

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
December 6, 2012**

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

Present: Brockman, Hoenig, Kostrzewa, Lux, Orlik (Chair), Quast, Shellady, Smith (Vice-Chair).

Absent: Holtgreive.

Staff: Gray, Mrdeza, Murphy.

**II. Approval of Agenda:**

Motion by Brockman, support by Kostrzewa, to approve the agenda.

Motion approved.

**III. Minutes:**

**A.** October 4, 2012 Regular Meeting

Motion by Kostrzewa, support by Quast, to approve minutes from the October 4, 2012 meeting as written.

Motion approved.

**IV. ZBA Report:**

Commissioner Quast reported that the ZBA heard two cases that are pertinent to the Planning Commission.

1003 Douglas: Commissioner Quast reminded the Commission that the applicant for this case had asked for two additional occupants. The ZBA previously approved the request; however when it came before the Planning Commission, there was some concern over whether the development met the mark for two additional occupants and the SUP was approved with modifications to allow only one additional occupant. The applicant has provided new renderings for the proposed redevelopment at 1003 Douglas. The ZBA endorsed the revised renderings and the case is back before the Planning Commission tonight, again requesting two additional occupants.

122/124 N. Kinney. Commissioner Quast reported that the ZBA had been asked to approve a variance in the parking requirements for a duplex to allow four on-site spaces, where 6 are required by Ordinance. The applicant had identified areas on the site for additional parking if needed. The ZBA approved the request for five parking spaces, requiring the applicant to install a parking pad to accommodate the fifth space.

**V. Public Hearings:**

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

**A. SUP-12-04 - Revised -1003 Douglas - Joe Olivieri.**

Staff introduced Case SUP-12-04, noting that this case has appeared on the agenda several times over the past few months. The site is zoned M-2 and is surrounded by M-2 properties. Staff reminded the Commission that when they heard the request in July, the applicant was asking for two additional occupants over what is allowed by Ordinance. The PC granted approval of the SUP, however there was discussion on what set this development apart from others to allow two additional occupants and the request was eventually approved for one additional occupant. At that time, the applicant chose to postpone the Site Plan Review.

Following this meeting, the Planning Commission took a look at the M-2 Redevelopment Standards in an attempt to more clearly define the circumstances when two additional occupants would be considered. Staff reported that the applicant took into consideration the adjustments to the M-2 Redevelopment Standards in regards to the elimination of non-conformities, durable and distinct building design and a demonstrated record for long term maintenance and code enforcement. The applicant enlisted the services of an architect and has provided revised drawings which incorporate changes to the building massing; has included historic features such as a turret, period windows, variations in siding and porch railings. Staff noted that the applicant has removed much of the brick and replaced it with fiber cement board. Staff commented that in his view, the changes set this development apart from the others.

Staff commented that the owner, Rentwood Management, has a good track record and is very responsive to the city with code issues.

Staff reported that the site plan itself has been relatively unchanged. The site provides 12 parking spaces for the requested 11 occupants. The proposed building meets the setback standards and exceeds the parking requirements. Staff noted that the applicant has proposed foundation plantings; however, suggested the Commission may wish to require a landscape plan be submitted. Staff further reported that the proposed development includes trash cart screening and parking for bicycles.

Staff reported that comments were received from the Department of Public Safety and Public Works and are fairly standard in nature. The Police Department has requested that rock not be used as landscape material.

Staff concluded his report noting that he is comfortable recommending approval of the request for two additional tenants, as the applicant has addressed the issues that were discussed with the Redevelopment Procedures and Standards.

Joe Olivieri, applicant, on behalf of the owner, Rentwood Management, addressed the Board, offering to answer questions.

Commissioner Kostrzewa asked for an explanation of what "fiber cement" was. Mr. Olivieri noted that it is a composite cement product with an appearance of wood.

Chairman Orlik asked for clarification on whether the lease standards had been upgraded. Mr. Olivieri responded that when he first started doing these redevelopments, the leases were upgraded to the extent allowed by law and they are already as high as they can be; however, commented that the landlords have committed to taking more participation in dealing with code enforcement issues.

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

Board Discussion:

Commissioner Brockman commented that he thinks the revised request is fantastic and feels that this meets the requirements for two additional occupants. He questioned who Rentwood Management was. Staff noted that Brandon LaBelle, who was in attendance, identified himself as one of the owners.

Motion by Lux, support by Quast that the Planning Commission approve the request for SUP-12-04 from Joe Olivieri on behalf of Rentwood Management, LLC to allow construction of a Rooming Dwelling with a maximum occupancy of 11 at the property located at 1003 Douglas with the following conditions:

1. The applicant shall comply with the Department of Building Safety and the Fire Department requirements to obtain and retain a Rental license.
2. The applicant shall comply with all site plan review requirements.
3. The applicant shall comply with the requirements and conditions of the Zoning Board of Appeals.

Motion approved.

**B. SUP-12-13 - 122/124 N. Kinney - Lawrence Leemaster.**

Staff introduced case SUP-12-13, noting this is a request for a duplex. The property is located at the SE corner of Kinney and Mosher and is zoned OS-1 and is surrounded by OS-1 to the east, south and west with R-3 zoning to the north. Staff noted that uses allowed in the residential districts are also allowed in the OS-1, with duplexes being regulated under Special Use Permits. Staff reported that the site was previously used as a duplex; however, the first floor was converted to office use and the site eventually lost the duplex status. The upper unit is a one-bedroom apartment and the owner now wishes to resume the rental of the second unit (lower level) as well.

Staff noted that the site meets setback requirements for the district. Staff reported that duplexes are required by Ordinance to provide 6 off-street parking spaces. It was discovered that one of the off street parking spaces was located in the Kinney Street right-of way. The applicant has proposed removing that space to restore the required landscaped greenbelt to 8.5 feet in width where 10 ft. is required by Ordinance. The applicant has two parking spaces in the garage and two in the designated parking area and

requested a variance from the ZBA to allow the two additional spaces to be stacked behind the garage parking. The applicant also offered reserved areas for two additional parking spaces to be constructed if there was a need. The ZBA granted the request; however conditioned the approval on requiring the applicant to install a parking area on the south side of the garage to provide 5 off-street parking spaces. In addition, the ZBA granted a slight variance to reduce the required greenbelt.

Staff reported that we received correspondence from the Fire Department, noting that the applicant will need to meet licensing standards prior to occupancy.

Staff concluded his report noting that with the variances granted by the ZBA, the site meets the requirements of the Ordinance and is therefore being recommended for approval.

Chairman Orlik asked for clarification on the number of parking spaces. Staff reported that the Planning Commission would be considering approving the request with five spaces. The original request that went to the ZBA was for four. The ZBA waived the parking requirements for six, and approved the site for 5.

Chairman Orlik questioned who would require a sixth space if it was determined in the future that it was needed, if it would be up to the applicant or the city. Staff indicated that the applicant would be required by the city to install it if it was determined to be needed.

Commissioner Brockman questioned how many tenants there would be. Staff noted that each unit would be restricted to single-family, or no more than two unrelated people.

Larry Leemaster, owner of the property and applicant, addressed the Board. Mr. Leemaster reported that he owned the property for 25 years and sold it on a land contract in 2010. He received it back when the buyer defaulted on the purchase. He is seeking to reestablish the property as a rental and has contracted with Partlo Property Management to oversee it. In addition, Mr. Leemaster reported that he has already made arrangements with a contractor to install the cement pad for the additional parking space as required by the ZBA. The contractor will also be removing the blacktop from the right of way in order to reinstall the greenbelt.

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

Board Discussion:

Motion by Kostrzewa, support by Brockman that the Planning Commission approve the request for SUP-12-13 from Lawrence Leemaster for a two-family dwelling at the property located at 122 and 124 N. Kinney Street. Approval is based on the site plan submitted with the request, subject to the following conditions:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS), including all licensing requirements.
2. The occupancy of the building shall not exceed the requirements of the Housing Licensing Code and the Zoning Ordinance, currently a single family or not more than 2 unrelated people in each unit.
3. The applicant shall comply with the requirements of the Division of Public Safety (DPS), including all licensing requirements, and the requirements of the Division of Public Works (DPW).

Motion approved.

### **C. SUP-12-14 - 2157 S. Mission - LaBelle Limited Partnership**

Staff introduced Case SUP-12-14 noting the location as the east side of Mission Street between Bluegrass and Broomfield. Staff reported that the proposed building is in the location of the former Mission Mall which was recently destroyed by fire. The property is zoned C-3 and is surrounded by C-3 property. Staff reported that the applicant is proposing redevelopment of the site under the Mission Redevelopment Overlay Zone. Staff noted that the Mission Redevelopment Overlay Zone provides some flexibility for the Planning Commission when applying zoning standards in exchange for a preferred type of development. Staff provided a list of what is considered a preferred development as follows:

- Improved building appearance
- Use of durable building materials, such as brick masonry
- Increased pedestrian accommodations and facilities
- Less required parking
- Safe and efficient vehicle circulation
- Appropriate transitions to adjoining single-family residential
- Signs of a compatible size and materials
- Building located closer to the street
- Multiple story buildings
- Varied and interesting architectural styles and features
- Increased building transparency on the first floors
- Mixed uses

Staff shared the proposed site plan, noting that the building is near the rear of the property with the parking located in front. The applicant has proposed decorative fencing along the street frontage and pedestrian connections. Staff further noted that the former building was an L-shaped building, whereas the proposed new building is a wider, rectangular shaped building fronting entirely on Mission Street.

Staff noted that the proposed building advances a number of the objectives of the Mission Redevelopment Overlay Zone such as durable building materials; public sidewalk and outdoor patio; awning features; bicycle parking; decorative fencing and the applicant has offered alternate plans, one showing a cross connection and one that does not. In

exchange, the applicant is requesting several waivers, such as a reduction in the rear setback to 4 1/2 feet from the property line, a reduction in the greenbelt and a reduction in the parking and a waiver for the driveway spacing requirements from the Access Management Plan. Staff noted that this request is different from other requests under the Mission Redevelopment Overlay Zone in that the building sets towards the rear of the property.

Staff acknowledged that the site offers some challenges in that the first 40 feet of the parcel is subject to MDOT restrictions which prohibits building construction. Staff noted that building placement has been one of the most challenging aspects of this request. The current plan places the building 117' back from the street and therefore places some functions, such as the dumpster enclosure, that are generally in the back yard to be placed in front.

Vice-Chairman Smith asked for a comparison of the requested rear setback to the previous building. Staff responded that the previous building sat on the property line; however, did not have openings out the back. The proposed building will have fire doors opening out the back. The building has been moved 4 1/2 feet in to accommodate that.

Staff acknowledged the fact that the applicant's tenants have been displaced and he has therefore tried to be flexible with deadlines, etc., and noted that when the report was written there were still three outstanding issues, which the applicant has since addressed as follows:

- 1) Freestanding sign. Staff noted that the applicant has indicated they wish to maintain the existing free standing sign rather than installing new monument signage; however, they have proposed upgrading it with a stone base.
- 2) Vehicle Cross Access. The applicant has asked that any approval not be contingent on cross access, as approval from Isabella Bank and Agree Realty will be needed. Staff spoke of the Mission Street stakeholder meetings where cross access was determined to be important to increase safety.
- 3) Rear building access. The applicant has reported that he was unable to get permission from adjoining property owners and they will therefore put a 3 ft sidewalk along the North side of the building, which will reduce the square ft. of the building to 7,150.

Staff noted that the Planning Commission will need to do a discretionary review to determine if the tradeoffs justify the waivers.

Chairman Orlik commented on the late information, noting that he doesn't like building a case at a meeting.

Commissioner Lux asked if the renters had insurance. Staff noted he did not know - the only interaction with the tenants was through their letters submitted in favor of the request.

Vice-Chairman Smith questioned the free-standing sign. Staff commented that this is among the issues that the Commission will need to look at, noting that the Mission

Redevelopment Overlay Zone does not mandate monument signs, however is listed as one of the preferred tradeoffs for redevelopments.

Commissioner Brockman spoke of the Access Management Plan, questioning the layout of the building. Staff noted that he and the applicant had met with a representative from Isabella Bank, who was willing to consider a cross connection if they didn't have to reconfigure their site. One of the issues is that the bank's drive is currently a one-way drive that also functions as access to their drive-through. Staff stated he would let the applicant speak to the proposed configuration of the building on the site.

Brandon LaBelle, applicant, addressed the Board. Mr. LaBelle referred to the fire that happened in August of this year that destroyed the building, and has affected the business income and livelihood of the tenants. In addition, he noted that even with insurance, the businesses were forced to lay off employees indefinitely.

Mr. LaBelle shared photos of the site as it was when he purchased the building, photos of the building following facade improvements and photos of the fire site. Mr. LaBelle spoke of the time following the fire, working with the tenants and their various insurance companies, and also working closely with city staff to get the building down and the site cleaned up quickly.

Mr. LaBelle shared elevation drawings of the proposed new building, stating he is excited about this project and that he has been working with staff to iron out the details. He stated he has reached out to adjoining property owners; however has not met with a lot of success in working out cross connection details.

Commissioner Quast asked if the applicant had given any thought to putting residential units above. Mr. LaBelle stated they had considered it, but due to the limited space they would not have had enough parking.

Commissioner Kostrzewa expressed concern over the limited number of parking spaces available for the six tenant spaces. Mr. LaBelle noted that they would have 30 spaces, whereas they had 36 prior to the fire. He stated that although parking may be tight, they wouldn't propose this if they didn't think it would work.

Chairman Orlik stated he did not feel there were enough tradeoffs to consider the request under the Mission Redevelopment Overlay Zone, noting the placement of the building near the rear of the property and questioned why the applicant doesn't just build to conventional standards rather than request waivers. Mr. LaBelle stated that they would not be able to meet tenant obligations if built to conventional standards.

Commissioner Lux questioned why the building couldn't be L-shaped as it was before or if it could be brought to the front of the lot with parking in back.

Mr. LaBelle stated that they feel the rectangular shape is a more attractive design and is more desirable for tenants as they will face Mission Street. In addition, he noted that because of the restrictions on the vacated right-of-way, they can't build to the front of the lot; however, they can use it for parking. He also mentioned that because they will need to install a 3 ft sidewalk along the North side of the building, they have had to reduce the size of the building, again noting the challenges of the lot size.

Chairman Orlik opened the public hearing.

Larry Leemaster addressed Mr. LaBelle, asking if all or most of the former tenants would be returning. Mr. LaBelle stated that most of them were interested in returning.

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

Board Discussion.

Commissioner Kostrzewa noted that although the proposed building is nice, he is concerned that parking will be an issue.

Commissioner Quast stated that moving the building back goes against the principles of the Mission Redevelopment Overlay Zone, noting that was an issue for her.

Chairman Orlik agreed that he did not feel that this project fulfills the purpose of the Mission Redevelopment Overlay Zone and again noted that there have been bits and pieces trickling in from the applicant, and he prefers to get the information ahead of time rather than reviewing it at the meeting.

Mr. LaBelle noted that the issues discussed are the same issues he has been discussing with staff and commented that he is under some legal obligations to his tenants. He noted that they are trying to overcome a lot of issues on this site.

Commissioner Lux asked staff for suggestions. Staff noted that if the Commission feels that the project is not consistent with the Overlay Zone, the basic options are for the applicant to consider a design more consistent with the Mission Overlay Zone and to also take a look at what the development would look like under conventional zoning.

Chairman Orlik noted that the fire was certainly a tragedy, and although he doesn't want to deny the request, when a property becomes available for development, that is the time to get it right. He further commented that it is up to the applicant on whether he wishes to move forward with the request under the Mission Overlay Zone or conventional zoning.

Commissioner Shellady noted that she would like to see the applicant finish the discussions with the surrounding property owners to firm up the cross connection piece.

Motion by Quast, support by Lux to postpone SUP-12-14, submitted by LaBelle Limited Partnership to allow the applicant to work with staff and bring back a viable plan under the Mission Redevelopment Overlay Zone or conventional zoning.

Motion approved.

#### **IV. Site Plan Reviews:**

- A. SPR-12-03 - Revised - 1003 Douglas - Joseph Olivieri.** Request for site plan review to raze the existing building and construct a rooming dwelling for up to 11 occupants.

Staff noted that this case had been presented with **SUP-12-04**, and he had nothing to add.

Commissioner Quast asked the applicant what he planned to do in regards to trees and shrubs.

Joe Olivieri, applicant responded that he plans on adding foundation plantings and is not opposed to adding trees in the right of way.

Chairman Orlik commented that a landscape plan should be required as approved by staff.

Motion by Lux, support by Shellady that the Planning Commission approve SPR-12-03 to construct a Rooming Dwelling at 1003 Douglas Street based on the site plan and elevation drawings provided with the request with the following conditions:

1. The applicant shall provide a landscaping plan, *acceptable to staff*, prior to issuance of a building permit. Mulch shall be a material other than stone.
2. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved.

**Public Comments:**

Chairman Orlik opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments portion of the meeting was closed.

**I. Unfinished Business:**

None

**II. New Business:**

None

**III. Other:**

**A. Staff Report**

1. January Planning Commission Meeting – Anticipated agenda items.

Staff noted that no new applications had been submitted, but further noted that the deadline for submission is Monday, December 10.

2. Master Plan Update

Staff provided a report of where we are at with the Master Plan update and provided a tentative schedule for the work being completed by the consultant. Staff noted that he has been working closely with Heather Smith, the City's Community Information Director, to develop the web and social media presence. Staff noted that the public outreach piece will be the next priority and shared a "meeting in a box" concept for presenting the information to area service groups. Staff commented that he hopes to have the Spicer Group attend the February/March meeting to help provide some training on this concept and asked the Commission to be thinking of groups that they may be interested in speaking to.

**B. Proposed 2013 Meeting Schedule**

Staff presented the proposed 2013 Meeting Schedule to the Commission for review. It was determined by the group that it would be best to move the March meeting from the 7th to the 14th; the April meeting from the 4th to the 11th; and the July meeting from the 4th to the 11th to avoid conflicts with Spring breaks and the July 4th holiday.

Motion by Shellady, support by Hoenig to approve the revised 2013 meeting schedule.

Motion approved.

**C. Correspondence: Isabella County Community Development re: County Master Plan**

Staff referred to the correspondence from the Isabella County Community Development Director regarding the County's Master Plan update. He noted that as state law requires, this notifies the Planning Commission of their right to comment on the proposed updates. Also included is the notice of public hearing that will take place on December 13th, 2012. The employment data in the proposed amendment was briefly discussed

**D. Daycare on Upton Street**

Staff reported that the daycare on Upton Street that is currently operating under a Special Use Permit, went before the ZBA on November 28, 2012 requesting a parking variance, which would allow them to convert the garage into additional living space. The ZBA approved the variance. Staff noted that there would be no substantial change in the use and asked if the Planning Commission is comfortable with this change or if they feel it should come back to them for approval.

Chairman Orlik suggested staff send out the information for the Commission to look at and if anyone is uncomfortable with the changes, then it should come back. If the Commission is comfortable with the changes, then it can just go through administrative review.

Chairman Orlik asked about the daycare approved on Brown Street, near the hospital, questioning whether they have proceeded with it, or if it had expired. Staff noted that he recently spoke with the owner and work has commenced. As long as they have their permits and are working towards it, they are ok.

**E. Meetings:**

Staff reported that the Commission will be receiving an invitation to attend a meeting regarding "Place Making" on January 14th, 2013.

Staff also reported that the City Commission has expressed interest in providing training for all new Board/Commission members. The training will be open to all Commissions and will include breakout sessions for each individual Board. The date for this training has been set for January 21, 2013

**IV. Adjournment:**

Motion by Shellady, support by Kostrzewa to adjourn.

Meeting adjourned at 8:35 p.m.

bam