

City of Howell
Planning Commission
February 17, 2016
611 E. Grand River Avenue
Howell, MI 48843

The regular meeting of the Planning Commission was called to order by Chairman Streng at 7:00 p.m.

PRESENT: Paul Streng, Mayor Nick Proctor, Jan Lobur, Robert Spaulding, Erin Britten, City Manager Shea Charles, Maryanne Vukonich, Stewart Howe, Jeanette Ambrose, Dick Carlisle - Carlisle Wortman Associates, Community Development Director Tim Schmitt, and Recording Secretary Deanna Robson.

ABSENT: None.

GUESTS: Dennis Perkins, Sue Clark, James and Rachel Worthington, Pete Eichinger, Roberta Schultz, Michael Mannella, and Clark Gill.

APPROVAL OF January 20, 2016 MINUTES

MOTION by Ambrose, SUPPORTED by Vukonich, “To approve the January 20, 2016 minutes as presented.” MOTION CARRIED (9-0).

CALL TO THE PUBLIC

None.

STAFF REPORT

Timothy Schmitt, Community Development Director, provided updates in addition to his staff report, noting that he recently met with representatives from ChemTrend regarding their upcoming research and development expansion on McPherson Park Drive. He stated that Town Commons is working on the completion of the last couple of buildings in the front of the development; Kellogg Dental is pursuing an expansion; and the Medical Marijuana issue stalled in the state legislature, and therefore staff will recommend extending the moratorium at the March 14, 2016 City Council meeting. Mr. Schmitt informed the Commission that the review of the Capital Improvement Plan (the first implementation item resulting from the Master Plan) is anticipated in April and will include long-term, large scale fixed assets and City projects. In addition, he noted that there are two groups discussing placemaking in the community, and the Downtown Development Authority is working with their new members on this issue.

PUBLIC HEARINGS

#16-004 – 138 W. Highland (Leaps and Bounds Therapy) – Sign

Chairman Streng opened the public hearing at 7:07 p.m.

Community Development Director Schmitt introduced the agenda item and stated that the Special Land Use request is for a sign at Leaps and Bounds Therapy, 138 W. Highland. The business currently has window signage, but the owner would like to use signage from the previous location. The business occupies three suites in the center of the development. The

request exceeds the wall sign standards but meets the criteria for Planning Commission approval. Mr. Schmitt responded to questions from the Commission and confirmed that the picture in the packet is to scale and that he has not received any concerns from the other business owners.

Pete Eichinger, Performance Creative Resources at 10860 Cartier, Brighton, MI 48114, reiterated that the business occupies three suites for a total of 60 ft. of frontage and added that the property owner has approved the sign and its placement. The Commission inquired about the condition of the sign and Mr. Eichinger confirmed that that it is clean, in good working order, was only used at the previous location for 3-4 years, and has been in storage for the last year.

Chairman Streng closed the public hearing at 7:10 p.m.

MOTION by Proctor, SUPPORTED by Lobur, “To approve the Special Land Use application (#16-004) for 138 West Highland Road, parcel id number 4717-25-102-003, to allow for a new wall sign to be installed that is 40 square feet in size, larger than the 30 square feet maximum permitted by ordinance. The sign shall be required to meet all other applicable ordinance standards.” MOTION CARRIED (9-0).

#16-003 – 313 Chestnut Street – Sober Living Facility/Adult Foster Care Facility

Chairman Streng opened the public hearing at 7:12 p.m.

Dick Carlisle, Carlisle Wortman Associates, provided background stating that the request is for a sober living home, and the intent of the applicant is to use the existing duplex for a structured living environment for men who have completed treatment for alcoholism and are in a transitional process so that they may eventually return to their own homes. There will be a full-time manager on site, and residents will have to comply with strict hours and rules of operation. There has never been a reported incident at the facility’s current location in the City. 313 Chestnut is at a dead end, adjacent to the Railroad right-of-way. The duplex units are identical – each with 3 bedrooms and a garage. The Building Official has approved capacity of five residents in each unit plus a resident manager in one unit for total of eleven residents - similar in scope to an adult foster care home. Mr. Carlisle noted a potential concern with on street parking due to the dead end street and maneuverability. He commented that there has been no inordinate impact for the new location from the existing facility, but the City is able to establish reasonable, recommended restrictions and rules.

Rick Mason, 151 S. Latson, Howell, will manage the facility to provide a safe and sober environment for residents to continue their recovery. When residents first arrive, they must adhere to strict rules and regulations including required attendance at Alcoholics Anonymous (AA) meetings twice each day, daily chores, morning wake-up by 9 am, and a 10 pm curfew. The current facility houses ten people, some of whom have resided there for more than 90 days (90 day minimum preferred). Mr. Mason noted that the facility has a zero tolerance policy, and that the resident manager also attends AA meetings and verifies that all occupants comply with the curfew. He also stated that the property will be re-landscaped and the new fence will be aesthetically pleasing.

Commissioner Ambrose inquired about supervision of the facility when the resident manager is not physically on site. Mr. Mason responded he can be there within minutes due to the close proximity of his home, and the resident manager will always be on site in the evening. Commissioner Howe asked about visitors and Mr. Mason responded that as a rule, visitors are not allowed.

Michael Mannella, 409 Wetmore, addressed the Commission and stated that he also brought a letter from Jeff Jewell, owner of the house directly across the street from 313 Chestnut, expressing his concerns about the Special Land Use. Chairman Streng accepted the letter and recorded it as a public record. Mr. Mannella asked if the Special Land Use will stay with the property and Mr. Carlisle responded that the SLU does remain with the property, and all conditions and approvals will still apply if the owner sells the business. Mr. Schmitt elaborated that a memorandum of any newly approved Special Land Use is sent to the County to be incorporated into the property record. Mr. Mannella asked if the residence could be turned into a drug rehabilitation center or foster home in the future, and Mr. Schmitt responded that the property can only be used for the approved purpose and any revisions of the property's use would have to be approved by the Planning Commission. Mr. Mannella expressed that he does not condone the proposed use in his neighborhood due to the number of families that currently reside in the area. Commissioner Vukonich asked Mr. Mannella if he realized that the current facility was located a block and a half away from his residence; Mr. Mannella acknowledged, but expressed concerns regarding parking and that the property owner spends several months each year out of state.

Sue Clark, 322 N. Chestnut, asserted that she does not necessarily object to the SLU, but stated that she would be more comfortable if there was a full-time manager on site at all times, especially around 4 pm on school days due to the number of children in the neighborhood. She noted the potential frequency of the rotation of different men residing at the property. Ms. Clark suggested limitations on interactions between the residents at 313 Chestnut and the neighbors, and recommended restrictions such as no dating or fraternization and the prohibition of engaging minors in conversation. Ms. Clark stated that this SLU request has arisen from the City's desire for a parking lot at the facility's current location.

Dennis Perkins, 1710 Acorn Valley Drive and 322 N. Chestnut, contended that that rules employed at the facility should be incorporated into the Special Land Use so that they cannot be changed should the ownership change. He expressed his support for the work being done at the facility, and conversely, his concern regarding the children in the neighborhood.

Rachel Worthington, 316 Wetmore, stated she supports the idea of a sober living facility but expressed concerns about her children, resident turnover within the facility, crime, parking, and the impact of the facility on the value of her home.

Roberta Schultz, 316 N. Chestnut, noted that she foresees a large number of men rotating through the facility, is concerned about the impact on her home's value, and added that the SLU will not benefit her in any way. She asked Commissioner Lobur if she would purchase a home near a sober living facility. Commissioner Lobur responded to Ms. Schultz' concern about

property values by testifying that there is a home in her neighborhood that has been converted into a closed head injury rehabilitation center and she believes that her property value has increased as a result of the work that has been done at that facility.

Chairman Streng closed the public hearing at 7:52 p.m.

Mayor Proctor stated that he understands all of the concerns, but the current facility is in the same neighborhood and there have been no complaints or police reports, and the crime rate is not higher than in other neighborhoods. He recognizes the concerns of the residents, but he believes that the relocation of the facility to Chestnut Street is not a major issue and he is inclined to approve the Special Land Use.

Discussion followed regarding the facility's current location and its proximity to other residences, as well as the current zoning of the neighborhood. Residents expressed discomfort that background checks are not conducted on the residents prior to being accepted into the facility and were informed that sexual offenders are required to report to their probation officer and would not be allowed in this type of facility. It was noted that private individuals do not have access to law enforcement background check information. In addition, program residents are questioned prior to acceptance into the program and are required to comply with a contract. The Commission was informed that residents who do not comply with the rules of the program are transported away from the property. The resident manager will live on site and will be on the property during critical hours (as outlined in the Special Land Use agreement), but is not expected to be on the property 24 hours per day, 7 days per week due to service work, etc. Any violations to the SLU would be addressed by the City and could result in revocation of the Special Land Use agreement.

The Commission discussed the hours that the resident manager is required to be onsite and how that would be enforced. It was agreed that the facility should be required to provide emergency contact information to the City.

Chairman Streng read the letter in which Jeff Jewell expressed his concerns about the Special Land Use request.

The Commission discussed adding conditions of approval to the Special Land Use application. It was agreed that incorporating the applicant's letter describing the operation could address many concerns.

City Manager Shea Charles noted that the Special Land Use gives the City much greater control over the property than it would have if it was converted to a rental property. He also indicated that Kathleen Zaenger at the Howell Carnegie District Library stated that they have received never any complaints. The potential of converting the duplex to a rental provides far less control than the Special Land Use process.

MOTION by Proctor, SUPPORTED by Howe, "To approve the Special Land Use application (#16-003) for 313 Chestnut Street, parcel id number 4717-36-102-044, to allow for a sober living facility subject to the following conditions:

(a) The proposed use of the residence shall not change the essential character of the residential area and shall not create a nuisance relating to vehicular parking, noise or additional congestion in excess of other residential uses in the District.

- (b) Occupancy shall be limited to no more than ten residents and one resident manager.**
- (c) Manager shall be on-site during the hours of 10 PM to 7 AM and property shall provide for regular supervision during all other times. City will be provided with contact information for a person who is responsible for the overall site.**
- (d) Parking shall be restricted to the driveway and no more than two vehicles parked on Chestnut St.**
- (e) The property will be maintained in a manner consistent with single family neighborhoods.**
- (f) A six foot high privacy fence shall be installed and maintained along the southern property line, adjacent to the existing homes on Wetmore Street.**
- (g) Operation of the Sober Living facility shall comply with all terms, rules and conditions listed in the December 17, 2015 letter.**

The proposed use shall meet all other applicable ordinance standards.”

MOTION CARRIED (7-2). COMMISSIONERS VUKONICH AND SPAULDING OPPOSED.

Chairman Streng voiced his understanding of residents’ concerns and thanked guests for attending the meeting and sharing their thoughts.

NEW BUSINESS

#16-005 – 209 W. Grand River – Aberrant Ales – Site Plan

Community Development Director Schmitt introduced the agenda item by stating that the request is to convert the western half of the Country Squire Building at 209 W. Grand River Avenue into a brewpub restaurant, resulting in renovation to the front of the building and installation of brewing equipment in the rear of the building. He noted the potential for a dumpster in area – currently, there is no dumpster in this area downtown. Mr. Schmitt added that the proposed use is for a restaurant that brews beer on site, occupancy would be approximately 100 people, the beer would be consumed on site, and the request meets all standards of the Central Business District.

Chairman Streng voiced his initial concerns regarding the possibility that the use could turn into a factory and/or production facility, and he requested that staff provide language to the Commission specific to brewpubs for future inclusion in the zoning ordinance. Mayor Proctor concurred.

Clark Gill, 1254 Calloway Court, Howell, addressed the Commission and stated that the proposed use will be a brewpub where beer can be sold in growlers under state licensing, and kegs and up to 1,000 barrels of beer produced on site can be sold locally. Mr. Gill’s vision is for a local watering hole, and the facility does not provide enough space for large scale production.

Discussion followed regarding the size of the space, state licensing, odor issues and corresponding air filtration systems, brew cycles, and proposed building renovations.

MOTION by Lobur, SUPPORTED by Spaulding, “To approve the Site Plan application (#16-005) for 209 West Grand River Avenue, parcel id number 4717-36-307-070, to allow Aberrant Ales to renovate the existing building and install mechanical equipment to the rear of the building for their proposed restaurant/brewpub. The proposed construction and use shall meet all other applicable ordinance standards.” MOTION CARRIED (9-0).

Staff agreed to have an ordinance to the Planning Commission to address micro-scale alcohol production by the time that Aberrant Ales opens for business.

OTHER BUSINESS

None.

MOTION by Ambrose, SUPPORTED by Spaulding, “To adjourn the meeting at 8:53 p.m.” MOTION CARRIED (9-0).

Deanna Robson, Recording Secretary