

**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**September 5, 2017**

**CALL TO ORDER:** The September 5, 2017, Planning Commission meeting was called to order by Chairman Conway at 7:00 p.m.

**PRESENT:** Chairman Conway, Vice Chairman Rosier, Commissioners Bly, Snyder, Harag, Hoy, Clarke, Brummette, Leeser and Council member Bahmer.

**ABSENT:** None.

**ALSO PRESENT:** City Clerk Terpstra and Community Development Director Myrkle.

**APPROVAL OF MINUTES:**

**Motion by Commissioner Snyder, second by Clarke to approve the minutes of August 1, 2017 as present. Carried. 9 Yes. 0 No.**

**APPROVAL OF AGENDA:**

**Motion by Commissioner Rosier, second by Snyder to approve the agenda as presented. Carried. 9 Yes. 0 No.**

**EARLY PUBLIC COMMENT:** None.

**NEW BUSINESS:**

**A. REVIEW PRELIMINARY PLAN HAYES GREEN BEACH HOSPITAL.:**

Matt Rush, CEO of Hayes Green Beach Hospital, along with David Johnson and Randy Owens were present. Mr. Rush explained that they are planning a Planned Development District for the hospital. They plan to modernize the infrastructure with some renovating along

with new construction. They presented plans to show the changes proposed to the hospital campus. They will also be asking for some changes to the right-of-way.

**B. ACTION- PRELIMINARY PLAN HAYES GREEN BEACH HOSPITAL.:**

**Commissioner Hoy moved, supported by Bly to recommend approval of the preliminary plan for Hayes Green Beach Hospital as presented. Carried. 7 Yes. (Bly, Hoy, Conway, Brummette, Rosier, Snyder, Harag) No. 2 Abstain (Clarke, Leeser)**

**C. PUBLIC HEARING – SITE PLAN -ALRO – 1298 LIPSEY DRIVE:**

**Public Hearing Opened: 7:22 P.M.**

Travis Courtright, O’Harrow, ALRO, 1298 Lipsey Drive, stated that the site plan is for a warehouse expansion adding approximately 4300 square feet to the building. This will house more employees, offices, break room and locker rooms.

**Public Hearing Closed: 7:24 P.M.**

**D. ACTION – SITE PLAN - ALRO – 1298 LIPSEY DRIVE:**

**Commissioner Leeser moved, supported by Rosier to recommend approval of the site plan for ALRO as presented. Carried. 8 (Snyder, Rosier, Clarke, Hoy, Bly, Conway, Leeser, Harag) Yes. 0 No. 1 Abstain (Brummette)**

**E. PUBLIC HEARING – MASTER PLAN AMENDMENT – 407/415 S. COCHRAN:**

**Public Hearing Opened: 7:27 P.M.**

Community Development Director Myrkle stated that he had provided a memo regarding the items relating to the Dairy Queen project.

**Brett Roberts**, 3494 Sherman Rd., owner of Dairy Queen, stated that he purchased the Dairy Queen seven years ago. He stated the Dairy Queen had been there since the late 50's. He stated he had purchased the office building to the south and the lot behind the building. He stated that he plans to tear down the office to the south and pave a portion of the rear lot for parking and leave the garage as it stands. Mr. Roberts explained that the franchise is forcing them to use new machines by September 30<sup>th</sup> and as soon as they arrive they will be required to install them and start using them. The required changes have limited space options inside the building. DQ franchise is requiring upgrades for the ice cream machines which are larger. He stated that the planned indoor seating area would be for customers in February and later in the fall. He has no plans to keep it open year round. He feels that it would be best to rebuild. He stated that he would be using local contractors for the construction.

**Chris Laverty**, 403 S. Cochran, stated that he lives immediately next to Dairy Queen. He stated he closed on his house on July 14<sup>th</sup> aware that the Dairy Queen was there and he likes it as it is zoned non-conforming. He lives in a traditional and historic neighborhood and has no idea how the Dairy Queen got there. He strongly objects to the B-1 Local Business District zoning that is proposed. He stated that he has looked at the Master Plan and is impressed with the research that went into the plan. He stated that rezoning this parcel does not protect the neighborhood. He feels that this could be an instance of spot zoning. He feels this could be viewed as favoritism to the property owner and could create a serious precedent for the future.

**Sandy Osborn**, 414 S. Cochran, stated that the Dairy Queen was a large investment and that they knew it was zoned R-1. Many properties were sold that were wonderful candidates for a Dairy Queen. One being next to Cork & Bottle that sold for \$65,000 located in a B-1 District.

**Lee Howser**, 210 E. Henry, stated he has lived here for 16 years. He stated that they have been customers and hopes for it to be successful. He stated that they recently learned of the increase in building size and parking lot. He stated that the status that is grandfathered can remain the same without change. He stated that the zoning change from R-1 to B-1 can not only change the current but also what can be done in the future. He stated there is no other B-1 property touching this property. He has great concern for the future if this business is not successful as it could be sold to any other business. He stated there is no guarantee it will remain a DQ if zoned B-1. The value will go up and residential will go down.

**Floyd Burley**, 421 S. Cochran, stated that he lives two houses to the south of Dairy Queen and has for 52 years. He doesn't understand the R-1 to B-1 zoning. He stated the traffic is unbelievable. He stated that young people are urinating in the parking lot, handing candy bars from one car to another continuously and adult activities. He is opposed to a retention pond by the parking lot. He stated the run off onto Cochran can't handle it. The cars drive thru to Henry Street across the lawn. He feels a traffic study needs to be done. He feels an 8' fence is needed if a B-1 can be sold to a druggie the next day.

**Kathleen Miyasato**, 417 S. Cochran, stated that she had been up north and seen Dairy Queen, Dairy King, Dairy Frost and Dairy Freeze. She stated that her home is a fourth generation home. She stated that 415 S. Cochran used to be her grandfathers' garden. Her grandfather sold the property. Later the Dairy Queen was erected at the front of the lot. It provided many jobs. She stated that if it was going to remain seasonal why rezone? She stated that it is three blocks from downtown and she does not view it as an improvement. She stated that she feels there needs to be a traffic study. She does not understand the blueprints and has concerns about the fence. She feels that she will be subjected to more noise from the business.

**Brian Osborn**, 414 S. Cochran, urged the commission to not approve this request. He shared what it is like to get into his driveway currently. He stated that the drive is at the point where the road goes from two lanes to one lane. The cars are honking or speeding around when you are trying to turn. They rev their engines, honk and holler. He is concerned that an expansion would likely bring odor of cooking food and brighter lights.

**Lyndsey Schroeder**, 425 S. Cochran, stated that she is concerned with the rezone to B-1 as there would no longer be any say in what happens there. She is also concerned about the flow of traffic on Cochran. She is concerned with the business being larger. She feels there needs to be a traffic study. She had questions as to why the plans just became available, why the fence is on the property line, if the fence should be taller, water retention with no ditch and how the water is kept from spilling over? Patrons cut thru the backyard. She is concerned with the retention pond.

**Don Sovey**, 106 Kensington Ct., stated that he was excited about innovation and regional attraction. He stated that he read the plan and saw many good points. He encouraged residents to listen and see if there may be a middle ground. He stated that revitalization is moving Charlotte forward.

**Julie Kimmer**, 201 W. Seminary, stated that with her job she enjoys helping people purchase homes and look for photographs of what they looked like. She lives two blocks from Dairy Queen. She stated that she would be beyond upset if the zoning is changed.

**Michelle Shumaker, LSG**, 3133 Pinetree , Lansing, MI, stated that the retention area will not be a constant wet area. She stated that the curb & gutter will direct the run off. She stated that the fencing could be looked at.

**Drema Emerson**, 121 E. Henry, stated that she just bought her house and no one told her about this. She is highly disappointed. She invested \$140,000 for the home and has put another \$22,000 into it.

**Kim Gonzales**, 119 E. Henry, she stated that her parents bought this home in 1968. She does not want to see the neighborhood change anymore. She recalls Hardee's being built. She would like the commission to consider rejecting this proposal.

City Clerk Terpstra stated that a call was received in support of the rezoning from **Fred Wieting**, 221 High Street.

Chairman Conway stated that the Planning Commission members received three letters in opposition of the rezoning from:

**Brian & Sandy Osborn**, 414 S. Cochran, opposed.

**Janet Goelz**, 202 E. Henry, opposed.

**Mary Maher**, 206 E. Henry, opposed.

**Public Hearing Closed: 8:24 P.M.**

**F. ACTION – MASTER PLAN AMENDMENT – 407/415 S. COCHRAN:**

Discussion was held among commission members on the rezoning amendment.

Commissioner Brummette stated that the houses in the area will be extremely affected. He invited the residents to look at the Master Plan where R-1 is designated for that area.

Commissioner Harag stated that he would suggest no change to the Master Plan zoning.

Commissioner Leeser concurred.

Commissioner Hoy stated that what exists now is grandfathered. Commissioner Rosier stated that it would be ashamed to change zoning to B-1. He feels that the Master Plan should not be changed.

Commissioner Snyder stated that she would hate to see what happened to Burger Chef/Hardees property and it will be in the middle of the block. She is against the rezone.

Chairman Conway stated that he would vote against a Master Plan rezone.

**Commissioner Brummette moved, supported by Harag to recommend to the City Council to not vote in favor of the Master Plan Amendment for 407/415 S. Cochran as presented. Carried. 8 Yes. (Snyder, Rosier, Brummette, Clarke, Hoy, Leeser, Harag, Conway) 1 No. (Bly)**

**G. PUBLIC HEARING – ZONING MAP AMENDMENT – 407/415 S. COCHRAN:**

**Public Hearing Opened: 8:42 P.M.**

**Chris Laverty & Deborah Angell**, 403 S. Cochran, stated that they object to rezoning of R-1 to B-1.

**Lee Howser**, 210 E. Henry, questioned if the vacant lot next to him would be next. He stated that when he was walking the McDonalds lot he noticed a second outlet. He didn't see another outlet in this plan and would question that in the future.

**Brett Roberts**, 3494 Sherman Rd., stated that the expansion will not be for full food, it will remain ice cream. He stated that he is there to work with the residents. He would like to preserve the history. He stated that they give 16 year olds jobs and take pride in training them with their first job. He stated that he supports a lot of this community.

He stated that changes are going to have to be made. The garage is now packed with product. He stated that they plan to stay seasonal.

**Sandy Osborn**, 414 S. Cochran, stated that he says no but if the zoning is changed he can. She stated it could stay R-1 Zoning with Class A Conditional Use or site plan restrictions. She provided a picture to the commission of what used to be Hardees.

**Dave Roberts**, 1120 E. Broadway, stated that he is a Supervisor for Eaton Township and has served in the past on the Eaton County Planning Commission. He stated that he appreciates the people coming out and feels there is a way to work this out. He urged the commission to be contingent of pressure. As far as the Master Plan he stated that all plans should change as time goes. He state that people that live there will not move.

**Public Hearing Closed: 8:51 P.M.**

**H. ACTION – ZONING MAP AMENDMENT – 407/415 S. COCHRAN:**

**Commissioner Rosier moved, supported by Harag to recommend City Council not approve the Zoning Map Amendment for 407/415 S. Cochran as presented. Carried. 8 Yes. (Snyder, Rosier, Brummette, Clarke, Hoy, Leeser, Harag, Conway) 1 No. (Bly)**

**I. PUBLIC HEARING – CONDITIONAL USE – 407/415 S. COCHRAN:**

**Public Hearing Opened: 8:59 P.M.**

No comment.

**Public Hearing Closed: 8:59 P.M.**

**J. ACTION-CONDITIONAL USE – 407/415 S. COCHRAN:**

Commissioner Leeser moved, supported by Snyder to postpone action on approval of Conditional Use for 407/415 S. Cochran until after the City Council decision. Carried. 9 Yes. 0 No.

**K. PUBLIC HEARING – SITE PLAN – 407/415 S. COCHRAN:**

Public Hearing Opened: 9:03 P.M.

No comment.

Public Hearing Closed: 9:03 P.M.

**L. ACTION – SITE PLAN – 407/415 S. COCHRAN:**

Commissioner Snyder moved, supported by Leeser to recommend to postpone this action for site plan at 407/415 S. Cochran until after the City Council decision. Carried. 9 Yes. 0 No.

**REPORTS, COMMENTS, CORRESPONDENCE:**

**STAFF REPORT:**

Community Development Director Myrkle reminded the audience that the council meeting is not a public hearing but if they wish to speak regarding the Dairy Queen project they will need to talk during the first public comment on the agenda.

**LATE PUBLIC COMMENT:** None.

There being no further business, Commissioner Snyder, supported by Harag moved to adjourn at 9:06 p.m.

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Ginger Terpstra, City Clerk, CMMC