 P.M.

**ACTION ON MASTER PLAN AMENDMENTS-
TRADITIONAL NEIGHBORHOOD TO CBD AND MIXED
USE TO CBD – VARIOUS PROPERTIES BOUND BY S.
COCHRAN, KREBS CT. & 100 BLK. E. SEMINARY:**

Commissioner Robinette stated that he does not feel he is ready to make a decision tonight. He agrees that CVS is a good partner, just doesn't feel that one week is long enough to make a decision.

Commissioner McRae stated that the positives outweigh the negatives. He feels that the area has been carved for commercial use, the traffic issues are not present here that were at the other location on Lansing Street. Krebs Ct. issues need to be dealt with for the driveway. If the downtown is going to survive there needs to be new construction. There has been no new construction there for a while. It is really not a big box store. If CVS is willing to work with us he would support the project.

Commissioner Snyder stated that it was hard for her to decide. She would like to see the area stay aesthetically the same. She does agree there is more business needed in the downtown area. She does not want to take away more residential area though.

Commissioner Powers stated that he would be abstaining from the vote because of dealings with CVS. He would like to see them in that area, but does not like to see residential area taken away.

Commissioner Horton thinks it would be good for the City. She is not sure she would like to live next door but those that will be seem to be ok with it. If recommendations can be made to change the site plan she thinks it would be good.

Commissioner McRae moved, supported by Horton to recommend to the City Council to approve the Master Plan Amendments from Traditional Neighborhood to CBD and Mixed Use to CBD for various properties bounded by South Cochran, Krebs Court and the 100 block of East Seminary, Carried. 5 Yeas. 2 Abstain (Wildern, Powers) 2 No (Ranville, Snyder)

PUBLIC HEARING –REZONE REQUEST R-1 TO CBD, RT TO CBD AND B-1 TO CBD – VARIOUS PROPERTIES BOUNDED BY SOUTH COCHRAN, KREBS COURT, AND THE 100 BLOCK OF E. SEMINARY; Public Hearing opened at 9:15 P.M.

There was no public comment.

Public Hearing closed at 9:16 P.M.

ACTION ON REZONE REQUEST

Commissioner McRae moved to recommend approval to City Council to rezone various properties bound by S. Cochran, Krebs Ct. and 100 block E. Seminary from R-1 to CBD, RT to CBD and B-1 to CBD, supported by Siarny. Carried. 5 Yeas, 2 Abstain (Wildern, Powers) 2 No (Ranville, Snyder)

Commissioner McRae discussed tabling the site plan review until after it goes to the City Council.

PUBLIC HEARING-SITE PLAN REVIEW – 301 S. COCHRAN – PROPOSED CVS PHARMACY; Public Hearing Opened at 9:20 P.M.

Commissioner Robinette supports the project but feels there needs to be significant changes in the site plan.

Commissioner Horton stated that she feels the drive on Krebs Ct. should be eliminated and the changes need to come from the residents concerns.

Commissioner Ranville stated that he would not support the motion and would like to go over the plan tonight.

Commissioner McRae stated that he feels that Ojibway would be happy to not use Krebs Ct. as shown on the site plan and they are willing to improve the buffering. He would prefer green screen of vegetation. They would be eliminating two curb cuts on Krebs Court and one along Cochran and six or seven along Seminary. He would like the exterior façade to tie in to existing brick structures. Would like to extend the downtown streetscape another block. Would like to see the front oriented toward the intersection. There seems to be very low lighting. Drive thru issues could be worked out and they seem to be flexible.

Commissioner Robinette would like to see the building oriented to front of the property as close as possible. Would like them to be cautious of headlights as to where they place the drive thru.

John Ramsey, 108 Krebs Ct. questioned as to whether or not the building had to be as big as proposed.

Bruce Michael with Ojibway stated that is the prototype size that optimizes for the store to function in the best capacity.

Commissioner Snyder likes to see green space, trees and bushes and appreciates their willingness for flexibility.

Chairman Abent likes the building to the front of the property as she feels it belongs there.

Public Hearing Closed at 9:28 P.M.

ACTION ON SITE PLAN REVIEW-301 S. COCHRAN:

Commissioner McRae moved, supported by Siarny to table the site plan review for 301 S. Cochran for proposed CVS Pharmacy to the next meeting. Carried. 7 Yes. 1 No (Ranville) 1 AB (Powers)

There will be a public Open House at the next meeting to go over the Master Plan and for public input for anyone interested in attending.

There will be no Zoning Board of Appeals meeting in January due to lack of business.

The Building Department reported that there will be a site plan at the next meeting for Eaton County Medical Facility renovations, 530 Beech St. There will also be a preliminary site plan for 424, 504 and 520 Lansing St. for proposed retail stores and restaurants. They will be asking for public comments. Chief Fullerton stated that Charlotte is lucky to have this many businesses interested in the Charlotte area at this time.

Andy Smith, 120 Pleasant St., questioned how he could obtain a list of properties within 100 feet of the property at 102 Lansing St.

ELECTION OF OFFICERS

Commissioner Powers nominated, supported by Horton to elect Chairman Abent as Chairman for 2008, Carried. 9 Yeas. 0 Nays. Chairman Abent accepted.

Commissioner Powers nominated, supported by Wildern to elect Commissioner Siarny as Vice-Chairman for 2008, Carried. 9 Yeas. 0 Nays. Commissioner Siarny accepted.

Commissioner Powers nominated supported by Siarny to elect Commissioner Snyder as Secretary for 2008, Carried. 9 Yeas. 0 Nays. Accepted by Commissioner Snyder.

Commissioner Horton moved, seconded by Snyder to reflect that Chairman Abent was appointed to be the representative to the Zoning Board of Appeals for the Planning Commission for 2008. Carried. 9 Yeas. 0 Nays.

There was no late public comment.

There being no further business, the meeting was adjourned at 9:50 p.m.

Ginger L. Terpstra, Deputy City Clerk