

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
July 9, 2015**

I. Chairman Cotter called the meeting to order at 7:02 p.m.

Present: Cotter, Friedrich, Hoenig (arrived late), Horgan, Kostrzewa, Ranzenberger

Absent: Dailey, Driessnack, Irwin.

Staff: Kain, Murphy

II. Approval of Agenda:

It was noted that case Z-15-01 had been withdrawn by the applicant and would be removed from the agenda.

Motion by Kostrzewa, support by Friedrich to approve agenda as amended.

Motion approved.

III. Approval of Minutes

A. June 4, 2015 Regular meeting

Motion by Friedrich, support by Ranzenberger to approve the minutes from the June 4, 2015 regular meeting as submitted.

Motion approved.

B. June 4, 2015 Work Session

Motion by Ranzenberger, support by Horgan, to approve the minutes from the June 4, 2015 work session as submitted.

Motion approved.

IV. Zoning Board of Appeals Report for June:

Commissioner Friedrich reported that the first case heard by the ZBA was an appeal submitted for the property at 1303 Andre, requesting a variance to allow a 4 ft. chain link fence to be replaced with a 5 ft. privacy fence in the required setback for the side street yard. The applicant referred to the neighboring fence that was of the same height as he was requesting and also noted that it would provide additional privacy and security for the pool. The Board approved the request.

The next case was submitted by Johnson Outdoor Digital on behalf of Community Mental

Health requesting a variance from the height and width restrictions of the Zoning Ordinance for a Ground Sign and an increase in allowable sign area. The Board approved the request, taking into account the new signage would actually be a reduction in what is currently on site and that it was consistent with other signage in the area. They also noted that ground signs are the type of signage that the city would like to see, and took into account the PC will be looking at changes to the Ordinance.

The last case, submitted for 407 S. Bradley, requesting a variance from Section 154.021 of the Zoning Ordinance to allow a solid 3 ft. fence in the side street setback. This case was postponed as there was no one there to represent the case.

V. Communications: Kain noted that the communications received were included in the packets with one additional placed on the dais.

VI. Public Hearings:

A. SUP-15-09 - 715 Edgewood - Olivieri Builders.

Kain introduced Case SUP-15-09 submitted by Olivieri Builders on behalf of the owners. Kain explained that the applicant is proposing the demolition of the existing 8-unit rooming/boarding dwelling to construct a new 10 unit rooming/boarding dwelling to house 39 occupants. In addition, the applicant is proposing 39 parking spaces for the first phase of the project. Kain noted that the proposed use is a permitted use for the M-2 zoning district, subject to a special use permit.

Kain shared a map showing the location of the proposed project, noting the zoning as M-2, surrounded by M-2 properties on all sides.

Kain shared photos of the existing site, noting that the City Commission recently approved a Brownfield for this project which will help offset some of the financial burden for the owners. Kain also shared the proposed site plan, and proposed floor plans, noting that nine of the units will house 4 persons, with one unit housing three. Kain explained that the Ordinance allows the Planning Commission flexibility to require additional parking when there is a large gathering area.

The project proposes 39 parking spaces, with future plans for Phase II of the project to add an additional parking area for the development to the east, which is under common ownership.

Kain shared the proposed elevation, noting the buildings will have the same orientation as the existing structures.

Kain reviewed the criteria for special use permits, noting that all the criteria has been met, with the consideration for extra parking to be determined by the Commission. In addition, Kain noted that the site meets all the site plan review requirements. The applicant is proposing 20' of greenbelt where only 10' is required by ordinance. Sidewalks do not currently exist on the site but will be required and are shown on the proposed site plan.

The proposed site plan also includes a masonry dumpster enclosure as required.

Kain noted that based on his review of the project, staff recommendation is to approve both the Special Use Permit and Site Plan.

Commissioner Kostrzewa asked Kain to show on the site plan where Vowles School is located in relation to the proposed project. Kain pointed out the locations, noting that the new building will sit pretty much in the same location as the units being razed.

Commissioner Horgan asked how they would manage the three person unit to assure it was not over occupied, and if the same unit would always be the 3-unit or if it would be "floating". Kain noted that the occupancy is based on land area and allows up to 39. The basic floor plan for the units include four bedrooms in all 10 units; however the applicant has indicated they will market one unit as a three bedroom unit with a study. He also noted he would defer to the applicant to address Commissioner Horgan's concerns.

Joseph Olivieri, applicant representing the owner, addressed the Board. Mr. Olivieri stated that the three bedroom unit will be the same one all the time and that unit would not have a deck, whereas the other units would. He assured Commissioner Horgan that maintenance staff are on site frequently and know to look for signs of over occupancy. In addition, it will be clearly spelled out in the lease.

Commissioner Ranzenberger asked how old the existing building was. Mr. Olivieri stated that it was built approximately 30 years ago. The units currently have 4 bedrooms and one bath; whereas the new units will have four bedrooms and 4 1/2 baths.

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

Motion by Kostrzewa, support by Friedrich to approve SUP-15-09.

Motion approved.

B. TC-15-05 - Proposed ordinance to amend section 154.051(C)(3) R Residential Districts - special use criteria for churches.

Kain reminded the Board that following their discussion in June, the Board set a public hearing to consider modification of clause B on the SUP criteria for churches in the Residential district.

Kain noted that current language calls for a 40 ft. setback from any property line. Following a review of existing churches in the community, it was apparent that not many of the existing churches comply with ordinance standards. Kain further commented that this regulation may unnecessarily restrict properties that may be available for this use. As discussed during the June meeting, having the additional setback in the side or rear may make sense; however the 40' front setback seems a little extreme.

Staff recommendation is for the Planning Commission to recommend approval of the ordinance amendment to maintain a 40 ft. setback from the rear or side property line when adjacent to a single-family or two-family dwelling.

It was noted that churches would still need to maintain the front setback requirements for the district.

Chairman Cotter opened the public hearing.

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

Board Discussion:

Motion by Horgan, support by Ranzenberger that the Planning Commission recommend that the City Commission approve Text Change 15.05.

Motion approved.

VII. Public Comments:

Chairman Cotter opened the public comments section of the meeting. There being no one who wished to speak, public comments was closed.

VIII. Site Plan Reviews:

A. SPR-15-13 - 715 Edgewood - Joseph Olivieri - Site Plan Review for the construction of a 10-unit rooming and boarding dwelling with associated parking and site improvements.

Kain noted that this review is associated with SUP-15-09, and he had nothing to add.

Motion by Ranzenberger, support by Kostrzewa to approve SPR-15-13.

Motion approved.

B. SPR-15-16 - 120 S. University - Aimee Goudreau - Site plan review to provide an interior trash room in lieu of a previously approved dumpster enclosure.

Kain introduced SPR-15-16, noting that this request is to modify the site plan that was previously approved by the Planning Commission for a secondary entrance to the building, which included a dumpster enclosure.

Kain explained that the applicant encountered some conflicts with the utilities and has asked for a modification to move from an exterior dumpster to an interior trash room.

Aimee Goudreau, applicant, addressed the Board representing the owner of 120 S. University.

Commissioner Kostrzewa asked about trash pickup. Ms. Goudreau explained that the room will hold a maximum of four bins. Currently there is only one bin in the room. The bins would be placed outside on Tuesday evenings for a Wednesday morning pick up and then they would be placed back inside. Ms. Goudreau added that the restaurant would not be cooking with any grease.

Commissioner Horgan asked who was on the other side of the trash room and if potential odors would be an issue. Ms. Goudreau commented that the room is all contained behind closed doors. The offices and vestibule of Goudreau and Associates is located on the opposite side of the wall.

Commissioner Horgan questioned what they would do if there is a change in future ownership. Ms. Goudreau stated they would likely need to revisit the issue if that happened.

Kain explained that there is currently a dumpster at the 120 S. University location that will remain on site. The trash carts will be stored indoors except for the evening prior to dumping.

Motion by Kostrzewa, support by Ranzenberger to approve SPR-15-16 with the following condition:

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

Motion approved.

IX. Unfinished Business:

None

X. New Business:

A. Discuss and consider a text change to Section 154.021 (Fences or Walls) and consider setting a public hearing on this issue at the August 6, 2015 meeting.

Kain introduced a proposed text change to address the ordinance regulating fences and walls in the city. Kain explained that current ordinance prohibits fences over three feet tall or more than 50% solid within the front yard or side street side yard.

Kain explained how the ordinance determines which yard is the front yard and also shared a diagram showing the allowed location of fences over 3 ft. tall and over 50% solid on a corner lot. Kain noted that staff frequently receives requests for fence permits that encroach into the required side street side yards of a corner lot and further noted that the ZBA has heard several requests for variances.

Kain commented that a review of commonly available fencing materials finds that typical fencing materials are 42' - 48' in height. Staff also commented that there are many non-conforming fences in the community and shared photos of a fence that was granted a variance a

few years back and the property at 1303 Andre that also just went through the ZBA and received a variance.

Kain reported that based on the number of requests received in our office, it has been suggested that the Planning Commission consider an amendment to Section 154.021 of the zoning ordinance. If the PC is comfortable with moving forward on this request, Kain noted that they should take action to set a public hearing for the August 6, 2015 meeting.

Chairman Cotter commented that he doesn't like to see privacy fences right up to the sidewalk, but doesn't have an issue with the four foot in the front. Commissioner Friedrich agreed.

Kain explained that on some of the smaller corner lots, having to move the fence in to meet current ordinance regulations can really reduce the area available for use within the fenced rear yard.

Chairman Cotter commented he would like to see these reviewed on a case by case basis. Commissioner Horgan asked how many variances have been granted.

Kain stated that there have been three granted in the past 3 years, with one case still under consideration by the ZBA. He also noted that staff receives many more requests where the applicant's don't pursue a variance. Kain further commented that if the PC is not comfortable taking action at this time, they could take more time to think about it.

Chairman Cotter stated he would like to see more visual examples of the existing non-conforming fences before making any decisions.

Commissioner Kostrzewa stated he feels the privacy fences up to the sidewalk give the area an "unfriendly" feel.

Board consensus was to take no action at this time and revisit this topic at next month's meeting.

B. Consider text amendments related to M-2 codification and consider setting a public hearing on this issue at the Planning Commission meeting on Thursday, August 6, 2015.

Kain explained that following the last work session, and the culmination of many months of discussions, he created a draft ordinance to address the vision the Planning Commission articulated for the M-2 zoning district. Kain reviewed the goals from the work session as:

1. Create a transition area within the M-2 district adjacent to any R district;
2. Preserve the neighborhood look and feel consistent with the outcomes from the current redevelopment procedure;
3. Maintain involvement of the Zoning Board of Appeals in the review of non-conforming redevelopment projects;
4. Reduce the impact of on-site parking;
5. Eliminate incentives for and provide restrictions on the combination of existing platted lots; and

6. Allow for continued occupancy incentives with explicit limitations.

Kain noted that the text changes proposed include:

- Amend Section 154.054 (M-2 Multiple Family Residential Districts) to:
 - Provide a redevelopment process for non-conforming properties which includes continued involvement of the Zoning Board of Appeals and availability of bonus occupants.
 - Create a transition area with the district adjacent to any R district, with per unit occupancies limited to 4.
 - Prohibit the combination of lots for redevelopment of rooming and boarding dwellings.
 - Establish limits on the number of permitted occupants per unit, with no more than 6 allowed for rooming and boarding dwelling units or 12 allowed for Registered Student Organization dwelling units.

Kain acknowledged the complexity of this issue and walked through the proposed changes and how they relate directly to the goals identified by the Planning Commission. Kain noted that following the presentation and discussion, if the Planning Commission is comfortable with the proposed text changes, they should set a public hearing for the August meeting.

Kain explained how the new ordinance language would limit the occupancy per dwelling unit on the properties that are adjacent to residential districts. He further made the distinction between a dwelling unit and dwelling structure, noting that a dwelling may have more than one dwelling unit.

Kain explained that much of the new language is taking language from the procedures currently being used by the ZBA and PC and codifying it, with some changes. Kain suggested that on a multi-unit dwelling, it may be advantageous to allow rear entries to help maintain the neighborhood appearance. Kain also commented on the bonus occupants, noting that the new language would limit the occupancy based on land area, rather than the current licensed occupancy. Further changes would allow stacked parking to help minimize the impact of on-site parking.

Kain noted that the current ordinance creates non conforming lots based on lot size requirements. It was suggested that by reducing the allowable lot size, many of the existing non-conforming lots would be brought into conformance with the Ordinance. In addition, new language would not allow the combination of lots to allow the larger dwelling units.

Chairman Cotter asked if there would be other opportunities to make minor changes. Kain noted that there would be, commenting that if there are only minor changes, they could still set the public hearing for August. If there are a lot of changes, then they may not want to set the Public Hearing at this time.

Commissioner Kostrzewa commented that in regards to preserving the neighborhood look and feel that no one is going to mistake that area as "family", and spoke of the lack of landscaping

and trees that have been removed to put in the asphalt for parking areas. He also commented that he feels that there needs to be more emphasis on both the landscaping and the diversity of architectural features, noting that he feels there are a lot of "cookie cutter" buildings being constructed.

Commissioner Horgan commented that the group as a whole didn't like the large parking lots and that is why the stacked parking aspect was included. She also commented that this is also why they don't want lots to be combined. She further commented that they purposely left room for variations in architecture and to allow some flexibility in this area. Commissioner Horgan stated that given the area we are working with, we are trying to incorporate language to address some of the concerns.

Commissioner Kostrzewa commented that he believes we are on the right track but the landscaping, trees, etc. is lacking.

Kain commented that staff also shares a concern with a "cookie cutter" feel and works with the applicants to eliminate that and to encourage the addition of architectural features. He acknowledged that we aren't always as successful as we would like, but most of the plans that come to the board have come a long way from the initial submission by the applicant.

Kain commented that it may be useful to get the ZBA and PC together for a joint meeting to discuss board expectations. He further acknowledged that the Ordinance lacks landscaping requirements city-wide and feels this is a larger issue than just in the M-2 district. He also noted that the city has no tree preservation requirements at this time. He suggested that the Planning Commission take some time to consider the landscaping requirements in and of itself, not just for a certain district.

Commissioner Ranzenberger asked if reducing the lot size to 5,000 square feet in the M-2 districts would have an adverse affect on other M-2 zoned properties that fall outside of the student area.

Kain noted that there would still be setback requirements and impervious surface restrictions and does not feel it would be of concern. He added that by keeping the current standards, it basically renders an empty lot that doesn't meet the size requirements as unbuildable.

Commissioner Friedrich asked for clarification that the only way a registered student organization (RSO) would be near a residential home is if it was separated by a major street. He also asked about the limitation on occupancy per unit and the number of units that would be allowed. Kain explained that the number of dwelling units would be no more than half the total occupancy allowed by land area since licensing would allow for up to two unrelated persons per unit. Kain also noted that the Planning Commission would still be responsible for determining if the properties met the SUP criteria and the ZBA would still consider non-conforming lots.

Commissioner Friedrich asked if a property owner owned two adjacent lots if they could put a large development on one and a large parking area on the other. Kain stated they could not, as the new language specifies that parking has to be on the same lot as the structure.

Commissioner Friedrich asked if reducing the required lot size to 5,000 sq. ft. would make all the lots conforming. Kain stated that there are a small number of lots that would still be non-compliant but that in those cases an owner could apply for a variance to the regulation through the ZBA.

Motion by Ranzenberger, support by Kostrzewa to set a public hearing to consider text changes to Sections 154.054, 154.095, and 154.121 of the zoning ordinance related to M-2 codification at the Planning Commission meeting on Thursday, August 6, 2015 at 7:00 p.m. in the City Hall Commission Chambers.

Motion approved.

C. Consider implementation of administrative review and approval of site plans.

Kain stated that this was a request from staff for the Planning Commission to consider granting staff the authority to administratively approve some site plans, whereas currently the PC reviews all site plans. Kain noted that based on our ordinance, the Planning Commission may authorize the Secretary of the Planning Commission to approve site plans if it is determined that the development meets all established criteria. The Secretary then would provide reports to the PC on these approvals.

Kain noted that he investigated eight peer communities and found that although there is diversity in the approach in regards to thresholds, Mt. Pleasant is the only community that does not offer administrative reviews. Kain explained that providing staff the authority to approve site plans that meet all the criteria, which the PC is required to approve anyway, would not only expedite the process for the developers, but would free up some of the PC time for other work where they have discretion. Kain noted that if he received an application that he feels would benefit in having the Planning Commission review, it would be up to his discretion to bring it to them.

Kain shared a list of all site plans reviewed since 2014, noting that of the 37 on the list, 15 would have been eligible for staff approval. Staff also assured the board that any project that required a Special Use Permit must be reviewed by the PC.

Chairman Cotter commented that he was comfortable with this.

Commissioner Ranzenberger commented that having the PC review the site plans for large projects helps keep the public informed; however, commented that based on the list provided by staff, he agrees that those projects would have been eligible for staff approval.

Commissioner Kostrzewa questioned whether this would include anything in the M-2 area. Kain stated that it specifies non-residential.

Vice-Chair Hoenig commented that the PC has no discretion on these projects anyway, so feels it would be beneficial to everyone to allow staff to approve.

Kain assured the PC that he would provide monthly updates so they would still be aware of any projects.

Motion by Kostrzewa, support by Ranzenberger, that the Planning Commission, in accordance with Section 154.169(D)(2) of the zoning ordinance, authorize the City Planner to review and approve applications for site plan review for non-residential projects with no more than 5,000 sf of net building area change and/or 25 parking spaces except for those associated with a special use permit application or requiring waivers or use determinations.

Motion approved.

XI. Other:

A. Staff Report

1. August Meeting: Kain noted there would be no work session following the August meeting.

Kain stated that site plan review for Pete's Auto Body will be back on the agenda. Deadline for submittals is the 13th. In addition, we will be holding the M-2 Public Hearing and will provide the PC with additional information on the proposed fence ordinance as requested.

XII. Adjournment:

Motion by Kostrzewa, support by Hoenig, to adjourn to work session.

Motion approved.

Meeting adjourned at 8:54 p.m.

bam