

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
December 5, 2013**

I. Chairman Smith called the meeting to order at 7:01 p.m.

Present: Cotter, Dailey, Hoenig, Kostrzewa, Shellady, Smith (Chair).

Absent: Brockman, Holtgreive (Vice-Chair), Lents, Dailey (arrived at 7:10 p.m.).

Staff: Bean, Mrdeza, Murphy.

II. Approval of Agenda:

Motion by Kostrzewa, support by Cotter to approve agenda.

Motion approved.

III. Approval of Minutes:

A. October 3, 2013 Regular meeting.

B. October 21, 2013 Joint Work Session

C. October 22, 2013 Special Meeting

D. November 7, 2013 Work Session

Motion by Shellady, support by Kostrzewa, to approve all minutes as written.

Motion approved.

IV. Zoning Board of Appeals Report for November.

Commissioner Lents was not in attendance to provide a report.

V. Public Hearings:

A. SUP-13-12 & SPR-13-18 - 1016 S. Main - Joseph Olivieri.

Alan Bean, Spicer Group, acting as Interim Staff Liaison for the Planning Commission, introduced cases SUP-13-12 and SPR-13-18 for 1016 S. Main, reporting that the request involves the demolition of the existing building and construction of a new one-unit dwelling structure for 12 occupants with site improvements.

Bean shared an aerial view of the site, noting that the site has frontage on both Main Street and Washington Street. As it is a double fronted lot, with two front yards, there are no rear yard

requirements. The front of the property faces Main Street, with parking on the Washington Street side.

Bean noted that the site is zoned M-2 and is surrounded by M-2 properties consisting mainly of Rooming Dwellings and Registered Student Organizations.

Bean provided the background of the proposal noting that the request includes new and expanded concrete/paved parking areas and landscaping, a new building, and a reduction in the occupancy, based on the current license. The use requires both a Special Use Permit and Site Plan Review.

Bean reported that the applicant appeared before the Zoning Board of Appeals (ZBA) on November 27th, at which time the ZBA approved the redevelopment based on the number of non-conformities that would be eliminated with the request. As part of the ZBA's finding, they approved reconstruction on a lot that does not meet the minimum lot width for the area; approved a reduction in the minimum land area per person to allow an occupancy of 12 (one additional, based on lot size); allowed a reduction in the side yard setback to allow a covered porch to extend into the side yard setback; and approved the parking to be reestablished in the front yard setback along Washington Street.

Bean shared the proposed site plan, noting that the ZBA approved the applicants request to replace the masonry wall that was shown on the site plan with shrubbery, provided there was at least one substantial bollard mixed in with the plantings and also stipulated that the lease document specify the maximum number of occupants on the front page.

Commissioner Kostrzewa asked for a definition of "bollard", which Bean provided.

Bean reported that the side yard encroachment is only for the porch roofs and also noted that because this is a Registered Student Organization, the Ordinance requires parking be provided at a ratio of 1:1 with an additional 2 spaces. The ZBA first heard the request in October, at which time the applicant had proposed not including the additional two spaces. The ZBA asked that the applicant provide a new site plan to include the spaces, which prompted the request to allow the parking to continue in the front yard (Washington Street side).

Bean noted that any signage that the applicant may wish to add for the RSO will need to meet Ordinance requirements. In addition, it was reported that trash carts are proposed rather than a dumpster.

Bean shared the proposed elevations submitted by the applicant, noting that the structure meets the height requirements of the Ordinance. Bean noted that any new lighting will need to meet the city code requirements.

Bean reported on the correspondence received from the Department of Public Works (DPW) and Department of Public Safety (DPS), noting the applicant would need to comply with the requirements of both departments.

Commissioner Kostrzewa asked how many occupants were there now. Bean noted that the property is licensed for 22, and the applicant is requesting 12.

Joe Olivieri, applicant, addressed the Board, offering to answer any questions.

Commissioner Kostrzewa asked about the color scheme. Mr. Olivieri noted they plan to use white siding, blue shutters and a black roof. Mr. Olivieri also noted that he has placed four trees on the site as well, addressing concerns from Board members on previous requests.

Commissioner Shellady commented on the long list of code violations, asking if the applicant could give any assurances that this behavior would change.

Mr. Olivieri noted that the property is owned by the alumni of a fraternity and they will be very involved in the management of the property. They have indicated they want to get out of the current situation they are in with the groups there and have indicated they can't get the quality of renters they want with the existing building. He further noted that a higher quality building attracts a different clientele.

Commissioner Shellady asked if the owners were local. Mr. Olivieri responded that they are in Clarkston.

Chairman Smith asked if Mr. Olivieri had noticed a difference in the way the renters in the new developments take care of the property. Mr. Olivieri stated that it is human nature to take better care of something nice, and noted that he feels the difference can be attributed to a combination of people taking better care of the sites, along with the owners having a better working relationship with Code Enforcement. He noted that if Code Enforcement sees a problem with one of the new developments, they notify the owners, who take care of the situation. He stated that there will always be issues, but they are taken care of more quickly.

Commissioner Shellady commented that her concern is with the owners being out of town - how quickly they would be able to handle a situation.

Curt Carson, one of the owners of the property, addressed the Board, thanking them for their service to the Community.

Mr. Carson commented that they have not had their own group in the house for six years, but have rented to students not in their organization. Mr. Carson stated they will have more control when their own kids are in the house. Mr. Carson stated that the Chapter Director lives in Midland and there is also an Academic Adviser who lives in Mt. Pleasant who is part of the Organization from another Chapter whose wife is in charge of a CMU group. In addition, Mr. Carson stated that they have a 7 member advisory group that will handle all phases of the operation and one of the reasons it was put in place was to assure there is someone available most all the time.

Mr. Carson noted that the lease language (provided in packets) is about as tough as they can get it. He commented that they have had to replace their manager twice in the past few years and finally took it over themselves last February. Mr. Carson stated they are interested in being a good partner with the City and CMU and will provide all their contact information to the City. He noted that they have no interest in putting up with the actions that have been taking place in the past and noted that they currently have a great bunch of boys.

Chairman Smith asked for clarification that they were asking for 12 occupants.

Mr. Olivier stated that was correct and explained that although the property is currently licensed for 22, there is only enough land area for 11. Although the legal occupancy is being reduced by 10, they are requesting one additional occupant based on land area for a total of 12.

Chairman Smith opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Board Discussion:

Commissioner Dailey asked staff to review the variances granted by the ZBA.

Bean reiterated the action taken by the ZBA, including the stipulations of their approval.

Commissioner Dailey asked about the porch size, and the length of the building, questioning if the porches were the only area that required the setback variance. Mr. Carson stated that the porches would be 8 ft., with the building being 50 ft. long, with 42 ft. of that length meeting the ordinance requirements for setbacks.

Commissioner Dailey asked about sidewalks. Mr. Olivieri answered that there are public sidewalks along Main Street, a sidewalk from Main Street to the front door and from Main Street running along the entire side of the project.

Commissioner Dailey asked if the lot width is consistent with lots in the area. Mr. Olivieri stated it was.

Commissioner Kostrzewa asked if there was a basement proposed. Mr. Olivieri stated there is, and it will have egress windows.

Motion by Kostrzewa, support by Cotter that the Planning Commission approve the request for SUP-13-18 from Olivieri Builders for the property located at 1016 S. Main to allow the construction of a 5,007 square foot RSO dwelling, along with redesigned parking and aesthetic improvements with the following conditions:

1. The applicant shall comply with all site plan review requirements.

2. The applicant shall comply with the ZBA requirements that pertain to the four variances that were granted for the proposed plan in case ZBA 12-2013.

Motion approved.

B. SUP-13-15 & SPR-13-21 - 1014 S. Main, Joseph Olivieri

Bean introduced Cases SUP-13-15 & SPR-13-21 for 1014 S. Main, explaining that this is also a request to demolish the existing rooming dwelling and replace it with a new rooming dwelling with site improvements, to include expanding and paving the parking area and adding landscaping.

Bean shared the site location, noting that this site was also a double fronted lot, located adjacent to the previous case. The site is zoned M-2 Multi-family, and is surrounded by M-2 properties consisting of rooming dwellings and RSO's.

The property is currently a rooming dwelling licensed for 7 occupants.

Bean reported that the ZBA took action on the applicant's request at the November 27, 2013 meeting and, based on their finding, granted approval for the redevelopment on a lot that does not meet the minimum required lot width for the area. The ZBA also approved a reduction in the minimum lot area per person to allow the applicant one additional occupant based on lot size and allowed a reduction in the required side yard setback to allow a covered porch on the north side of the lot.

Bean shared the proposed site plan, noting again that because the lot is a double fronted lot, it is exempt from the rear yard requirements. Bean noted that the applicant is proposing a greenbelt/screening area along the west side to screen the parking area from Washington Street.

Bean reported that the applicant has not provided a photometric plan and if they add lighting, they will need to submit one. Bean also noted that the applicant is proposing trash carts instead of dumpsters.

Staff shared the proposed elevations as submitted by the applicant.

Joe Olivieri, applicant, addressed the Board offering to answer any questions.

Commissioner Dailey asked if cars would be required to back out onto the streets from the parking area. Mr. Olivieri stated they would not.

Commissioner Shellady asked if Mr. Olivieri would be managing the property. Mr. Olivieri responded that he would not. The property is owned by LaBelle Management, and they will manage the property.

Chairman Smith asked about the color schemes submitted, noting there were different colors shown on the drawings. Mr. Olivieri responded that he asked the architect to provide him with some options/variations - they aren't sure which color they will go with right now.

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

Board Discussion:

Commissioner Kostrzewa noted that the applicant is asking for 11 occupants; however the property is only licensed for 7. Mr. Olivieri explained that even though the property is only licensed for 7, there is enough land area for 10. They are asking for an increase of 1 based on lot size.

Motion by Kostrzewa, support by Shellady that the Planning Commission approve the request for SUP-13-15 from Joe Olivieri for the property located at 1014 S. Main to allow the construction of a 5,100 square foot rooming dwelling along with redesigned parking and landscape improvements, with the following conditions:

1. The applicant shall comply with all site plan review requirements.
2. The applicant shall comply with the ZBA requirements that pertain to the three variances that were granted for the proposed plan in case ZBA 19-2013.

Motion approved.

VI. Public Comments:

Chairman Smith opened the floor for public comments. There being no one who wished to speak, the public comments section was closed.

Commissioner Kostrzewa left the meeting due to scheduling conflicts.

VII. Site Plan Reviews:

A. SPR-13-18 - 1016 S. Main - Joseph Olivieri.

Bean commented that he didn't have anything to add to this case; however, outlined the recommended conditions that were listed in the staff report.

Mr. Olivieri addressed the Board, clarifying that the screening that is being proposed is to screen the parking lot from the street, but will not be placed between properties as noted in one of the conditions listed.

Motion by Shellady, support by Hoenig that the Planning Commission approve the request for SPR-13-18 to allow construction of a 5,007 square foot RSO dwelling as well as parking and site improvements at 1016 S. Main Street based on the site plan drawings prepared by Olivieri Builders with the following conditions:

1. Submit a planting list for the landscape screening zone along the northern edge of the parking area to demonstrate compliance with the planting requirements for greenbelts indicated in 154.106(C) of the Zoning Ordinance.
2. Submit information demonstrating the height and the materiality of fencing or landscape screening separating the proposed parking area from the neighbors to the north and south.
3. Submit specifications and photometrics for the lighting fixtures to demonstrate compliance with the requirements of Section 96.13 of the City Code.
4. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Chairman Smith noted that based on the applicant's clarification on the screening, condition #2 should either be amended or excluded.

Commissioner Dailey suggested a friendly amendment to the motion to delete item 2. Shellady and Hoenig approved the amendment.

Motion passed.

B. SPR-13-21 - 1014 S. Main - Joseph Olivieri.

Bean reported that he did not have anything further to report regarding this case and again outlined the recommended conditions for approval.

Mr. Olivieri, addressed the Board, noting again that the screening will not be placed between the neighbors, but will be placed to screen the parking lot from Washington street, noting that they generally don't screen one parking lot from another.

Motion by Shellady, support by Cotter that the Planning Commission approve SPR-13-21 to allow construction of a 5,100 square foot rooming dwelling as well as parking and site improvements at 1014 S. Main Street based on the site plan and schematic design drawings prepared by Olivieri Builders with the following conditions:

1. Submit a planting list for the landscape screening zone along the northwest corner and the northern edge of the parking area to demonstrate compliance with the planting requirements for greenbelts indicated in 154.106(C) of the Zoning Ordinance.

2. Submit specifications and photometrics for the lighting fixtures to demonstrate compliance with the requirements of Section 96.13 of the City Code.
3. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved.

Commissioner Hoenig left the meeting due to scheduling conflicts.

It was noted that the Planning Commission no longer had a quorum.

VIII. Unfinished Business:

- A. **Z-13-02 1027 S. Franklin.** Chairman Smith reported that Case Z-13-02 will remain postponed.

IX. New Business: None

X. Other Business:

A. Staff Report.

Bean reported that there are two potential cases for the January meeting.

B. Proposed 2014 Meeting Schedule.

As there was no longer a quorum, the Planning Commission was not able to take action to approve or modify the 2014 Meeting Schedule; therefore the January meeting will be held on the first Thursday, January 2, 2014, at which time the Commission can choose to approve or modify the schedule.

XI. Adjournment: Chairman Smith announced that the Commission would adjourn to worksession.

Meeting adjourned 7:55 p.m.