

STURGIS PLANNING COMMISSION

Regular Meeting

January 20, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: John Mikulenas; Jon Good; Michael Brothers; Michael Caywood; Peter Stage

Members absent: Chairman, Keith Waltke; Don Eaton; Eric Jones

Staff present: Dir. Community Development, George E. Musolff; Recording Secretary, Kerisa Craig

Also present: Kathy Jessup, Sturgis Journal; Carol Frohriep, KeyStone Place Inc; Kelly Tackett, KeyStone Place Inc.

Minutes of the December 16, 2014 Regular Meeting approved as presented.

Vice Chairman presented the agenda item - Class "A" non-conforming Use Request – 409 Michigan Ave – KeyStone Place, Inc.

The property owner of 409 Michigan Avenue is requesting a Class "A" non-conforming status. Vice Chairman, Mikulenas asked if there was a representative for the property and that she approach the podium. Kelly Tackett, manager, for KeyStone Place Inc. approached the podium and stated that KeyStone Place purchased the property as a foreclosure, and that it is an "illegal duplex". She went on to say that they are completing the steps necessary for them to have the property listed as a "legal" duplex, so they can meet all state and city regulations. The home has 2 units, a one bedroom and a two bedroom. Mr. Musolff explained to the planning commission that their contractor, Mr. Carr, did not get all the necessary building permits when this project began, and that the property is not conforming. It is not conforming due to incorrect setbacks on all sides. Tonight's meeting is to grant Class "A" non-conforming status, so that if a fire or storm damage would happen the home could be rebuilt in the same footprint. Before the planning commission can grant a legal duplex for this property, the Class "A" non-conforming status has to be in place, and then a Special Land Use application for duplex will be required with another meeting for that. Mr. Mikulenas brought up the fact that the home has three electric meters, and has been operating as an illegal duplex for some time now without the cities knowledge; per the former property owners. Mr. Good was able to provide some history on the home and stated that since the 1970's the home has been a two unit home, duplex. The three meters controlled the two units and the last for the basement, that the two units shared. Mr. Good stated that if the property had been a duplex since the 1970's and non-conforming, why does it require non-conforming use other than Class "A"? Mr. Musolff stated that the most recent owner, per our records, has used the home as a single family home and has done so for more than 12 months, therefore, it does require Class "A" and then special land use for duplex. KeyStone Place Inc. will need to apply for a Special Land Use, to change the status of the property to a duplex for the next meeting and the city will send out notices to all homeowners within a 300 feet radius per state requirements. Mr. Good then made a motion to approve the Class "A" non-conforming status.

MOTION: Made by Jon Good and seconded by Peter Stage to approve the Class "A" non-conforming use request for 409 Michigan Ave.

Voting yes: Five **Voting no:** none **Absent:** Waltke, Jones, Eaton **Motion Carried**

Old Business

Reaffirm BC Sign Approval with a full quorum – 209 W. Chicago Rd. (Gina's Healing Hands Day Spa)

Per the design given and the staff report accompanying, the commission can see no reason to deny the proposed sign for Gina's Healing Hands Day Spa.

Reaffirm 306 W. Chicago Rd. (Sturgis Chamber of Commerce/Southwest Michigan First/DDA) proposed sign with a full quorum

Per the design given and the staff report accompanying, the commission can see no reason to deny this sign in the Central Business District.

MOTION: Made by Jon Good and seconded by Peter Stage to approve both signs since there is a full quorum here tonight.

Voting yes: Five **Voting no:** none **Absent:** Waltke, Jones, Eaton **Motion Carried**

New Business

Director of Community Development presented 209 John St. – Sturgis Journal – for approval of new exterior building material.

The property owner of 209 John St, Inquire Partners Inc., has gone before the Design Review Committee for recommendation to go before the planning commission, to present the material for their buildings exterior. The new material is steel siding and they are also going to have the exterior insulation repaired. This material needed Design Review Committee approval since it does not meet the design guidelines for the Central Business District. Mr. Caywood motioned to approve the Design Review Committee's decision to approve this exterior building material.

MOTION: Made by Michael Caywood and seconded by Michael Brothers to approve the exterior building material as recommended by the Design Review Committee for 209 John St. the Sturgis Journal.

Voting yes: Five **Voting no:** none **Absent:** Waltke, Jones, Eaton **Motion Carried**

Adjourned 7:53 pm


Kerisa Craig, Recording Secretary

STURGIS PLANNING COMMISSION

Regular Meeting

February 17, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: Chairman, Keith Waltke; Michael Brothers; Michael Caywood; Peter Stage; Eric Jones

Members absent: Don Eaton; John Mikulenas; Jon Good

Staff present: Dir. Community Development, George E. Musolf; Recording Secretary, Kerisa Craig

Also present: City Manager, Michael Hughes; Kathy Jessup, Sturgis Journal; Carol Frohriep, KeyStone Place Inc; Kelly Tackett, KeyStone Place Inc.; Jolene Reckers & Cathy Avery, 403 Michigan Ave; Cari Cosby, 517 Walker St.

Minutes of the January 20, 2015 Regular Meeting approved as presented.

Chairman presented the agenda item – Special Land Use; duplex – 409 Michigan Ave – KeyStone Place, Inc.

From the staff report: Owners would like to use this property as a two family dwelling; a special land use is required as it has not been used for twelve or more consecutive months as such. Chairman Waltke asked the representatives from KeyStone to approach the podium to discuss this project. Representatives, Carol Frohriep and Kelly Tackett, stated that they appreciate the planning commissions' time and they hope their request is approved.

Public Discussion

Cari Cosby, 517 Walker, approached the podium and stated that she lives across the street from this property. The first time KeyStone rented the property, she was told that it was a single mother and two small children living there. Then she discovered there were ten or more people living there with multiple vehicles. The home has not been maintained on the exterior and she had called KeyStone several times regarding this issue. "Friday afternoons the vehicles start showing up." Parking on the south side of the street from Michigan all the way to four houses from where she lives was creating an issue for guests coming to visit her. Ms. Cosby stated that she bought a house in a residential neighborhood, not to live across from an apartment complex, and that she would like to keep it that way. She believes there aren't enough parking spaces for the number of people they intend to house there. Mr. Caywood asked how many adults she had stated were living there, and she responded "at least ten adults".

Kathy Avery, 403 Michigan, approached the podium and stated she is against a legal duplex in the neighborhood. She stated that when these kinds of places come into good neighborhoods, sometimes it can bring the place down. She also stated that there are several vehicles, and doesn't feel there are enough parking spaces available. Ms. Avery stated that she worries this duplex would bring in drug related crimes, parties, loud noises, and potential fighting due to close quarters. She feels there are more appropriate places in the city where a duplex would benefit, rather than her neighborhood.

Public Discussion was closed at this time.

Ms. Tackett approached the podium once more and stated that since KeyStone Place works with the poor and homeless, does not mean that they are going to ruin a neighborhood. She stated that if there are complaints in the future they are going to do there inspections, and follow up with case management to pursue evictions if needed. Mr. Waltke asked how long the eviction process takes and Ms. Tackett responded with, "due to court time it could be up to four months". Mr. Waltke then asked about the qualifications for people to be placed with KeyStone. Ms. Tackett responded with, "KeyStone works with people in the low income, suffering with mental illness, and also several State of Michigan housing grants". Since they work with the State, tenants have to follow rules set forth by the State and also their service plans, provided by case management. If these conditions are broken then KeyStone will stop paying the rent and the tenants will need to find somewhere else to go. Mr. Caywood asked if KeyStone sets occupancy limits, and she stated "yes, as it is a state requirement". All tenants are required to list everyone who is going to live in the home, and KeyStone watches to ensure that what they say is what happens when the tenants move in. Mr. Caywood then asked if there are limits on the number of adults' versus minors living in the home, and Ms. Tackett stated they are following the cities recommendations based on Property Maintenance Code regulations. Mr. Caywood asked if KeyStone will put limits on parking, and she responded "yes a two car maximum for the dwelling". Mr. Brothers then asked about how many people, children and adults, are they allowing per each dwelling since one is a two bedroom and the other a one bedroom unit. Ms. Tackett stated that they use the standard two heartbeats per

bedroom. The property can house up to six residents, four in the two bedroom unit, and two in the single bedroom unit. Mr. Musolff explained to the commission that this property has never been registered with the city as a rental. Once these decisions are made the city will follow the Property Maintenance Code, and set the occupant load for the home. He stated that a bedroom cannot be smaller than seventy square feet for a single person in a bedroom. For two people a bedroom must be at least 100 square feet. Mr. Musolff stated that in the future, neighbors can also call the city when they have any complaints regarding this property. Ms. Cosby was permitted to ask questions once more. She wanted to know how KeyStone would keep their word and investigate complaints made by neighbors. Mr. Jones asked Ms. Cosby if she would rather the property be single family or a duplex if she had the choice and she stated, "I would rather it remain a single family dwelling". Mr. Jones asked Ms. Tackett whose responsibility it is to maintain the exterior of the home, and was replied with "the tenants". Mr. Caywood asked city staff if the commission can put restrictions on the property if they are granted duplex and Mr. Musolff answered with "yes". The Commission also asked city staff if there are other duplexes or multi-family homes within the area, but that information was not available at that time. Mr. Jones asked Ms. Tackett if they were to keep the property a single family dwelling, if they would try to place six people in the home, or if they have the opportunity to select who would best fit the home. Ms. Tackett stated they can select the families that move in there and they are hoping for a duplex to keep the costs lower on all parties involved. Mr. Stage asked Ms. Tackett how long it takes them to investigate when there is a complaint; she stated that it can take a while to investigate due to observing and taking notes.

Chairman, Mr. Waltke then went through the Special Land Use Standards form with the Commission members: 1) Unknown; 2) Fails; 3) Meets; 4) Meets; 5) Meets; 6) Meets

Mr. Musolff reminded the Commission that if it is marked down that the property fails to meet standards; they are compelled to deny the request. He asked if the Commission would feel more comfortable with placing restrictions on the property. Mr. Musolff stated that a list of concerns would need to be agreed upon in order to put restrictions on the property. The list of concerns gathered from the public are as follows: parking, occupancy load, maintenance, and criminal activity. Parking cannot be regulated in the street as that is open public parking, per City Ordinance.

MOTION: Made by Peter Stage and seconded by Michael Brothers to table the decision until next month's meeting once some conditions can be discussed for the special land use request for 409 Michigan Ave.

Voting yes: Five

Voting no: none

Absent: Eaton, Good, and Mikulenias

Motion Tabled

New Business

Director of Community Development presented 111 W. Chicago Rd – Wings Etc. – Discussion on Sign for Road

This is an introduction to a future discussion on signs in the BC Central Business District. The 24 inches, maximum amount stated in the zoning ordinance, over the street or public property is what will need to be discussed regarding their sign idea. At this time, the proposed sign would not be allowed due to zoning requirements. We will not vote on anything regarding this potential sign tonight, it is just something to think about for future meetings. The commission is charged with looking at this ordinance; page CDA 35, for a future meeting regarding Wings Etc. unique design for a sign. Mr. Hughes brought up the fact that we need to have a possible new ordinance for signs that have not been thought of yet, in order to encompass the uniqueness of future signs. At this time, the Design Review Committee is set up to enforce the guidelines for the BC Central Business District.

Adjourned 8:31 pm


Kerisa Craig, Recording Secretary

STURGIS PLANNING COMMISSION

Regular Meeting

March 17, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: Vice Chairman, John Mikulenas; Michael Brothers; Peter Stage; Eric Jones; Don Eaton; Jon Good

Members absent: Chairman, Keith Waltke; Michael Caywood

Staff present: Dir. Community Development, George E. Musolff; Recording Secretary, Kerisa Craig

Also present: City Manager, Michael Hughes; Assistant City Manager, Andrew Kuk; Kathy Jessup, Sturgis Journal; Carol Frohriep, KeyStone Place Inc; Kelly Tackett, KeyStone Place Inc.; Cari Cosby, 517 Walker St.; City Building Inspector, Will Prichard; Don Westphal, Sturgis Mobile Home Park; City Commissioner, Ina Taulbee; John Carr, KeyStone Place Inc.; Lynn Coursey, St. Joseph County COA; Rachel Hughes-Nilsson, OCBA- Senior Center; Ed Dinsmore, 209 Michigan; Karl Littman, City Commissioner; Pat Maye, Fair Housing Center of SWMI; Ron Scheske, 1208 Parkside Circle; Ron Labarge, 1313 S. Lakeview; Matt Wolf, 9460 W. Arrowhead, Scotts, MI; Gene Harrison, 109 W. Chicago Apts

Minutes of the February 17, 2015 Regular Meeting approved as presented.

Vice Chairman presented the agenda item – Special Land Use; duplex “Conditions” – 409 Michigan Ave – KeyStone Place, Inc.

Director of Community Development, George Musolff reminded the Planning Commission that this was tabled last month so we could develop a list of “conditions” as recommended by the commission at last month’s meeting. Mr. Musolff also stated that the maximum capacity of occupants for the home whether a duplex or single family is 6 residents. Mr. Good spoke as to his feeling of the duplex and whether or not placing “conditions” on it would make a difference, and stated that he is against the special land use. Vice Chairman, John Mikulenas, asked Mr. Musolff to explain the zoning regulation difference between a single family rental property and a duplex. Mr. Musolff said that the list of “conditions” presented to the Planning Commission is intended to be stricter with a duplex, than a single family residence. Going through the list of “conditions”, the first is parking. On-street parking was an issue brought up by the public; it is proposed to limit the number of cars per dwelling unit. Another way to help with parking is to maintain the garage or carport free of clutter to accommodate four vehicles. Mr. Musolff said that we are unable to enforce this with a single family dwelling, and KeyStone would need to make this part of the lease. Concerns about overcrowding from the neighbors, could include limiting the number of overnight guests, also included on the lease. Illegal activity was another concern brought up by the neighbors. Any illegal activity would require KeyStone to come before the Planning Commission once more to defend their actions, or the special land use could be revoked. The cities Property Maintenance program will be enforced for this property as it is for any rental. There are three levels of property maintenance, monitored, compliant, and premier. If KeyStone does not remain in at least the compliant level, then they will come back here where the Planning Commission can reverse their decision and the property will become a single family dwelling. Mr. Eaton asked how many years has the property been a duplex. Mr. Musolff explained that the property has had 3 meters for at least 11 years, but for the past 3 years it has been a single family home. Mr. Jones expressed concern for allowing a special land use for a duplex in this neighborhood, stating that it may bring more people forward wanting to turn their homes into a duplex simply because they have the square feet.

Public Discussion Opened

Ed Dinsmore, 209 Michigan Ave, took the podium to express his concerns against a duplex in his neighborhood. He stated that based on zoning ordinance the Michigan Avenue is for single family residences and that allowing a duplex, would create more problems for the area.

Pat Maye, Director of Education for the Fair Housing Center of Southwest Michigan, took the podium and first asked why they are putting strict conditions on this duplex. Mr. Musolff addressed her statement with the correction that any duplex could have these same restrictions placed on it, with the approval of the property owner based on Planning Commission recommendation. Ms. Maye asked what the occupancy load of the home as a duplex could be, and if they are using the International Property Maintenance Code (IPM). She stated so “70 square feet per person for one and 50 square feet per person if there is more than one”, Mr. Musolff responded with “yes, for bedroom space”. Ms. Maye then stated that regardless if it is single family or a duplex, it can house the same number of people. Ms. Maye asked why they believe there

would be or has been overcrowding issues whether it is a duplex or single family. Mr. Musolff stated that overcrowding was an issue voiced by the neighbors, so it was added to the "conditions" list to be enforced. Ms. Maye pointed out that if the duplex can house 6 people, if KeyStone wanted to rent the home to 6 different adults, would that be possible. Mr. Musolff stated that each side of the duplex is for single family, and if that were the case we would need to seek legal advice to see what constitutes a family. Ms. Maye stated that she is asking these questions because she is concerned that these restrictions could limit the number of children the home may be able to house. She also wanted to know if all duplexes in Sturgis have a limit on the number of visitors allowed to visit at any one time. Mr. Musolff responded with "no ma'am" and these restrictions have not been accepted by both parties, these were concerns brought up for discussion. Ms. Maye stated that she was invited tonight to make sure that the Planning Commission is not in violation of any of the fair housing act laws. Carl Whitman, Friar Tuck representing the 4th Precinct, asked who is responsible to pay for the rent in these homes. He then stated that there are several other options in town for Section 8, and he would rather not have them come into the neighborhood.

Public Discussion Closed

Vice Chairman, Mr. Mikulenas then went through the Special Land Use Standards form with the Commission members: 1) Fails with 5:1; 2) Fails with 6:0; 3) Meets with 6:0; 4) Meets with 6:0; 5) Fails with 6:0; 6) Fails with 6:0.

MOTION: Made by Jon Good and seconded by Eric Jones to deny the special land use request for duplex at 409 Michigan Ave.

Voting yes: Six Voting no: None Absent: Waltke & Caywood Motion: Denied

Vice Chairman presented the agenda item – Special Land Use – 109 W. Chicago Rd – Harrison Investment Properties LLC – Creation of 9 apartments

Vice Chairman asked if there is a representative for Harrison Investment Properties, and if he could approach the podium. Gene Harrison, developer, for 107-113 W. Chicago came to the podium and stated that they are creating Wings Etc. on the main floor and loft apartments on the second and third floors. Mr. Harrison stated that the drawings in front of them show how the apartments are going to look. He also stated that these are going to be luxury apartments with an average of 1300 square feet of living space, larger than most homes within the city limits. There will be an elevator to access the apartments, and he would like to have this special land use request approved so they can begin this project. Mr. Eaton asked what the capital improvement would be for the project, and Mr. Harrison explained that it will cost roughly \$3,000,000. Mr. Harrison explained that the building as it sits does not meet any code, and that they are bringing it to code and replacing sections from the basement up. Mr. Good brought up comments from the staff report regarding the parking spaces, and that it appears there are only going to be 9 additional parking spaces added. Mr. Good asked how they intend to have enough parking spaces for all that is intended to happen at this location. Assistant City Manager, Andrew Kuk, took the podium and explained that City staff has met to discuss parking and they believe that the downtown area has enough parking to accommodate 9 apartments. Mr. Good also asked if someone living on the 3rd floor came home with groceries if they would be able to park by the elevator to carry up their groceries. Mr. Kuk explained that they have looked at having a loading/unloading zone for these cases. Mr. Harrison stated that they had a parking study done, and there are 210 parking spaces within one block of the area. Within a 2 block area there are 420 parking spaces available and the City will need to figure out a way to utilize parking for the downtown developments.

Public Discussion Opened

Ron Scheske, Sturgis Bank and Trust, took the podium and stated that the investment is large and that if he is granted the apartments then he should have proper cash flow to keep the place running. Mr. Scheske urged the Planning Commission to do what they can to support this project, especially for the community.

Public Discussion Closed

Vice Chairman, Mr. Mikulenas then went through the Special Land Use Standards form with the Commission members: 1) Meets with 6:0; 2) Meets with 6:0; 3) Meets with 6:0; 4) Meets with 6:0; 5) Meets with 6:0; 6) Meets with 6:0.

MOTION: Made by Don Eaton and seconded by Peter Stage to approve the special land use request for 109 W. Chicago Rd for the creation of 9 luxury apartments.

Voting yes: Six Voting no: None Absent: Waltke & Caywood Motion: Carried

Vice Chairman presented the agenda item – Site Plan Review – St. Joseph County Senior Center

Vice Chairman asked if there is a representative for the St. Joseph County Senior Center, and to approach the podium. Rachel Hughes-Nilsson, OCBA, came to the podium as well as presented the Planning Commission with colored site plans on her easel. Ms. Hughes-Nilsson explained what they had been asked to deliver and that they intend to start this project very soon. The staff report was brought up and discussed how the driveways should be for heavy duty traffic and as well as removing some islands. Ms. Hughes-Nilsson explained that they will take those changes into consideration and then the Planning Commission voted to approve the site plan request given the stipulations in the staff report as well as awaiting the City Engineer's final approval of the storm water calculations.

MOTION: Made by Jon Good and seconded by Eric Jones to approve the site plan review request for the St. Joseph County Senior Center.

Voting yes: Six

Voting no: None

Absent: Waltke & Caywood

Motion: Carried

Vice Chairman presented the agenda item – Preliminary Site Plan Review – Sturgis Commons Mobile Home Park

Since the state of Michigan has the final say for a mobile home community, the Planning Commission does need to make a decision tonight as if they were going to approve or deny the site plan without state authority, stated Mr. Musolff. Donald Westphal, landscape architect, came to the podium to represent the owner of the mobile home park, R & Z Entities. Mr. Westphal explained to the Planning Commission members that before they go to the State of Michigan Manufactured Home Commission he needs to have 4 approvals prior to that meeting, two of which are the approval of the city municipality and the City Engineer specifications. There were several issues from City staff regarding the proposed site plan. Mr. Westphal explained that he will take those into consideration as he goes through the next phase of the project, but final site plan approval will come from the Manufactured Home Commission as well as the DEQ. Vice Chairman, John Mikulenas, asked Mr. Musolff if he could speak to any differences between the State code and the City's code in regards to the mobile home park. The mobile home park as it stands does not meet current City code as it operates under a 1945 Mobile Home Commission rules that there licensure is based on. Due to those rules, we as the City cannot force any upgrade within that community as they are operating within those rules. Part of this site plan is to eliminate some of the current sites and create 10 new ones bringing them to 33 homes while they are licensed for 35. Mr. Musolff stated that the Planning Commissioners can approve the site plan with stipulations that can be taken to the State, and the final decision will be made there. Mr. Eaton proposed that he would like to have City legal take a look at this so that they do not make a decision as they do not have enough information. Mr. Westphal also wanted the Planning Commission to know that since the City of Sturgis does not have an ordinance regarding Mobile Home communities, then the State is in charge of enforcing all State mandated ordinances for this community. This mobile home community will never meet City ordinances unless the owner demolishes the entire park and brings everything up to code and starts over. However, any changes made to the mobile home park are required to meet current ordinances, and this site plan does meet setbacks. Mr. Good motioned to approve the preliminary site plan with the condition that City staff's concerns are forwarded to the State Manufactured Home Commission for review, and that they send a report back with the concerns answered with a look into the general welfare for the City of Sturgis.

MOTION: Made by Jon Good and seconded by Eric Jones to approve the preliminary site plan review request with conditions for 960 W. Chicago Rd.

Voting yes: Six

Voting no: None

Absent: Waltke & Caywood

Motion: Carried

Don Eaton left at 9:05pm

Vice Chairman presented the agenda item – Site Plan Review – Unique Truck Accessories – 1000 N Clay

Mr. Musolff presented this site plan as no representatives from Unique Truck Accessories were available to come. He stated that the City Engineer, Barry Cox, has not looked at the storm water calculations yet and could not offer any staff report. They plan to expand 10,800 square feet, and they do not violate any setbacks and adequate parking has been provided. Mr. Musolff explained that they would like to have approval for a foundation release even before the City Engineer can complete the storm water calculations.

MOTION: Made by Jon Good and seconded by Eric Jones to approve the preliminary site plan review request for a foundation release for Unique Truck Accessories. They need to come back with final site plan for approval once storm water calculations have been completed.

Voting yes: Five

Voting no: None

Absent: Waltke; Caywood; Eaton

Motion: Carried

New Business

Director of Community Development presented 111 W. Chicago Rd – Wings Etc. – Discussion on Sign for Road

Vice Chairman brought up to the Planning Commission about previous signage being so close to the road and that it required approval from the state. Mr. Harrison explained to the Planning Commission that they have already been granted approval from MDOT as well as SHIPO. Mr. Musolff stated that we are looking for language to amend the ordinance, if the ordinance remains as written then it would require Board of Review's approval. Some people have suggested that our current sign ordinance is out of date and that it requires some new language so not to offend potential new businesses coming into our downtown. Historically this site was the location of the Roxy Movie Theatre, and had a marquee sign, but based on current ordinances this sign fails to meet criteria. The word marquee is strict in its definition, stating that it is allowed for auditoriums and movie theatres, which this site does not qualify as. Mr. Musolff stated that the proposed sign is classified as a projecting sign, not a marquee sign. For this proposed sign the only changes to the ordinance would require the length of more than 24 inches be allowed. For all other future signs it may be worth changing the entire ordinance so not to turn away any artistic or unique sign ideas. Mr. Good stated that he believes there should be a sign review committee for all zoning areas that the sign ordinance could encompass. The Planning Commission will make the recommendation to the City Commission for changes to the sign ordinance, specifically the Central Business District. For the purposes of this discussion tonight, we are recommending to remove the 24 inches from the sign ordinance. The proposed sign extends 7 feet towards the street, and could be used as a canopy to keep people out of the elements.

MOTION: Made by Jon Good and seconded by Peter Stage to discuss the sign ordinance in general for the next meeting for all business zoning areas.

Voting yes: Five

Voting no: None

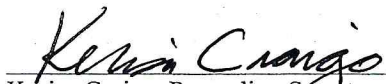
Absent: Waltke; Caywood; Eaton

Motion: Carried

Discussion of Special Land Use – Duplex in Residential District

This piece of new business was recommended for discussion by the City Commission, Mr. Musolff stated. Vice Chairman stated that he would like to table this discussion until the next meeting.

Adjourned 9:33 pm



Kerisa Craigo, Recording Secretary

STURGIS PLANNING COMMISSION

Regular Meeting

April 21, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: Chairman, Keith Waltke; John Mikulenas; Michael Brothers; Peter Stage; Jon Good

Members absent: Eric Jones; Michael Caywood; & Don Eaton

Staff present: Dir. Community Development, George E. Musolff; Recording Secretary, Kerisa Craigo

Also present: City Manager, Michael Hughes; Assistant City Manager, Andrew Kuk; Kathy Jessup, Sturgis Journal; Brandon Mieras, 316 N Nottawa; Jeremy Gump, MOSO Village; Stacy Lininan, CMH 307 W Chicago

Minutes of the March 17, 2015 Regular Meeting approved as presented.

Chairman presented the agenda item – Brandon Mieras – 316 N Nottawa Class “A” Nonconforming Use Request

Chairman Waltke, read the staff report that stated City staff can see no reason to deny this request, and then asked for a representative to take the podium. Brandon Mieras approached the podium and stated that he would like to change use in the future from business to mercantile. Mr. Mieras is currently renovating the exterior of the building and stated that he would like to see more retail options down North Nottawa. Chairman Waltke verified that Mr. Mieras stated that he does not have a current use for the building. Mr. Mikulenas asked about the neighbor to the west of the property, and wondered if an existing building may be encroaching on Mr. Mieras’ property. Mr. Mieras stated that their house is actually over the property line, but Mr. Musolff was able to provide information that our GIS system is only an approximation of the legal lot lines, without having a survey we can’t be sure. Mr. Good motioned to approve the Class “A” nonconforming use as presented.

MOTION: Made by Jon Good and seconded by John Mikulenas to approve a Class “A” nonconforming use to Brandon Mieras at 316 N Nottawa.

Voting yes: Five

Voting no: none

Absent: Jones, Caywood, & Eaton

Motion Carried

Chairman presented the agenda item – MOSO Village – PDD Site Plan Amendment

Chairman Waltke, read the staff report that stated City staff can find no reason to deny the proposed PDD Site Plan Amendment changes, and asked for a representative to take the podium. Jeremy Gump, Inquire Partners & MOSO Village, took the podium to explain the changes to the site plan. The PDD original language that was approved in 2013 allowed for 1 video screen display. We are now proposing all video board displays greater than 100” measured diagonally will be considered a special use. Since October 2013, Inquire Partners has gained some additional property, they now own everything on the south and north sides of John Street between North and S. Clay Streets. Mr. Gump stated that the boundaries for the PDD would be expanding to the West so that it would run on both sides of John Street all the way to S. Clay and to the rear of the Sturgis Journal Parking Lot. Mr. Good asked if there were any studies done that show that people want to live in apartments in downtown since there will be an additional 25 apartments between this and another project. Mr. Gump stated that since his loan is a USDA loan it required him to have a feasibility study. In the study the best use of the property was determined to be Commercial as well as Residential. They have also received several phone calls from people wanting upscale or luxury apartments and that’s what they intend to give the people.

No public Comments were heard

Mr. Good motioned to approve the changes to the site plan as well as the PDD.

MOTION: Made by Jon Good and seconded by John Mikulenas to approve the proposed Site Plan changes as well as the PDD.

Voting yes: Five

Voting no: none

Absent: Jones, Caywood, & Eaton

Motion Carried

New Business

Discussion of Special Land Use – Duplex in Residential District

Mr. Musolff explained to the Planning Commissioners that since the KeyStone Place applied for and was denied a Special Land Use for a duplex in an R3 neighborhood that the public outcry against it has caused the City Commissioners to look at removing it altogether. Chairman Waltke asked if that would include current duplexes or new construction of a duplex as well, and Mr. Musolff responded that it would cover all duplexes, new or old. The City Commission is saying no to duplexes in the single family residential districts. Duplexes and multi-family houses are permitted in R4 districts without any special land use. If this language is removed R1, R2, and R3 would not allow for new construction of a duplex or to create a duplex from an existing home. Mr. Good expressed concern about the duplexes that already exist in R1, R2, and R3, and if they would all be grandfathered in. Mr. Musolff explained that the preexisting duplexes in these areas are all legal nonconforming properties, so the Planning Commission may receive requests to rebuild if a fire destroyed the home. Mr. Good then asked what would happen if a home was damaged and they have not received a Class “A” nonconforming use, due to removing this language. Mr. Musolff explained that the Planning Commission would then need to look at each individual case based on its use and the City Attorney would need to be involved. Mr. Waltke expressed that he has no problems removing the language to eliminate future duplexes from being constructed or transitioned, but he would like there to be stipulations for protection of preexisting duplexes. The Planning Commission members concurred. Mr. Musolff recommends any structure that is conforming and meets setbacks will remain as preexisting; but any nonconforming structure that we believe to be a danger or expanded more than we believe to be acceptable, will need to come to the Planning Commission and request a nonconforming use on the structure. The proposal is to remove the duplex as a special land use, asking City legal for language to preserve the right of preexisting duplexes. Mr. Mikulenas asked about selling a duplex as a duplex to another potential property owner, and if they could continue to use it as a duplex. Mr. Musolff stated that as long as the use is continued with no more than a 12 month gap, it can continue as a duplex. Mr. Good explained that there are two types of nonconforming; nonconforming and legal nonconforming. A legal nonconforming property is one that met all zoning codes and setbacks for the time when it was built, but does not meet today’s standards. The Planning Commission will continue the discussion of the special land use for a duplex in a residential district at the next meeting when language from City legal can be provided.

Discussion of Sign Ordinance in BC District

At this time, there are too many important projects underway for staff to dedicate the proper amount of time necessary to produce a revised sign ordinance for the BC District. Mr. Musolff stated if we remove the language: No sign shall extend further than 24 inches over a street or public property, will allow for canopy and projection signs and accomplish what we need to for current projects. When the schedule slows down enough to dedicate time for a complete revision, staff will be submitting recommendations to the Planning Commission. Mr. Good made the motion that the recommendation be forwarded to the City Commission for approval and adoption.

MOTION: Made by Jon Good and seconded by Peter Stage to approve the removal of one sentence from the BC District sign language ordinance Section 1.1006 (C) (1) and forward to the City Commission for approval.

Voting yes: Five

Voting no: none

Absent: Jones, Caywood, & Eaton

Motion Carried

Mr. Good wanted to make this Planning Commission aware that he applied for a seat on the City Commission, and that if he is appointed; he will be resigning his seat. That will leave the Planning Commission at 7 members on a 9 member board.

Adjourned 8:14 pm

Kerisa Craigo, Recording Secretary

STURGIS PLANNING COMMISSION

Regular Meeting

May 19, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: Chairman, Keith Waltke; John Mikulenas; Michael Brothers; Peter Stage; Eric Jones; Michael Caywood; Don Eaton; Garry Allen; & Jeff Mullins

Members absent: None

Staff present: Dir. Community Development, George E. Musolff; Recording Secretary, Kerisa Craig

Also present: City Manager, Michael Hughes; Building Inspector, Will Prichard

Minutes of the April 21, 2015 Regular Meeting approved as presented.

Chairman presented the agenda item – Proposed Language Amendment – Elimination of two family dwellings & Low-density apartments in R-3 Residential

Mr. Mikulenas expressed concern about the difference between the use and not the structure for a Class A use. Mr. Musolff stated that as long as a structure remains as is, it would not require a Class A designation. The action we take today means it will not affect anyone's rights to use a preexisting duplex today, or to sell a preexisting duplex in the future. We are going to take away the right for future duplex and low-density apartments in single family zones but we are not going to affect the rights of anyone who is currently operating a legal rental in a residential zone. Mr. Brothers then stated, "if I have a duplex across the street from me and it's been empty for more than a year, then it reverts back to a single family rather than a duplex?" Mr. Musolff stated that if it is in the R-3 zone then it would have to remain single family unless they can prove that the use has not been abandoned. The abandonment of a use is something that has to be proven legally.

MOTION: Made by John Mikulenas and seconded by Michael Caywood to approve the proposed amendment for eliminating two family dwellings and low-density apartments in the R-3 Zone, as a recommendation to the City Commission.

Voting yes: Nine

Voting no: none

Absent: None

Motion Carried

New Business

Chairman presented discussion of RV Parking Language regarding boats and carports

Mr. Musolff stated that he has had two conversations in the last month about RV parking in residential zones. In the Zoning ordinance an RV is described as a boat, a trailer with a motorcycle, an RV Camper, etc. Parking for an RV is restricted to one RV. There are people that have more than one RV and they store them in the winter, but in the summer would like to have them at their property. Mr. Musolff explained "I have been asked if they store one in the open and another under a carport, if that would be acceptable. I explained that I would take it to the Planning Commission as the carport is not enclosed, per the Zoning Ordinance." Mr. Mikulenas stated that if someone has a carport, there is an expectation that something will be parked under it, and stated that he does not have a problem if someone wanted to put another RV there as long as the carport meets all setbacks and regulations. A carport is considered an accessory structure that requires a building permit. A property owner has the right to use 50% of the square footage of a one story home to build an accessory structure, and match the square footage with a two-story home. If the Planning Commission were to allow this, it has the potential for residential zones to create a number of carports to accommodate their RV's. Many years ago we discussed this same issue and that is when we decided on one RV. In terms of vehicle parking, it is defined as enclosed by walls on all sides. This discussion will be continued at next months meeting.

Chairman presented the topic of the Burr Oak Tool Parking Lot

Mr. Musolff explained that there have been some minor changes in engineering and dimensions for the parking lot. Mr. Musolff and Barry Cox, City Engineer, went through this today with their engineers, and staff have no issues with this revision. *No comments or issues were raised by the Planning Commission members.*

Mr. Eaton presented the topic of the Community Enrichment Center – Update

There is to be an 1100 square foot addition to the already approved Community Enrichment Center. This addition will be used for adult day care, with its own entrance and exit. Staff have already reviewed this addition and have no issues. There is nothing required for the Planning Commission unless someone has an issue with the new site plan. *No comments or issues were raised by the Planning Commission members.*

Other New Business

Mr. Mikulenas brought up South street and how bad the road is, and asked about future repair plans. City Manager, Mike Hughes stated that it is on the agenda for Summer of 2017, with a possible re-surfacing on White street next summer.

Adjourned 8:03 pm


Kerisa Craig, Recording Secretary

STURGIS PLANNING COMMISSION

Regular Meeting

June 16, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: Chairman, Keith Waltke; John Mikulenas; Michael Brothers; Peter Stage; Eric Jones; Garry Allen; & Jeff Mullins

Members absent: Michael Caywood & Don Eaton

Staff present: Dir. Community Development, George E. Musolff; Recording Secretary, Kerisa Craig

Also present: City Manager, Michael Hughes; Building Inspector, Will Prichard; Joe Myers, 401 E Chicago; Jeremy Gump, MOSO Village; Kathy Jessup, Sturgis Journal

Minutes of the May 19, 2015 Regular Meeting approved as presented.

Chairman presented the agenda item – Special Land Use Request – 401 E Chicago – Myers Properties LLC

Chairman Waltke read the staff report and then asked Mr. Myers to approach the podium. Mr. Myers stated that they will be selling classic cars as well as muscle cars, not a typical car lot. Mr. Mikulenas then asked if it is correct to say that only classic cars will be sold here, and if a special land use is required. Mr. Musolff stated that regardless of the type of cars being sold, it does require a special land use because of the minor repair that will be done to them at this location. Mr. Waltke asked about the parts that are going to be used to make the repairs and if they will be visible to the general public, and Mr. Myers stated that the building is large enough that nothing will be left outside.

Chairman Waltke then went through the Special Land Use Standards form with the Commission members:

1) Meets with 7:0; 2) Meets with 7:0; 3) Meets with 7:0; 4) Meets with 7:0; 5) Meets with 7:0; 6) Meets with 7:0.

MOTION: Made by John Mikulenas and seconded by Eric Jones to approve the Special Land Use Request for the minor repair of vehicles at 401 E. Chicago Rd.

Voting yes: Seven

Voting no: none

Absent: Caywood & Eaton

Motion Carried

Chairman presented the agenda item - Planned Development District (PDD) – Final Site Plan Approval – 210 John/110 North – Moso Village

Chairman Waltke asked if there were any changes to the previous site plan, and Mr. Musolff stated that there were none. Mr. Musolff stated that the Planning Commission needs a final approval as the City is making a zoning ordinance change to create a Planned Development District (PDD), and this is the final step.

MOTION: Made by Michael Brothers and seconded by Peter Stage to approve the Final Site Plan for the PDD MOSO Village.

Voting yes: Seven

Voting no: none

Absent: Caywood & Eaton

Motion Carried

Chairman presented discussion of RV Parking Language regarding boats and carports

Mr. Musolff began the discussion by reading the zoning section Article IX Section 1.0901 (Q) related to RV's and RV parking. Members discussed the history of this issue and that it has been brought up in the past. Mr. Musolff stated that there does not need to be any action taken on this but, that it does require discussion to see if it is time for a change. Mr. Musolff stated that staff believes changing the current ordinance is a bad idea due to an increase in illegal buildings/carports. Mr. Waltke asked if he knows how many violations there are per year regarding this and Mr. Musolff said that there may be a

half a dozen. City Manager, Michael Hughes also stated that people are calling asking about this in the different respects of the definition of RV and trying to get around it. Mr. Mikulenas asked what the difference between a carport and an enclosed accessory structure is, trying to make the point that the number of RV's doesn't matter, just how many can be seen. Mr. Musolff stated that is correct and that only 1 RV can be parked outside of an enclosed structure on someone's property.

All members stated that they would like to leave the ordinance as it is at this time.

New Business

No new business at this time.

Adjourned 7:53 pm

Kerisa Craigo, Recording Secretary

STURGIS PLANNING COMMISSION

Regular Meeting

August 18, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: Chairman, Keith Waltke; John Mikulenas; Michael Brothers; Garry Allen; Michael Caywood; Jeff Mullins; & Peter Stage

Members absent: Eric Jones & Don Eaton

Staff present: Dir. Community Development, George E. Musolff

Also present: Building Inspector, Will Prichard; Theo Omo, Thurston Woods; Joe & Krista Mitchell, 1134 N Galyn; Sharie Kreiger, 25860 Antler Rd; Fred Ham, Schrock Commercial; Megan Crites, MKM Architecture & Design; Richard Pennings, Loomis Law Firm; Kathy Jessup, Sturgis Journal

Minutes of the June 16, 2015 Regular Meeting approved as presented.

Chairman presented the agenda item – Special Land Use Request – 1134 N Galyn – Krista Mitchell Massage Therapy

Chairman Waltke began by reading the staff report and then asked for a representative to take the podium. Krista Mitchell presented her case for doing massage therapy out of her home, and then entertained questions from the Planning Commission members.

Chairman Waltke went through the Special Land Use Standards form with the Commission members:
1) Meets with 6:0; 2) Meets with 6:0; 3) Meets with 6:0; 4) Meets with 6:0; 5) Meets with 6:0; 6) Meets with 6:0.

MOTION: Made by Michael Caywood and seconded by Garry Allen to approve the Special Land Use Request for the use of her home for massage therapy.

Voting yes: Seven Voting no: none Absent: Jones & Eaton Motion Carried

Chairman presented the agenda item - Site Plan Review – 307 N Franks Ave Thurston Woods Village

Chairman Waltke began by reading the staff report and then asked for a representative to take the podium. In attendance for the meeting are Theo Omo, president of Thurston Woods Village and Megan Crites, member of the architecture firm. Ms. Omo explained to the Planning Commission members what an Adult Foster Care Facility is and how they will be using it. Any questions from the board were answered by either Ms. Omo or Ms. Crites.

MOTION: Made by John Mikulenas and seconded by Garry Allen to approve the site plan for a new Adult Foster Care Facility at Thurston Woods Village.

Voting yes: Seven Voting no: none Absent: Jones & Eaton Motion Carried

Chairman presented the agenda item – Class A Nonconforming Structure Status Request – 1302 E Laura Drive Village Manor

Chairman Waltke began by reading the staff report and then asked for a representative to approach the podium. Mr. Pennings, with the law firm representing Village Manor, approached and answered any questions while explaining why they are requesting a Class A Structure Status. Mr. Pennings also explained how Village Manor is funded. Planning Commission members reviewed the survey that was conducted earlier this year and made sure that Mr. Musolff was satisfied with all the setbacks.

MOTION: Made by Garry Allen and seconded by Michael Brothers to approve the Class A nonconforming Structure Status in order to make needed renovations and repairs to the same footprint.

Voting yes: Seven

Voting no: none

Absent: Jones & Eaton

Motion Carried

New Business

No new business at this time.

Adjourned 7:53 pm

Kerisa Craigo, Recording Secretary

STURGIS PLANNING COMMISSION

Regular Meeting

October 20, 2015

Called to Order at 7:30 pm in the Wiesloch Raum of City Hall.

Members present: Chairman, Keith Waltke; John Mikulenas; Garry Allen; Michael Caywood; Jeff Mullins; & Peter Stage; Eric Jones & Don Eaton

Members absent: Michael Brothers

Staff present: Building Inspector, Will Prichard

Also present: Mike Hughes, City Manager; Kathy Jessup, Sturgis Journal

Minutes of the August 18, 2015 Regular Meeting approved as presented.

Chairman presented the agenda item – Site Plan Review – 215 Broadus – GT Independence Parking Area Addition

Chairman Waltke began by reading the staff report and then asked for a representative to take the podium, no one was present from GT Independence.

MOTION: Made by John Mikulenas and seconded by Eric Jones to approve the Site Plan.

Voting yes: Eight

Voting no: none

Absent: Brothers

Motion Carried

Chairman presented the agenda item – BC District Fence Ordinance language discussion

Chairman Waltke began by reading the staff report and proposed changes to BC Fence Ordinance. City staff explained the need for allowing ornamental fences in the BC District for outdoor seating of restaurants and City parks.

MOTION: Made by Don Eaton and seconded by Peter Stage to approve the new language for the BC District Fence Ordinance.

Voting yes: Eight

Voting no: none

Absent: Brothers

Motion Carried

New Business

No new business at this time.

Adjourned 7:41 pm

Will Prichard, Recording Secretary