

MINUTES OF THE PLANNING COMMISSION MEETING ON JULY 13, 2009

The meeting was called to order by Chairman Bacarella at 7:00 p.m. in the Council Chambers of East Tawas City Hall.

Members Present: Bacarella, Cotter, Eklund, Leslie, Millard, O'Neil, and Council Representative McMurray

Members Absent: Pehrson

Staff Present: Zoning Administrator Chartier, City Manager Leslie and Deputy Clerk/Treasurer Klinger

Cotter moved, Leslie seconded, CARRIED, to approve the minutes of the June 8, 2009 regular meeting as presented.

Chairman Bacarella is a member of the Pastoral Council and Education Foundation and Commissioner Cotter is a member of the Finance Council for Holy Family Church. O'Neil moved, Millard seconded, CARRIED, to allow Chairman Bacarella and Commissioner Cotter to abstain from the public hearing and discussion regarding the special use permit application from Holy Family Church due to a conflict of interest as a result of their positions on the boards of the applicant.

Vice-Chairman Leslie assumed the chair.

The Public Hearing for a special use permit request from Holy Family Church, 416 Huron Street, 121-N10-015-005-00, for a preschool was opened at 7:03 p.m.

Tom Kalfs, 411 Huron Street, shared that he is against the opening of a preschool at this location and feels the residential area will eventually become a business district if it is allowed to open. Charles Shaver, 704 West Lincoln Street, shared that he is against the opening of the preschool and voiced concern about traffic flow. There is already one daycare within one block and he would like the residential area to stay residential. Shaynee Paauwe, shared that she is in favor of the preschool and that the partnership with Holy Family School would not be a daycare. Linda Howe voiced that she is in favor of the pre-school. Brent Barringer, 718 Adams Street, shared that he is in favor of the preschool and that all traffic would be internal, utilizing existing church property. If allowed, the preschool would allow the church to take advantage of using a building that would become vacant. Craig McMurray, 500 Ogemaw Street, feels the preschool would be a nice addition to the area.

Deputy Clerk/Treasurer Klinger reported there were 36 notices mailed and Michelle Heemer, 712 West Lincoln Street, sent an email in opposition to the preschool.

The public hearing was closed to public comment at 7:08 p.m.

Zoning Administrator Chartier shared that her biggest concern with approval was that the building is completely conforming in its current use and changing the use may result in a

nonconforming structure.

Preschools are not specifically regulated in the Zoning Ordinance, however, Section 308 B-1-c allows special uses that are similar to the listed special uses. Members discussed if the preschool should be regulated as a Child Care Center under Section 609 or a Private Elementary, Middle and High School under Section 611. Members agreed to ask the Zoning Board of Appeals for its opinion of which use in the Zoning Ordinance would be considered a similar use for regulation of a preschool. Further discussion and review was postponed pending the opinion from the Zoning Board of Appeals.

Bacarella re-assumed the chair.

John Brennan, Anca Trandafirescu and Tim Sullivan reviewed the site plans for Norman Corporation. The plans include:

illuminated wall and canopy signs

- one (1) 84-square-foot wall sign on the north (parking lot) side of the building
- one (1) 100-square-foot wall sign on the east (Newman Street) side of the building;
- one (1) 27-square-foot canopy sign on the east (Newman Street) side of the building;
- one (1) 100-square-foot wall sign on the south (West Bay Street) side of the building;
- one (1) 45-square-foot canopy sign on the south (West Bay Street) side of the building

paneling on the areas of the building that are not complete;

recessed LED light fixtures under the canopy that will direct light glare toward the building;

9 bollards located along the north side of the building on City property;

a concrete sidewalk along the north side of the building; and

flexible LED tube lighting along the top of the building.

The applicant understands the bollards would require permission from the City Council and the sidewalk design and installation would require cooperation with the City. The flexible LED tube lighting along the top of the building is not allowed by the current ordinance and they will propose language for an ordinance amendment in the future. The applicant has not yet seen the proposed recessed LED light fixtures but will order a sample to see if it will work to meet their needs and comply with the Zoning Ordinance. A portion of the paneling on the building as well as the wall signs will be illuminated, however, they will comply with the requirements of the Zoning Ordinance.

Chairman Bacarella informed the applicant that the Planning Commission's approval will include the proposed recessed LED light fixtures, however, if there is a need for a change it may be considered a minor change and may be approved by the Zoning Administrator under Section 1105 of the Zoning Ordinance.

Commissioner Leslie questioned the time line for completion of the proposed site plan. Mr. Sullivan conveyed that, once approved by the City, they will draft bid documents and seek bids and then determine a date based on the results of the bids. Mr. Brennan offered to send updates to the City Manager to keep the City informed of the progress.

Chairman Bacarella reviewed Section 1103 of the Zoning Ordinance and it was determined that the site plan, with the exclusion of the flexible LED tube lighting and bollards placed on City property, provided all the information required in Sections 1103 B and 1103 C. Eklund moved, Cotter seconded, CARRIED, to approve the final site plan for Norman Corporation, 101 Newman Street, 121-A30-004-001-00, contingent on the City Council and Norman Corporation arriving at an agreement regarding the 9 bollards located on City property and excluding the flexible LED tube lighting under Sections 412, 1005 A, 1008 A, 1008 B, 1009, 1103 and 1104 of the Zoning Ordinance.

Tim O'Connor was present to express opposition to the amendments to Article 10 of the Zoning Ordinance that was recommended to the City Council at the last Planning Commission meeting. Mr. O'Connor was informed that the Planning Commission previously held two public hearings regarding the amendments and that their recommendation was already turned over to the City Council. It was the consensus of the members that they felt comfortable with their recommendation to the City Council.

Members reviewed a land use permit request from Benjamin and Diane Brewer, 211 Newman Street, 121-A30-019-003-00, to convert the second story of their building to residential apartments. As proposed, two of the apartments do not meet the square footage requirements of Section 412 and there was no parking plan as required in Sections 902 and 904-A-4 of the Zoning Ordinance. Further review and discussion was postponed pending additional information from Brewers.

Millard moved, O'Neil seconded, CARRIED, to approve a sign permit request from Benjamin and Diane Brewer, 211 Newman Street, 121-A30-019-003-00, for a 24-square-foot wall sign in its present location on the south side of the building in lieu of placing it on the front (east) side of the building under Sections 1008 and 1009 of the Zoning Ordinance.

Cotter moved, Eklund seconded, CARRIED, to deny a sign permit request from Benjamin and Diane Brewer, 211 Newman Street, 121-A30-019-003-00, for a 2' x 2' round projecting sign under Section 1009 of the Zoning Ordinance because this location already has permitted canopy and wall signs.

Millard moved, Leslie seconded, CARRIED, to approve a land use permit request from Ronald and Dorte Starland, 120 Newman Street, 121-A30-005-012-60, for a retail store under Section 407-b-4 of the Zoning Ordinance.

Millard moved, Leslie seconded, CARRIED, to approve a sign permit request from The Legacy, 120 Newman Street, 121-A30-005-012-60, for a 5-square-foot wall sign under Section 1008 and 1009 of the Zoning Ordinance.

Cotter moved, Leslie seconded, CARRIED, to approve a sign permit request from New Reflections Too, 130 Newman Street, 121-A30-005-009-50, for a 12-square-foot wall sign located on the back of the building under Sections 1008 and 1009 of the Zoning Ordinance.

Leslie moved, Eklund seconded, CARRIED, to recommend adopting the proposed Planning

Commission Bylaws to the City Council.

O'Neil moved, Leslie seconded, CARRIED, to schedule a public hearing for the next Planning Commission meeting to hear comments on proposed amendments to Sections 202, 703-c and 1011-F of the Zoning Ordinance regarding nonconforming signs and uses.

Millard moved, O'Neil seconded, CARRIED, to adjourn the meeting. Meeting adjourned at 9:25 p.m.

Annge Klinger, Deputy Clerk/Treasurer