

**Heather Hanover**  
*Chair*

**James Eshelman**  
*Vice-Chair*

**Commissioners**

**Scott Dzurka**, *Mayor*  
**Eric Hufnagel**, *Commissioner*  
**Mark Holden**  
**Melvin Renfrow**  
**Wendy Ward**  
**Eric Harger**  
**Brian Mills**



**CITY OF ST. JOHNS  
PLANNING COMMISSION**

**OCTOBER 11, 2023  
REGULAR MEETING MINUTES**

**1. CALL TO ORDER**

The meeting of the St. Johns Planning Commission was called to order by Chair Hanover at 5:31 p.m.

Members Present: Heather Hanover, Mark Holden, Brian Mills, Eric Harger, James Eshelman  
Members Absent: Scott Dzurka, Eric Hufnagel, Wendy Ward, Melvin Renfrow  
Staff Present: Chad Gamble, City Manager; Mindy Seavey, City Clerk; Chris Khorey, McKenna; Ken Skunda, McKenna

**2. APPROVAL OF AGENDA**

Motion by Commissioner Holden seconded by Commissioner Eshelman to approve the agenda as presented.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

**3. APPROVAL OF MINUTES – SEPTEMBER 13, 2023 MEETING**

Motion by Commissioner Holden seconded by Commissioner Mills to approve the minutes as presented.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

**4. PUBLIC COMMENT FOR NON-AGENDA ITEMS**

There were none.

**5. PUBLIC HEARINGS**

A. Pets Language Amendment – Zoning Ordinance Section 155.004 and Ordinance 92 Section 9.20-29

Mr. Khorey discussed the kennel language. He said the ordinance would remove language in the general code of ordinances and also regarding the regulation of dogs that is outdated (the city doesn't have a dog warden or issue licenses; these are all county functions). He said it would have a new provision regarding stray cats.

Commissioner Eshelman asked about nuisance cats and if there was anything that allows a citizen to have a nuisance complaint.

Mr. Khorey said not about cats; it is something about waste and is under the section heading "dog". He said we could possibly move it from under that heading.

Commissioner Mills complimented the work of staff and said it is a win for the general public since it increases the number of animals that property owners can have on the property.

Motion by Commissioner Eshelman seconded by Commissioner Holden to open the public hearing.

Roll call vote:

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

The public hearing was opened at 5:38 p.m.

John Thelen, 509 S. Baker, was present. He said he was glad to see the information about cats. He discussed an issue with cats in neighborhood and asked what a neighbor does to report that.

Mr. Khorey said it is in the general ordinance so it is enforced by the police.

Motion by Commissioner Holden seconded by Commissioner Eshelman to close the public hearing.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

The public hearing was closed at 5:39 p.m.

#### B. Rental Inspection Checklist Amendments

Ken Skunda was present. He said he is finding open soffits with squirrels and raccoons coming out of them. He said the same for inside, there are a lot of homes without drywall in the ceiling. He discussed that currently they can miss six items of that type. He said some have 12 things wrong and some have 6 and don't have to fix any issues. He said accessory structures is a big issue. He said one had a garage that was collapsed on one of the tenant's cars. He said this shouldn't have to be separated. He said he heard comments about windows not being held open, he said he had one where you can put your fingers through the wood of the window and it needs to be replaced. He said even if you have 10 items that failed, you wouldn't have to fix those things and you could fix the simple ones.

City Manager Gamble said what Ken is speaking of is a purposeful project. He discussed how the city can work collaboratively with the renters. We want to make sure these properties are in good keeping for neighbors and those leasing. He said there was a major gap in the ability of the city to address these real issues that none of us in this room would probably allow in our homes. He said they scrubbed this list to make sure rental offerings are what we believe are a good view of city.

Commissioner Eshelman asked if the checklist revision accomplishes those goals.

Mr. Skunda said it does. He said a lot needed CO2 detectors and he had them run down to the hardware store to get one. He discussed cracked electrical covers. He said the biggest things with the windows is they could be broken and still pass the inspection.

Chairperson Hanover discussed the list and the changes.

Mr. Khorey said the planning commission has the authority to change these or split them.

Motion by Commissioner Eshelman seconded by Commissioner Mills to open the public hearing.

Roll call vote

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

The public hearing was opened at 5:49 p.m.

John Thelen, 509 S. Baker, was present. He said he owns two rental units. He said it seems like if things come before a planning commission, the neighbors within so many feet get notice. He said landlords get inspections by email and they should be sent an email out about the rental checklist (agenda item).

City Manager Gamble said it is published on the website.

Mr. Khorey said we also published a public hearing notice in the newspaper.

Chairperson Hanover said we didn't always collect email addresses in the past.

Mr. Khorey said we did meet the state minimum requirements for a public hearing.

Mr. Thelen discussed his tenants. He said one received a 30-day notice last night. He said if he is not in unit to see the condition of the apartment. He said he didn't cause any of the issues. He had brand new carpet, paint, when he moved in. He said with switch covers, if the tenant damages them, I am responsible for it?

Mr. Skunda said landlords are notified of the inspection date months in advance.

Mr. Thelen said homes have old windows and sometimes with humidity you can't open them. He said he thinks glass missing or cracked glass is more of an issue. He discussed page 2, mold. He said if someone is not cleaning and has mold in the shower or insects, pests, and vermin the landlord can't know. He said the tenants are allowing it to happen. He said "safe and unobstructed path of egress", is that something the landlord should get dinged for a re-inspection fee if the tenant is doing it themselves? He discussed kitchen sink leaks and said he has had toilets that have leaked. He said if tenants don't tell you that is leaking, how do you fix it. We have to pay for a re-inspection. He discussed "laundry free of lint and debris"; landlords aren't emptying lint traps.

Commissioner Eshelman asked if he gets advance notice of inspection? Is there an issue where you couldn't do a walkthrough with the tenant?

Mr. Thelen said he does. He said they would get a copy of checklist. He said some of these things are nit-picky.

Commissioner Mills said in the revisions he doesn't see any changes to the checklist. The checklist items have been in place since the ordinance has been in place. He said he doesn't disagree with the sentiments on the list being nit-picky. He asked if these have been enforced that way?

Mr. Thelen said they have not been dinged. He said the one inspection he had, from start to finish, was twelve minutes. He said \$175 for a 12-minute walk through inspection is a pretty quick thing. He said someone is making some money here.

Chairperson Hanover said the inspections are done once every three years.

City Manager Gamble said that is one facet of the overall rental process. He discussed communication, documentation and inspections. He said they are understandable points that Mr. Thelen mentioned. He said he agrees if it was every month, it would be crazy. He discussed a partnership with the landlords to make sure things aren't getting off the rails. He said Ken is a very reasonable person and willing to work with people. He discussed having the tools in Mr. Skunda's toolbox to make sure we are partnering.

Mr. Thelen said as a taxpayer and landlord, this is more strict than last year and it is a slippery slope of what is next. Do we really have a system that is broke? Is this really a problem program is trying to fix?

Chairperson Hanover discussed that other cities have had this for years.

Terry Black, 308 N. Swegles, was present. He discussed tenants and said if you haven't owned a rental, you wouldn't know. He said you are making changes less than a year into this. What makes them different from a homeowner? He discussed smoke detectors. He said he has rentals in Lansing and asked the people before if they are working and they say yes, everything is working well. He said he had the batteries taken out of them. He said Ken does a good job. He said he looks at the place and doesn't give you a hard time. He discussed electrical covers. He said every time you do an inspection it raises the rent on everybody.

Commissioner Mills asked how the enforcement has been thus far one year in?

Mr. Black discussed CO2 detectors. He said he took Ken to a rental where he just evicted someone.

Commissioner Holden asked if would help or hurt that you would be notified 30 days ahead and give a copy of this to your renter and have them let you know.

Mr. Black said he did that. He said he has 19 apartment rentals and he usually goes in a day before to double check. He said not all of them are like that. You brought the conflict onto us more.

Jody Post was present. He said when this was first talked about, he said tenants have right to take us to court about things too. You said on your side they won't do that. We have to take them to court for everything. We don't get paid. He said rental inspection was to make sure the property was safe for the tenants.

Chairperson Hanover discussed code enforcement violations for homeowners.

Mr. Post said he takes care of his properties and he is not concerned with passing inspections. The inspector was great with him. It is raising the cost of everything and rents in this city have gone up significantly. Every single year it is a cost to him for inspections. He said he has long-term tenants and he is raising their rent. He said they are forking out more money now instead of next year just to get passed on the inspection. He said it is hurting the tenants in this town.

Mr. Skunda said some of these landlords are great, but they are not seeing the places he is seeing. These landlords are the ones that are taking care of things. He said it is hard for the good ones to know. He said we didn't change the mold and mildew language; it was just put in another column with two headings. He said it was always life safety and you couldn't miss it. With smoke detectors, he is lenient if you get batteries in them today. He said those things can get fixed. He said a lot of things on the checklist were just moved over to the general column.

Chairperson Hanover said the list was made up by a previous planning commission. He said they are relying on Ken's judgment on this. She asked if there is something in here that we can maybe keep in certain areas?

Mr. Skunda said he doesn't have a problem with some of the window things. He said you have to have a window that opens in a bedroom. He said it is up to you if you want to change the wording or separate them out.

Chairperson Hanover said it might be something we go point-by-point on a subcommittee and maybe discuss with a landlord and the inspector.

City Manager Gamble said that is one of the reasons why we are here, the lessons learned on what worked and what needs to be tweaked. We would like to make changes prior to going out the next year, we want to get ready before year 2 of the program.

Chairperson Hanover said to pick a couple of members for the committee and if one of the landlords that want to be part of it.

It was discussed that Mr. Thelen, Mr. Black, Chairperson Hanover and Commissioner Mills on the committee.

Commissioner Mills said he wanted to compliment Ken. He said it all comes down to enforcement and his take away from this evening is that our enforcement is customer service minded.

Motion by Commissioner Mills seconded by Commissioner Holden to close the public hearing.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

The public hearing was closed at 6:29 p.m.

## **6. NEW BUSINESS**

### **A. Pets Language Amendment – Zoning Ordinance Section 155.004 and Ordinance 92 Section 9.20-29**

Chris Khorey said we had a proposal to move the animal waste section out of the dog heading. He said it would be appropriate for a motion to recommend this to the city commission.

Motion by Commissioner Eshelman seconded by Commissioner Mills that the planning commission approve to recommend to the city commission based on moving the section out of the dog heading.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

### **B. Rental Inspection Checklist Amendments**

Chairperson Hanover asked for a motion to form a committee.

Motion by Commissioner Eshelman seconded by Commissioner Mills that the planning commission form a subcommittee and have met by their November meeting and tweak it in December.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

### **C. 510 N. Lansing Site Plan Approval**

Chris Khorey said because there are only five of you here tonight you have a quorum, but going forward all decisions have to be unanimous (majority of the membership). If you can't reach consensus, I would recommend tabling. He said

this is a site plan for a small engine business. He said the proposal is a 1,368 square foot addition to their building that would extend out to the south. He said it is not that complicated of a site plan and most of what is going on at their site is just fine. He said if anything hasn't been installed yet it has to be installed. He said it would kick in additional parking spaces because of the addition. In 2017, we allowed the site to have less parking. This triggers 7 new parking spaces. He said that is not on the plan and he is not sure where they would go. He asked if the 9 current parking spaces are sufficient. If not sufficient, we would recommend a denial of the proposal to expand the building.

There was a discussion of lot coverage and increasing impervious surface.

Chairperson Hanover said she looks at the worst-case scenario. She said later on someone could buy the building and have more workers.

Chris Thelen, owner of the property and a partner in the power equipment business, was present. He said it depends on what we are looking to do with the additional space on what would be required. He said their business has been extremely busy and they are running out of space for storage of machines. He said the addition would just be for additional storage of machines. It would be cold storage and would never be a showroom. He said parking is a tough thing. He said they have never come close to utilizing the parking that they have. He said he understands the issue of future use. He said they could add two more parking spots on the east end of the building. He said it would be stacked parking for employees only. If they need to do that they could, but prefer not to. He said they have two employees, partners in the business. He said people are usually picking up and dropping off and they are scheduled.

Mr. Khorey said it is mixed use zoning. He said it would behoove us to look at this practically. If there is a new use, it will be reviewed. He said parking waivers are not variances. He said it is something you can do during site plan review and are not permanent.

Commissioner Mills said he lives on Lansing Street and has driven by this place a million times. He said he has never seen parking as an issue there. He discussed if there is a transfer of property or a sunset provision. He thanked them for growth and economic development.

Mr. Thelen said he appreciated that; it has been better than they had envisioned.

Commissioner Holden asked if the addition attaches to the building.

Mr. Thelen said yes.

Commissioner Eshelman said he doesn't have an issue. He said the neighbor to the south is not going to be residential.

Mr. Thelen said they are not taking down any trees, everything in place now stays in place.

Mr. Khorey discussed existing trees around the property. He discussed approved contractor storage to the south. He said if any more parking was added, that was going to kick in a new landscaping requirement.

Motion by Commissioner Eshelman seconded by Commissioner Mills that the planning commission approve the site plan for 510 N. Lansing.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

#### D. Site Plan Committee Membership and Logistics

Chris Khorey said previously the approval came here. He said technically, it was eligible to go to committee for site plan review. He read the section. He said the purpose of that is to allow investment to move forward without waiting until the

next planning commission meeting. There is no current committee. Do we think we should have a committee? He said he would request for the planning commission to appoint 3 members. He said one would be a city commission member.

Chairperson Hanover said that was used in the past.

Mr. Khorey said there is nothing in the ordinance that would prohibit the group from meeting virtually. He said it is not an official body and subject to any of the Michigan Zoning Enabling Act.

There was a discussion of:

- Transparency and who would otherwise approve the site plan.
  - Right now, they are brought here.
- A way to roll in decisions of this committee as a standing agenda item for this commission's purview.
  - Have a heading on the agenda and could put the approved site plan in the agenda.
  - All decisions are appealable to the ZBA (Zoning Board of Appeals) by the applicant and their neighbors.
- It would be for under 5,000 square feet, unless a single-family home or duplex, which goes to Mr. Khorey.
- A preliminary review for the mini commission.
  - McKenna would still provide a report.

Commissioner Mills said he was shocked these sorts of developments have to come for approval.

Mr. Khorey said you could recommend those go to administrative. He said you would have to do a public hearing, etc.

Commissioner Eshelman and Chairperson Hanover offered to be on the committee.

Mr. Khorey said we need one of the city commissioners also.

Motion by Commissioner Harger seconded by Commissioner Mills that the planning commission appoint 3 individuals to serve on the site plan committee (Hufnagel, Eshelman, Hanover).

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

Mr. Khorey said he would like a standing meeting time every two weeks and we can cancel if we don't need it.

## **7. OLD BUSINESS**

### **A. Golf Cart Policies and Potential Amendment**

Commissioner Eshelman said his focus was on people with limited mobility. He said for those people with electric wheelchairs, we can't prevent them from having golf carts. He said to take a step back and figure out what we do about people with golf carts at the Mint Festival. He said he lives on the same street as the police station and it appears there is no enforcement on this issue. Should we have a special access week for the Mint Festival? He said there have been a few garage sales since then and he noticed golf carts are out.

Chairperson Hanover said she doesn't like to make rules unless there is a need for rules.

Commissioner Eshelman said he was looking to make sure people with mobility issues had access. We can't overrule Federal law that allows it.

There was a discussion of:

- If there is a need for us to have a law.
  - If the community is under 30,000, you would have to make them street legal.
- ADA is a separate issue.

- Is there something to allowing them during Mint Festival.
- Is it a safety risk?
- Newer golf carts have headlights, brakes, turn signals, etc.
- Local municipalities that allow golf carts.
- Use of golfcarts with a boundary for their use or tied to a special event permit with street closures or a specific boundary.
- If golfcarts can be parked in the front and back yards.
- The police chief is opposed to allowing golf carts on the streets 365 days.
- Possibly allowing on Saturdays.
- Exemption for enforcement of trail system.
- Get a recommendation from the DDA from an economic development standpoint.
- Chris researching LTV.
- Taking a look at the chief's email and bullet points.
- Setting up appointment for the chief to discuss with and Owosso and Elsie.
- Moving forward cautiously on this.

**B. Downtown Parking Policies and Potential Amendment**

Chris Khorey discussed: the map; the Brush, State, Walker, and Ottawa area; avoids residential; Lansing Street is out right now, but could be added; could add the entire mixed-use district.

Chairperson Hanover discussed the purple area. She asked that we discuss this another evening.

Mr. Khorey said he can make a couple of edits to the map and bring it back next time.

Chairperson Hanover said she liked the idea of a fee.

**8. COMMISSIONER COMMENTS**

Commissioner Eshelman said we should take the time and follow-up on what the business community thinks about golf carts. He said they should get Scott and Eric's impressions as city commissioners also. He said it changes the aspect of the community. He said golfcarts are primarily around retirement communities. Do they want to see the city go in that direction?

**9. ADJOURNMENT**

Motion by Commissioner Holden seconded by Commissioner Mills that the Planning Commission adjourn the meeting.

YEA: Hanover, Holden, Mills, Harger, Eshelman

NAY: None

Motion carried.

The meeting was adjourned at 7:24 p.m.