

PLANNING COMMISSION MINUTES

Regular Meeting

February 5, 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.

ALSO PRESENT: City Manager Guetschow, Fire Chief Fullerton, Building Official Hummel and Deputy Clerk Terpstra.

ABSENT: None.

APPROVAL OF MINUTES OF JANUARY 8, 2008: Moved by Siarny, supported by Powers. Carried. 9 Yeas 0 Nays as written.

APPROVAL OF AGENDA AS PRESENTED: Moved by Siarny, supported by Powers to approve the agenda as presented. Carried. 9 Yeas. 0 Nays.

PUBLIC COMMENT: John Ramsey, 108 Krebs Ct., stated that at the last meeting Mr. O'Brien, with CVS, stated at the January 14, 2008 meeting that there had been no CVS stores closed in Michigan in the last eight years that he had worked there. CVS has walked away from at least 33 stores in Michigan over the last five years. When a CVS boards up a store, it often means nobody can open a drug store there, or sell vitamins, health items or even greeting cards for decades. Mr. Ramsey feels that the CVS traffic impact could be more serious than 100 to 150 cars per day. According to CVS's website store parking areas should be designed to accommodate 75-80 cars at a single time. Considering the location on S. Cochran he feels that a traffic study is warranted in the area affected.

Jeanette Sommer, Chairman of the DDA, stated that they have not yet met with CVS to review the site plan and would like to do so as a board.

REMOVE FROM TABLE – PUBLIC HEARING-SITE PLAN-301 S. COCHRAN-CVS: Moved by Powers, Seconded by Siarny to remove Site Plan for 301 S. Cochran from the table. Public Hearing opened at 7:08 P.M. Bruce Michael, Ojibway Partners and Rourke Smith handed out information to the board on the site plan. Mr. Michael explained what is on the site at this time and explained a couple of different drawings showing the proposed structure to the building. It is composed of mostly brick on all four sides. The residential neighbors will see all brick exterior. With the proposed parking area it will allow to focus the lighting more to the front vs. the rear of the building towards the residential housing. The front door would be placed away from the drive thru window area. In the proposed location on the corner it provides for a zero lot line appearance, similar to the Masonic Temple. They have moved the dumpster area and removed the Krebs Ct. access. Mr. Michael responded to Mr. Ramsey's concerns regarding closing stores. He explained that all of the closed stores are due to a new building being built at a better location within the same town for convenience purposes. Once the buildings are vacated CVS's rights usually go away. The traffic impact for the downtown is viable as they want traffic and people coming to that area. He believes that there was weather issues that prevented the meeting occurring with the DDA board.

Mr. Michael stated that this was a main entry from South Cochran to the City and they would offer putting a sculpture, pavers or some type of sign if desired.

Commissioner McRae stated that the lighting issues, fencing and trees are good thoughts. He feels that more traffic downtown is good. He doesn't feel that the parking always needs to be right near

the building as he feels it enhances purchases at other businesses in the downtown area.

Commissioner Horton stated that she originally thought the building would be better placed towards the back of the lot but as far as aesthetics, feels it looks good toward the front.

Chairman Abent stated that this is close to the Central Business District and feels it should look like the Central Business District. She would like to see a trade off of the drive for moving the building to the front of the lot. She does not feel what was presented looks like our downtown area.

Councilor Smith questioned the potential green space and where that would be incorporated into the plan as it was discussed at the January meeting.

Mr. Michael stated that there was not a lot of extra space and with the streetscape design both could not be accomplished.

Chairman Abent questioned if the CVS store would be a medi-clinic also.

Mr. Michael stated that he was not sure if this CVS had the medi-clinic in it.

Commissioner Snyder stated that she did not like the looks of the building that was presented on the site plan.

Chairman Abent stated that they had been provided pictures of other CVS buildings and knows that there are other types of architecture available.

Mr. Michael stated that he wanted to be clear on what changes they would like to see. He is hearing that they would want a zero lot line. In terms of the architectural design, they can redesign and bring back

a plan with the type of structure they would like to see. He understands they want the window design changed, the location of the door changed and would like the façade to tie in with the streetscape style of the downtown area.

Chairman Abent stated that the windows could possibly be simulated to tie in with the Masonic Temple style windows.

Commissioner Horton stated that they need to move the building to the front of the lot and have signs so that the front was not so blank looking.

Commissioner McRae stated he would like to see a line of trees or possibly a fence towards the residential area.

Mr. Michael stated that they will look at the window placement also.

Commissioner Robinette stated that he is in agreement with the general direction they are going. He stated he feels Mr. Michael brought up some good points. He is concerned about the entrance that is going to be very close to Krebs Ct. and is concerned that there may be an MDOT issue regarding the driveway access.

Commissioner McRae stated that he was not big on having fountain or statue incorporated as discussed.

Discussion was held on where the doors could be placed.

John Ramsey stated that he would like screening or trees on the south side towards the residents. With Krebs Ct. being as narrow as it is the houses do not sit back far from the street. He feels it would be esthetically better for Krebs Ct. residents.

Pubic Hearing was closed at 7:50 P.M.

Commissioner Horton moved to table the site plan for 301 S. Cochran-CVS to the next regularly scheduled meeting, seconded by Snyder. Carried. 9 Yeas. 0 Nays.

Commissioner Robinette asked Mr. Michael if that would be adequate time to resubmit the plans for review and Mr. Michael stated that he felt that it would be.

Chairman Abent stated that she feels the commission should look at forming a subcommittee to review building and design standards for the City of Charlotte.

Commissioner Robinette stated that he had attended a Citizen Planner class and there were several examples of communities who have these kinds of standards and they really stand out from other communities.

REVIEW LANGUAGE AND ACTION-VIDEO SIGN ORDINANCE PROPOSAL: Commissioner Horton stated that the language provided by the Attorney is acceptable.

Commissioner McRae stated asked if the issue with prohibiting or forbidding certain signs as discussed at the last meeting had been resolved.

Commissioner Ranville stated that he had raised that question and he is comfortable with the language as presented.

Commissioner Snyder questioned whether the entire ordinance was included in the copy that was presented as #12 and #13 were omitted.

Chief Fullerton stated that it does appear that the attorney may not have used an updated version of the code and it was very likely that #12 and #13 were not included in the copy he had. He would suggest if they are happy with the language as written that they direct the City Attorney to rewrite the ordinance with the updated version and add the video display sign change where appropriate. It would

then go to council for a first reading and then come back to the Planning Commission.

Commissioner Horton moved to direct the City Attorney to correct the sign ordinance to include the video display section where appropriate and send to the City Council for reading, seconded by Snyder. Carried. 9 Yeas. 0 Nays.

Commissioner Robinette stated that he was kind of on the fence in this situation until he was driving and saw a store with one of these types of signs and realized he was reading the sign and not paying attention to the road. He then realized what type of problems these signs could be.

REVIEW - DISCUSSION AND ACTION - REQUESTED REZONE OF 102 LANSING ST.-TASTY TWIST:

Fay Binkowski stated at the last meeting they were asked the depth of the property and that it is 170' deep. She stated she has asked herself what the best use of the property is and it certainly is not housing between two other commercially zoned properties. She stated that she was going to let someone sell Christmas trees there and found out that it was not zoned properly for that use. She is asking that the commission reconsider rezoning the property to B-3.

Chairman Abent stated that the City Council sent this back to the Planning Commission.

Commissioner Horton explained that the City Attorney is stating that they look at the actual best use for the property and not consider the current or future master plan. The City Council is asking for clarification on the reason that the Planning Commission is using for not allowing the change of rezone to B-3.

Commissioner Powers stated that this property has been used as commercial for years. Hopefully they would tear down the Taste

Twist and rebuild back further on the property. He feels that this is the best use for the property.

Commissioner Horton stated that she doesn't feel this should be zoned residential in this area.

Councilor Smith stated that the council looked at four different issues. 1) That it has been used as commercial for a number of years, 2) It is located between two commercial properties, 3) the statement that there was no buffer between residential and commercial was not true because the apartment building is there to the south which would serve as a buffer and 4) what is the most reasonable use of this property.

Commissioner Snyder stated she is concerned that it were rezoned as commercial then the board would have no say in what was put there in the future.

Andy Smith, 120 Pleasant, asked if he could hear Mr. Hitch's letter.

Chairman Abent stated that it was quite lengthy.

Mr. Smith stated that he didn't really need to hear it then. He believes that Tasty Twist is a great use for that property. He feels that if Tasty Twist wants to move or rebuild it could be done with a request to the board. If the property is rezoned, with the two other commercial properties on each side, they will have a hard time preventing another high end business on that corner. He has a problem with the process. He feels the votes were much closer on the CVS issue with a lot more confusion on the zoning. The commission is appointed for a reason. They get to vote their mind. They need to have a long vision and see how they want to see this town in a few years. Conditional zoning will take care of this problem. He is urging the commission to send it back to City Council with the same votes.

Commissioner Robinette stated he feels Mr. Smith made a good argument. He feels Mr. Hitch's letter states the reasonableness and how it ties together with plans. He could not have stated the issues any better than Mr. Smith.

City Manager Guetschow stated that City Council felt there is a need for clarity of Planning Commission as to the rationale of discussion and they are asking for them to clarify the reason for the decision they are forwarding to Council. At the last meeting there was a great deal of discussion on which master plan should be used and Attorney Hitch's memo was to try to help them understand what could be used in making that decision.

Commissioner Robinette explained that the subcommittee for the Master Plan met for a year gathering information and input. There were many meetings and internet inquiries that came into play while making these decisions. It is not fair to expect that every parcel was decided individually. There was a great deal of discussions in the Master Plan process. He agrees with the attorney that they don't need to go with either plan but rather consider long term plans and issues to accomplish what they want for parcels.

Chairman Abent stated that when they were discussing the Lansing Street zoning they wanted a clear delineation from the Lansing Street corridor to the residential area.

Commissioner Siarny stated that he didn't feel anyone on the commission would vote against a plan to expand or rebuild the Tasty Twist but feels they need to protect that area. They would not have been able to prevent CVS from being built there had they been zoned B-3 at the time.

Commissioner Horton moved that the answer to the Council, the reason for not allowing to become B-3 would be to maintain a reasonable amount of control in future business issues that would come in to the area because if we make that a B-3 along

with the one next to it, it opens the door for whoever would like to develop there. Commissioner Horton stated that the recommendation is that , they may overturn if they so desire, but what they were asking for was our reason, they were asking for the reason. It is recommended that we give this as our reason. Seconded by Snyder. Carried by Roll Call Vote. 7 Yeas. 2 Nays. (Powers, Abent)

Commissioner Robinette stated that the Planning Commission would like to maintain control of that corner as much as possible with the traffic issues and narrowing lanes in that area.

NEW BUSINESS

PUBLIC HEARING – SITE PLAN REVIEW – 424, 504, 520

LANSING ST: Public Hearing was opened at 8:27 P.M. Steve Schwartz, developer, and Dave Starr, with Kebs Engineering presented plans for the development. Mr. Schwartz explained that the area would be the current Davis Pontiac property, the Kebs Engineering building and 60' of the Geldof Tire parcel on Lansing Rd. B-3 zoning is allowable for this property which would allow for things such as banks, restaurants, drug stores etc. He stated that he had previously done work for some developments near Applebees in the city however, it fell through because of different issues with the airport and runway airspace clearances. In this area they have been working on environmental and traffic issues. Phase I would entail a proposed traffic signal near where the Kebs Building is located currently. There would be a service road defined behind Davis Pontiac which would include cross access points. They have talked with Charlotte Plaza regarding working on consolidating driveways. There is an easement for sanitary sewer and water. The curb cuts would be cut from nine to twelve down to six. The proposal would be for a possible drug store, restaurant, bank and possibly an office supply store and grocery store. There is detention pond for water in the back. They would be requesting monument type signs for Lansing Street and also I-69.

Dave Starr with Kebs Engineering stated they did not have any detailed engineering at this time. They are working with MDOT on the traffic signal issue. They have met with the drain commissioner, most of the drainage would go to Lansing Street while the remainder would be going to the detention pond.

Chairman Abent asked if the concerns that the Police Chief had with traffic issues would be addressed.

Mr. Starr stated they would be addressed with the traffic study and they had discussed some of the issues internally already. They will be working on access management with MDOT.

Commissioner Siarny asked if the monument signs they were requesting would comply with the City's sign ordinance.

Commissioner Snyder asked if there was potential users that were interested in this area.

Mr. Schwartz stated that he has contacts with many restaurants such as Chili's, steak restaurants etc. but there is no guarantees.

Mr. Schwartz stated that Phase II would include an option on the back six acres. They would plan to develop along Lansing Street in the initial stage and then work to fill the other sites toward the back. It would be more retail along Lansing Street and possibly office and restaurants towards the back.

Commissioner Robinette asked if there was any research to support this coming to the area as it seems retail is struggling here and why would this be a better area.

Mr. Schwartz stated that it depends on the quality and how the properties are maintained and the way in which they are oriented to Lansing Street. For example the old K-Mart building is being rehabilitated but it has visibility issues. The design quality has to be

created with a lasting design. Also the ability to link to Island Hwy. makes this property very attractive for this use.

Commissioner Wildern asked if the project was hinging on the traffic signal being approved by MDOT.

Mr. Schwartz stated that this was very important in terms of the development. There is an evidence that warrants a need for a traffic signal in that area.

Discussion was held on drainage issues.

Mr. Starr stated that they have had verbal discussions with the Drain Commissioner.

Mr. Schwartz explained that they would have to meet all of the drain commission issues with the parking lot requirements.

Commissioner McRae stated that he feels it would be premature at this time to make a decision on this site plan.

Commissioner Robinette stated that this is an impressive undertaking and looks to be very nice however there is still a lot of work ahead.

Public Hearing was closed at 8:55 P.M.

ACTION ON SITE PLAN- LANSING STREET:

Moved by Snyder, seconded by Powers to table the site plan for 424, 504 and 520 Lansing Street at this time. Carried. 9 Yeas. 0 Nays.

PUBLIC HEARING – SITE PLAN REVIEW – 530 BEECH – MEDICAL CARE FACILITY:

Public Hearing opened at 8:56 P.M. Bob Zabowski, representing the Eaton County Medical Care Facility, presented the site plan for the addition to the Medical Care Facility.

Chairman Abent questioned why a more up to date plan was not submitted.

Mr. Zabowski stated that they had submitted the revisions that had been noted which were minor in nature. He was told that the engineering department would approve the final civil engineering plans.

Chairman Abent stated that they do not approve site plans on what will be done in the future.

Mr. Zabowski stated that they normally do not have the completed civil engineering drawings until they get the final documents.

Public Hearing was closed at 9:00 P.M.

Chief Fullerton stated that the drawings for the utilities were not current however they could approve the site plan contingent upon Public Works Director Schoonover's approval. All other departments have given approval. This is only an addition to the building and it is a sewage grinder that needs to be put in.

Commissioner McRae asked to reconsider reopening the public hearing.

Chairman Abent reopened the public hearing at 9:02 P.M.

Commissioner Robinette stated that if the building department and other city departments had reviewed the plan and approved he feels that it can be approved contingent upon the changes required by the Public Works Department.

Mr. Zabowski stated that it was only an addition to the building with the same materials and esthetics that are in place. No additional parking is required.

Chief Fullerton stated that nothing additional is needed and since all of the departments have reviewed with no problems other than the one there is nothing for the commission to review at this point unless they have other issues. Director Schoonover will approve the civil engineering drawings. They would not be issued any permits until they receive her approval.

Public Hearing was closed at 9:06 P.M.

ACTION ON SITE PLAN – 530 BEECH: Moved by Wildern, seconded by Powers to approve the site plan for the Eaton County Medical Facility, 530 Beech St., contingent upon the approval of the civil engineering plans by the Director Schoonover as recommended by the Building Department. Carried. 9 Yeas. 0 Nays.

Chairman Abent read into the record a letter received by the Planning Commission from Timothy and Jody Whitehead, 420 Horatio stating that they are opposing the proposed CVS project. They are concerned with having a business in such close proximity to their home and feel that it will further decline the residential quality of the neighborhood.

REPORTS, COMMENTS, CORRESPONDENCE

A) MASTER PLAN COMMITTEE; Chairman Abent stated that she met with the mayor and they would like to correct where it refers to the Battle Creek River to reflect the Battle Creek per Leila Klaiss. A public hearing needs to be held and there is no one in attendance tonight. This will be held at the next meeting.

Bob Fulton was present and stated that it was a very difficult situation before the commission in regards to the CVS site plan. He is surprised that no one asked for a traffic study to be done in that area with the gas station being directly across the street and the traffic light right on the corner. He feels that traffic will be an issue

on that corner. He would be more comfortable if a traffic study was done.

Commissioner Robinette stated that he was thinking that but when he did the math for 150 cars per day that would amount to around 10 cars an hour and he doesn't see that as being a major problem.

B) ZONING BOARD OF APPEALS: Chairman Abent stated that there was no Zoning Board of Appeals in January. There will be a meeting on next Tuesday.

C) BUILDING DEPARTMENT: Chief Fullerton reported that Wal-Mart has submitted plans for renovation. Also Building Official Hummel stated that it did not appear that they had appointed a liason to the Zoning Board of Appeals at their last meeting.

Discussion was held and it was decided that they had appointed Chairman Abent to be the liason to the Zoning Board of Appeals at the last meeting.

Commissioner Horton moved, seconded by Snyder to amend the minutes of January 8, 2008 to reflect that Chairman Abent was appointed to be the liason to the Zoning Board of Appeals for 2008 on the last page under election of officers. Carried. 9 Yeas. 0 Nays.

LATE PUBLIC COMMENT: Commissioner Horton discussed the issue of clarifying the reason for their denial of zoning for 102 Lansing Street.

Commissioner Snyder asked if anyone was aware what the hospital would be using the old Feldpaush Grocery Store building for yet.

Building Official Hummel stated that the hospital is doing a study to determine the best use for the building at this time.

There being no further business, the meeting was adjourned at 9:28 p.m.

Ginger L. Terpstra, Deputy City Clerk