

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
May 6, 2010**

I. Chairman Orlik called the meeting to order at 7:00 p.m.

Present: English, Holtgreive, Kostrzewa, Lux, Orlik (Chair), Rautanen, Smith (Vice-Chair)

Absent: Brockman – excused; Robinette.

Staff: Gray, Ridley, Murphy.

II. Approval of Agenda:

Motion by Holtgreive, support by Rautanen, to approve the agenda. Motion approved.

III. Approval of Minutes

A. April 1, 2010 Regular Meeting.

Motion by Brockman, second by Kostrzewa, to approve the minutes from the April 1 2010 regular meeting with the following changes noted by Chairman Orlik:

1. Page 4, 4th paragraph, replace “roles” with “rolls”.
2. Page 9, Item VI. Replace “Vice-Chairman Smith” with “Chairman Orlik”.
3. Page 9, Item VI. Insert comment “Chairman Orlik requested staff look into Mr. Ellis’ concerns.”

Motion approved.

IV. Zoning Board of Appeals Report.

Staff gave the ZBA report in Commissioner Brockman’s absence.

Staff reported there were two cases on the April ZBA agenda:

- Case ZBA 01-2010, 1023-1025 S. Washington – a request to allow the demolition and re-building of two rooming/boarding dwellings. This case was postponed by the ZBA at the applicant’s request to allow him time to make amendments to his plans.
- Case ZBA 04-2010, 1280 N. Fancher – a request for a side yard variance to allow the construction of a warehouse/cold storage building. Staff reported that this request was approved by the ZBA with the stipulation that the applicant plant a greenbelt along the south property line subject to the discretion of the Planning Commission.

V. Public Hearings:

Chairman Orlik explained board proceedings and asked staff to introduce the first case.

- A. **SUP-10-02 - 1023/1025 S. Washington – Jeff Jakeway:** Request for Special Use Permit to allow new Rooming Boarding Dwellings. Staff explained that this case was postponed indefinitely at the last meeting per the applicant's request. The applicant is in the process of revising his plans and will need to obtain approval from the Zoning Board of Appeals for several variances. The ZBA postponed Mr. Jakeway's case as he is further revising his plans. Staff suggested the Board may wish to continue the stay of postponement.

Chairman Orlik opened the Public Hearing. There being no one who wished to speak, the Public Hearing was closed.

Chairman Orlik stated that the Planning Commission prefers any case that involves ZBA action to go before the Zoning Board prior to their request coming to the Planning Commission and agreed that it may be appropriate to continue the postponement.

Motion by Smith, support by English, to postpone Case #**SUP-10-02 and SPR-10-07** pending resolution of ZBA matters.

Motion approved unanimously.

- B. **1143-1201 S. Mission – Taco Bell:** Request for conceptual site plan approval to allow the construction of a new 3,554 square foot restaurant with drive-through service within the Mission Redevelopment Overlay Zone.

Staff explained that the applicant is proposing to demolish the existing Taco Bell restaurant and build a new restaurant on the site, utilizing the flexible zoning regulations offered through the Mission Redevelopment Overlay Zone. Staff reminded the Board that this zone offers some flexibility in applying typical zoning requirements for projects that advance the objectives of the district and offer higher-quality developments. Staff stated that the applicant plans to build the new structure on the northern portion of the site, which will provide room for additional stacking of vehicles for drive-through traffic.

Staff stated that the design proposed by the applicant will advance a number of the objectives of this district by improving the appearance of the site through the use of brick materials, awnings and windows. In addition, pedestrian traffic will be improved with additional sidewalks and the addition of an outdoor patio area. Vehicle circulation will be improved as well with the reconfiguration of driveways. Staff reported that the applicant has agreed to include some decorative fencing and has proposed an improved sign design. Staff commended the applicant for their willingness to work with staff on several improvements to the site.

Staff stated typical zoning would require a front set-back of 75 feet and that the proposed building would be set at 13 feet from the right of way and would require a waiver from the Board. Staff reminded the Board that this is one of the features encouraged with the new guidelines.

Staff stated that the site will also require a waiver from the required 49 parking spaces as the applicant has agreed to eliminate four parking spaces to provide additional landscaping. Staff

further stated the applicant has agreed to a cross access agreement to allow accesses to be constructed with neighboring properties at such time that the properties are redeveloped.

Staff reported that the applicant has indicated they wish to attempt to save a rare weeping cherry tree that is located on the site by relocating it to the southwest corner and has further proposed adding two more of these trees to the site.

Staff stated that MDOT has noted a preference for one-way traffic on the south drive, but has indicated they will not oppose the design.

Chairman Orlik clarified that the Board would be considering a 62 ft. waiver for the front setback.

Commissioner Holtgreive questioned whether the future cross-access agreement would impact the parking. Staff indicated that it most likely would; therefore the Board should consider an additional four spaces in any waiver for a total of 8.

Bill Beckett, representative for the case, addressed the Board. Mr. Beckett stated that the restaurant has been in this community since the late 70's. The original building was located on the northern portion of the site. A new building was constructed on the southern part of the site several years later. During the construction phase, the original restaurant remained open. The applicant is proposing that the current restaurant remain open during the construction phase again as the proposed building will once again be moved to the northern part of the site. Mr. Beckett stated that in regards to the parking waiver, at such time that the cross-access agreement would go into play, they would likely ~~lost~~ lose 6 spaces, bringing the total to 10.

Mr. Beckett referred to some of the features of the proposed design such as brick accents, canopies, awnings, reduced curb cuts, increased stacking for drive-through traffic, improved vehicle circulation, improved lighting and improved visual appearance with a break up in elevations, decorative fencing, etc.

Chairman Orlik opened the Public Hearing. There being no one who wished to address the Board, the Public Hearing was closed.

Chairman Orlik commended the applicant for addressing access management concerns and the objectives of the Mission Redevelopment Overlay Zone. Chairman Orlik suggested the Board first consider the waivers that will be needed if they choose to approve the plan, the first being the 62 ft. front yard setback waiver.

Motion by Rautanen, support by Lux to approve a waiver of 62 feet for the front to allow the building to be set back 13 feet from the street right of way. Motion approved.

Chairman Orlik stated the Board also needs to consider the parking waiver and clarified that they would be considering whether to waive four, eight or ten spaces, or whether to deny a waiver.

Motion by Smith, support by Holtgreive to reduce the parking requirements by a total of 10 spaces, with 6 of those spaces conditioned on a joint access agreement with neighboring

properties. Motion approved.

Board deliberation continued on the site plan with clarification on driveway approaches and curb cuts. Staff stated that the drive is subject to final permitting and approval through MDOT.

Motion by Kostrzewa, support by English to approve the request for SUP-10-03 from WT Development Corporation for Bells and Birds for approval of a Special Use Permit and Site Plan to allow construction of a 3,554 square foot drive through restaurant on the property located at 1143 & 1201 S. Mission Street under the Mission Redevelopment Overlay Zone. Approval is based on the site plan and elevation drawings prepared by Landtech, last revised on **April 30, 2010** and includes a waiver of 62 ft. for the front yard setback and a waiver of 10 parking spaces provided that the applicant provide a joint access agreement to allow future cross access. Approval is subject to the following conditions:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

C. SUP-10-04 – 400-402 S University - Request to allow existing building to be converted to residential, single-family duplex.

Chairman Orlik called the applicant forward and asked why they were applying for a Special Use Permit as a duplex is a permitted use by right in the OS-1 district. Cliff Wellman, owner and applicant, indicated there had been some miscommunication. Although they discussed their plan with Staff a year ago and were told they didn't need a SUP, recent conversations with other staff members conflicted with this information resulting in the confusion.

Chairman Orlik clarified with staff that this was an allowed use by right. Staff explained that the use is an allowed use in the OS-1 district, provided the requirements of the ordinance are met. Staff stated the requirements include sufficient lot size, parking requirements to include not only a sufficient number of hard surfaced spaces, but that the required parking does not encroach into the side yard setback. Staff explained that by removing the first ten feet of the pavement that is currently on the site, the applicant would meet these requirements.

Commissioner English asked if a duplex in the OS-1 District would be for single-families. Staff stated that it would, and any over-occupancy issues would be cause for revoking the rental license.

Commissioner Smith suggested that the applicant may wish to withdraw their request. Cliff Wellman requested the case be withdrawn.

Chairman Orlik suggested a motion to postpone action indefinitely based on the applicant's withdrawal. Motion by Rautanen, support by Smith to postpone Case SUP-10-04 indefinitely. Discussion continued with Commissioner Holtgreive expressing concern over not holding a public hearing since the notice was posted. Commissioner Kostrzewa concurred; stating he

would be in favor of hearing the neighbor's comments and suggested it may be beneficial for the Wellman's to hear the concerns as well.

Commissioner English stated the applicant doesn't really need approval to convert the property to a duplex, and asked for clarification on what postponing the case would mean. Commissioner Lux asked if there were any legal ramifications on not holding the public hearing. Chairman Orlik stated the only legal action the Board could take on this case would be to approve the request if they move forward with it. Smith stated that as the applicant has withdrawn the case, it's a moot point.

Staff reminded Commissioners that even without a Public Hearing, anyone who wishes to speak will still have a chance to do so during the Public Comment section of the agenda.

Chairman Orlik re-stated the motion on the table and asked staff to roll call the vote.

All ayes, given the public would have an opportunity to speak.

VI. Public Comments:

Chairman Orlik opened the public comments portion of the meeting.

Sherman Rowley, director of the funeral home north of 400/402 S. University, spoke in opposition of another rental in the area. Mr. Rowley had letters from 17 of the neighbors in the area, who were also opposed. Mr. Rowley expressed concerns over the lack of maintenance on the property as well as the difficulty in regulating the occupancy. He was concerned with the effect the rental could have on the neighboring funeral home business.

Mariana Quick, 404 S. University, voiced opposition to another rental in the area, noting two of her main concerns as noise and property maintenance. Ms. Quick stated that the owners of 402 S. University were not residents of the area, therefore for them it is a business, where for the residents, it is their home. Ms. Quick shared some pictures of homes in the area, comparing the condition of the owner occupied homes with those that are student rentals.

Jim Smolko, 406 S. University, voiced opposition to a duplex in this location and reiterated Ms. Quick's concerns.

Geoffrey Quick, 404 S. University, spoke in opposition to a duplex at 400/402 S University. Mr. Quick stated he was shocked to learn that duplexes were allowed in the OS-1 district as a use by right and asked that the Planning Commission take a look at the ordinance. Mr. Quick stated that a duplex in this location would adversely impact the value of neighboring properties and would adversely impact the neighbors' enjoyment and quality of life. Mr. Quick stated that Mt. Pleasant has a history of rental properties not being maintained. He further stated that with the property having no back yard, it would be difficult to attract families and fears this will turn into a student rental. Mr. Quick also referred to the City's Owner Occupied Residential Incentive Program and suggested that the ordinance goes against what the city is trying to promote with this program.

Elaine Betts, 413 S. University voiced opposition to a duplex in this location, voicing concerns with the declining neighborhood, noise and vandalism. Ms. Betts stated that just because the owners were not successful in renting the property as office space, it should not mean that the neighborhood has to suffer. She further questioned how to get the ordinance changed.

Scott Owen, 417 S. University, voiced opposition to another rental in the area. Mr. Owen stated he understands that the owners are good people, and want good renters; however, he stated the reality is they need to pay the mortgage and fears that this means they will end up renting to students if they can't find families who wish to rent the property. He too questioned what the public could do to get the ordinance changed.

There being no one else who wished to speak, Chairman Orlik closed the public comments section of the meeting.

X. Site Plan Reviews

- A. SPR-10-07 – 1023-1025 S. Washington.** Chairman Orlik stated that this case is tied with SUP-10-02 and is postponed indefinitely. No further action is required tonight.
- B. SPR-10-08 – 1280 N. Fancher, Wally Link.** Site Plan Review for an 8,200 square foot building to be used for cold storage/warehousing and an office. Staff reported that the applicant was granted site plan approval in 2004 for this site. Part of the project went forward, with the building of Metro 25; however the second part of the project never occurred and the approval has since expired. Staff stated that the applicant received approval from the Zoning Board of Appeals for a side yard setback variance with the stipulation that the applicant plants a greenbelt along the south property line that meets Planning Commission requirements with regard to species and spacing. Staff reported there was no new signage or lighting indicated on the site plan. Staff further reported that a masonry dumpster enclosure is proposed as required by ordinance. In addition, sidewalk installation will be completed by the City Division of Public Works under the Brownfield Plan for the property.

Wally Link, owner and applicant, addressed the Board. Commissioner Kostrzewa asked Mr. Link if he had any problems with the additional greenbelt as stipulated by the ZBA. Mr. Link stated he did not.

Motion by Smith, support by Lux to approve SPR-10-08 for the property located at 1280 N. Fancher, based on the site plan dated March 26, 2010 and prepared by Dennis Maloney, architect, for Wally Link, with the following conditions:

1. The applicant shall demonstrate that any new site lighting shall meet the requirements of Section 96.13 of the City Code prior to issuance of a building permit.
2. The applicant shall provide screening along the south property line consisting of evergreen trees, with spacing and species to be approved by City Staff.

Motion approved unanimously.

XI. New Business:

A. Capital Improvement Plan Review and Recommendation (CIP)

Nancy Ridley, Assistant City Manager and Administrative and Financial Services Director, was in attendance to answer questions.

Chairman Orlik asked for clarification on the 2013 Communications expense. Mrs. Ridley explained that Central Dispatch is considering switching to an 800 MHz system in order to be interoperable with other agencies in the event that the County goes to that type of system.

Chairman Orlik asked about the Mission Street Reinvestment Capital and if it was related to the redevelopment objectives along Mission Street. Staff stated that it was related to the incentives and the support programs provided by the DDA.

Chairman Orlik asked about the expense item related to the Town Center Redesign. Staff indicated that currently there is no specific plan – it would be subject to stakeholder input. Staff indicated the initial \$10,000 would be on the front end to make town center more open and usable.

Chairman Orlik asked about the Festival of Lights expense. Staff explained that consideration was being given for seasonal light displays.

Commissioner Smith noted the project related to the parking lot on Franklin between Mosher and Broadway. He suggested that the City look into making wider spaces when repainting the lot. Although the lot would contain fewer spaces, essentially there would be more parking as people wouldn't be taking up two spaces due to the spaces being too small.

Motion by Holtgreive, support by Rautanen to endorse the CIP as being consistent with the Master Plan and to recommend that the City Commission adopt the 2011-2015 Capital Improvement Plan as presented. Motion approved unanimously.

B. OS-1 Districts: Chairman Orlik asked if there was any interest from the Board in looking at the ordinance and what is allowed in the OS-1 District.

Commissioner Smith stated he was on the Planning Commission when the requirement for SUP's for duplexes was added for Residential districts and suggested that it may be appropriate to require them in the OS-1 as well.

Commissioner English stated she was in favor of looking at the OS-1 district in regards to the allowed uses, including why duplexes are allowed by right and what ramifications that may have on neighboring properties.

Commissioner Kostrzewa stated he feels the OS-1 is fine the way it is.

Motion by Lux, support by Rautanen to instruct staff to bring back an analysis of uses currently allowed in the OS-1 district and if such uses are appropriate for what the zoning district was created for, along with recommendations on action the Commission could take if they deem action is warranted.

Ayes: English, Lux, Holtgreive, Orlik, Rautanen, Smith,

Nays: Kostrzewa.

Motion carried.

Commissioner English asked staff what recourse there is for neighbors to address their concerns.

Staff stated that all rentals are subject to licensing, therefore, issues with the structure itself, and over-occupancy issues should go to the licensing staff at the Fire Department. Code Enforcement deals with outside issues, such as tall grass, garbage, etc. Noise complaints should be directed to the Police Department.

Commissioner Kostrzewa stated he feels like duplexes are being given a bad name and sees nothing wrong with them. He feels they are a good housing option for people. He further stated there can be properties in any area that aren't maintained and does not see a need to change the OS-1 language.

Commissioner Rautanen commented that he doesn't feel that duplexes are necessarily bad, but perhaps there should be a process in place for putting one in the OS-1 district as there is in the R districts.

Commissioner Holtgreive suggested that increased code enforcement in areas where student rentals are sprinkled in with family homes is needed.

Commissioner Lux asked staff what the process is now for the S. University property if the owners pursue a duplex. Staff explained that the owners can have a duplex as a matter of right providing they comply with the requirements, as the OS-1 district pulls in all allowed uses in the R and M-1 Districts. He further commented that if they wished to convert the building into 3 units, they could. Staff stated that the owners will need to obtain a building permit for any structural changes they need to make to the building. They will need to obtain a rental license and pass the licensing inspection and will need to remove a portion of the pavement. Staff further commented that the property is for sale and although he agrees that office use may be better for that area, there does not appear to be a market for that right now and if the owner's choose to keep the building as office use, there is a good chance the property will remain vacant.

IX. Other:

- A. June PC Meeting: Staff stated we will have the request from Mr. Jakeway on the June agenda. To date, we have not received any new applications. The deadline for submittals is May 10.

B. Meijer Smoking Shelter: Staff referred to an e-mail that was provided to the Board regarding the shelter being installed at Meijer, stating that the project complied with all requirements of the ordinance.

X. Adjournment:

Motion by Rautanen, support by Kostrzewa to adjourn to the work session. Motion passed unanimously. Meeting adjourned at 8:42 p.m.