

PLANNING COMMISSION

Minutes

May 20, 2004

I. ROLL CALL

Fred Walstrom	Present
Andrew Bowman	Present
Jack Deegan	Present
Jeff Ford	Present
Mary Ellen Hughes	Present
Sheryl McCleery	Present
Pringle Pfeifer	Present
Peter Sears	Present
Sara Smith	Present

Also present were City Planner Larry Nix, City Attorney Jim Ramer and City Manager Fred Geuder.

The meeting was called to order by Chairman Fred Walstrom.

II. MINUTES

Motion by Sears, seconded by Pfeifer, to approve the minutes of the March 18, 2004, meeting. Motion carried.

The Commission also reviewed the notes from the April 15, 2004 discussion, where a quorum was not present.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

Enter Smith.

IV. NEW AND OLD BUSINESS

A. Consideration of SPR-2004-04—First Community Bank Plan, Lake St. Drive-Thru Proposed Modifications

The City Manager noted that the plan had been reviewed during the discussion session held on April 15th. He then introduced Architect David Kimble, who was presenting the plan on behalf of First Community Bank.

Kimble reviewed the plan, and noted the changes that had been made since the first presentation of the plan on April 15th. Kimble said the primary purpose of the plan was to relocate the “in” driveway approximately 100’ further north on State (which will be helpful because of the congestion at the corner) and to add a new canopy with an additional drive-thru lane.

Kimble noted that the plan being proposed would move the “exit” drive, about six feet to the east. The width of the driveway will be same as it is currently, simply relocated.

Kimble said the main sign for the building will remain where it is currently located.

The City Manager noted that the drawing shows the existing “exit only” sign in the right-of-way, when in fact it is located behind the sidewalk. Kimble noted the discrepancy and said that the sign would remain behind the sidewalk, but would be relocated to accommodate the driveway shift.

Kimble noted that a large green area will remain east of the building and actually be enlarged somewhat with the removal of the existing driveway. The hedge which had formerly separated the bank from the lot to the north will be removed.

Kimble provided a cut sheet on the light fixtures which will be under the canopy, and noted that they are recessed and will only project downward. Planner Larry Nix acknowledged that this is what he would have recommended and concurs with the choice made by Kimble. Kimble also provided a picture of a Weque-style light fixture which will be used for site lighting, noting that it is the same as the ones at the City Hall, and will be provided by Birchwood Electric.

The City Manager noted that a drainage plan will be developed by Benchmark Engineering, as is indicated on the drawing.

Sara Smith said she felt that the canopy too large in proportion to the existing building.

Kimble explained that the existing building is very small. The design he is proposing for the new canopy uses the same 12/12 roof pitch as the existing building, and because you have to start the roof at a height sufficient enough for vehicles to drive under, the actual addition is somewhat larger. Kimble noted that he did include the window dormers (Note: there will be no lights in the dormers) to break up the mass of the roof, and he also added a cupola to the existing building to make it appear taller.

Motion by Pfeifer, seconded by Deegan, to approve SPR-2004-04, First Community Bank, Lake Street Drive-thru Branch, as presented and including all items noted in these minutes, and with the condition that an engineered drainage plan be submitted to the City Manager for approval. Motion carried.

B. Zoning Code Question—Rebecca Adams and Deah Carey

City Manager Fred Geuder noted the letter received from Adams and Carey inquiring as to whether a Day Care Center for serving 12 children could be approved in a residential neighborhood. Adams and Carey would be co-owners of the Day Care Business.

Geuder noted that a Day Care Home was defined in the Zoning Code to be a home occupation in which no more than six (6) minor children are receiving care. He further noted that Planner Larry Nix had stated that Michigan Law actually prohibited the City from regulating a licensed Day Care Home if the number of children under care did not exceed six.

Geuder said that if the request was to care for more than six children in a home, the use would be in further conflict with the rules for a Home Occupation, because the second person working would not be a family member.

The question being asked was whether the City would consider amending the Code to permit a Day Care Home serving twelve children.

Planner Larry Nix stated that in his experience, a Day Care facility serving seven or more children was usually not located in a single-family zoning district, as is being proposed here. Nix noted that the Zoning Code specifically permits a Day Care Center in the R-O-S District, and it may also be permitted in the B-2 district. Nix said that it was his opinion that the City should not amend the Code, because of the possible intensity of the use with the higher number of children.

Rebecca Adams reviewed the proposal for she and Carey to work together and co-own the business. She further noted that five of the twelve children would be either hers or Carey's.

Adams noted that the State licensing regulations require 35 square feet of area indoors per child, and 480 square feet of outdoor play area for 12 children either on-site or in close proximity. Regulations also require that there be one adult supervisor per each six children. Her own children would be counted against the licensed number until such time as they reach the age of seven.

Planning Commissions discussed the issue.

Jack Deegan, who has a residence in the area where the use is proposed, noted that morning traffic is already busy because of the school, and because vehicles often use the side streets to get around the State Street traffic. This use would potentially add to that congestion.

Sara Smith noted that another requirement of a Home Occupation is that the proposed use does not exceed 25% of the floor area of the home, and a twelve child operation might also be in conflict with that provisions.

Several Commissioners noted the need for day care in the community, but the question was whether this was where it should occur.

It was also noted that the currently approved home occupations in the city included a Bookkeeper, an Attorney and two Beauty Shops. None of these uses require an employee, and there is usually only one client or customer at a time. One of the Beauty Shops has been in operation for over twenty years and has never generated a complaint. The bookkeeping use was approved about five years ago, and there have been no complaints to date. The other two uses are new in 2004.

It was suggested that a “straw poll” be taken by the Commissioners to determine whether there was sufficient interest to pursue a change in the Code, and for staff to draft a proposed Code amendment. The question boiled down to should the Code be amended to permit 12 children at a Day Care Home, permit an employee(s), and allow this use as Home Occupation in both the R-1-C and R-2 districts.

Walstrom polled each individual, and it was unanimously agreed to NOT proceed with an amendment. Individual Commission members did encourage the women to go into the business, and perhaps seek at alternate location.

Adams did note that both she and Carey would likely obtain individual licenses to care for six children. The City Manager acknowledged that this would not be subject to City approval.

C. Zoning Code Discussion—Accessory Buildings

Planner Larry Nix reviewed his updated version of the proposed regulations to amend the rules for accessory buildings. (A copy of the latest update will be attached to hard copies of the minutes.)

After some discussion, it was the consensus of the Commission that all 1.5 and 2 story accessory buildings, whether the use is purported to be for guest quarters or not, will require a Special Land Use permit. One story accessory buildings will not require a Special Land Use permit.

It was also a consensus, following a suggestion by Jeff Ford, that the proposed definition of Guest Quarters, should be amended to reflect that if the 1.5 or 2 story accessory building has the *potential* to have habitable space by building code standards, that accessory building would be deemed to have guest quarters.

City Attorney Jim Ramer, who was present at the meeting to hear the discussion, was asked to begin drafting the required ordinance to implement these changes. After the ordinance has been drafted, a public hearing on the proposed ordinance will be scheduled.

D. Zoning Code Discussion—Roof Decks

City Manager Fred Geuder discussed with the Commission the possibility of the need to regulate roof decks within residential districts. Geuder was concerned that using height only as a limitation might not be enough. He was also concerned that roof decks could be a nuisance because of noise.

A general discussion on this ensued, and it was thought that the proposal might be too restrictive and may even be unnecessary. Planner Larry Nix was asked to look at other ideas to address this question.

The Commission also discussed the idea of defining and setting limits for the use of “Widow’s Walks” as an architectural feature, but no conclusions were reached.

V. MEMBER COMMENTS

None.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned. The next meeting is scheduled for Thursday, June 17, 2004.

Frederick W. Geuder, City Manager