

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
November 4, 2010**

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

Present: Brockman, Kostrzewa, Lux, Orlik (Chair), Rautanen, Robinette, Smith (Vice-Chair).

Absent: Holtgreive, and one vacancy.

Staff: Gray, Morrison, Murphy.

II. Approval of Agenda:

Chairman Orlik noted that Item V.B - Case SUP-10-10 and item VII.B. – SPR-10-20 will be postponed at the applicant's request to allow them time to revise their plans. Chairman Orlik further commented that the Public Hearing would be held if anyone wished to speak on this case.

Agenda approved with noted deletions.

III. Approval of Minutes

A. October 7, 2010 regular meeting.

Chairman Orlik noted the following corrections to the minutes:

Page 8: (Condition for approval of SUP-10-08)

1. Occupancy of ~~each~~ the building shall be limited to not more than 8 people.

Page 10: (Condition for approval of SPR-10-18)

1. The occupancy of ~~each~~ the building shall be limited to 8 individuals.

Motion by Rautanen, support by Kostrzewa to approve the minutes from the October 7, 2010 regular meeting with noted corrections.

Motion approved.

IV. Zoning Board of Appeals Report.

Commissioner Brockman reported that the ZBA heard two cases in October. The first case, from Mr. Olivieri was for a reduction in the required land area per occupant. This case involved two non-conforming parcels, which will be joined to create one conforming parcel.

The existing buildings will be razed and a single rooming boarding dwelling will be built. Commissioner Brockman reported that the Board approved the request based on the number of non-conformities being eliminated. In addition, it was noted that the new development will help clean up the parking issues in this area.

The second case heard by the Board involved a request to allow construction of a two-unit rooming dwelling on a non-conforming lot. The Board approved the request based on the narrowness of the lots in that area. In addition, the Board felt that the new development would alleviate some of the parking congestion in the area as it will include more parking spaces than would be required for the development.

Commissioner Brockman also reported that the ZBA has again asked the Planning Commission to take a look at the ordinance in regards to non conforming lot sizes. Current language makes it difficult for any type of development.

V. Public Hearings:

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

A. SUP-10-09 – 1306-1416 S Mission – Bobenal Investments.

Staff explained that the applicant is proposing a development utilizing the flexible zoning regulations in the Mission Redevelopment Overlay Zone. Currently, the parcel includes a vacant area and also the shopping center that houses MC Sports, Sears, etc. The applicant is proposing to split the property and develop the northern third of the property. The property is zoned C-3 and is surrounded by C-3 to the north, south and east. The property to the west is zoned R-3 and is part of the CMU campus. Staff reported that the applicant proposed a development for this site in 2008, but has made several changes and is now looking at only the retail portion. Staff stated that the previous proposal was prior to the development of the Mission Redevelopment Overlay Zone and actually served as a model for its development.

Staff reported that the proposed development would run east/west across the property, with a setback of 17' 6" off Preston Street and 20' off Mission. Public sidewalks will extend the entire width of the building setback. Staff reported that three of the current drives will be closed; 2 on Preston and one on Mission and the layout of the parking would be improved. Staff commented that the development advances many of the key objectives of the Mission Redevelopment Overlay Zone such as:

- Improved building and site appearance, such as brick facings and variations in elevations;
- Prominent presence on a key intersection;
- Improved pedestrian design – the proposed site includes a pedestrian walkthrough and will offer opportunities for outdoor patios;
- Improved Vehicle Circulation – with curb islands to help with vehicle circulation;
- Decorative fencing to screen the parking area and landscaping to provide shade; and
- Improved sign appearance (low monument sign).

Staff reviewed the specific criteria for the Mission Redevelopment Overlay Zone along with the waivers needed to allow a reduction in the setbacks, and a waiver from the 10 ft. traditional greenbelt.

Staff reported that the comments from DPW are fairly standard; however they did mention an issue with the sanitary sewer which will be worked out with them. DPS comments were also fairly standard. Staff also reported that MDOT had originally recommended a right turn in and out; however, after further conversation with them, they have agreed to allow a full in/out driveway.

Chairman Orlik asked for clarification on proposed greenspace mentioned in the staff report. Staff commented that there will be a small amount of greenspace in places along the street frontage in the public Right-of-Way.

Commissioner Smith asked for clarification on where the setbacks are measured from. Staff stated they would be measured from the Street Rights of Way.

Commissioner Lux asked if there would be any fencing along Preston and whether there would be pedestrian ingress/egress along the Preston side of the building. Staff stated there was no fencing proposed and there would be full ingress/egress.

Jerome Fine, Bobenal Investments and Skip Corbin, Architect for the project, addressed the Board. Mr. Fine spoke about the previous request which was for a three-story, multi-use building, commenting that the current economics do not support a development of that magnitude. After much consideration, they have worked with staff and redesigned their plan into something that they feel has a better chance for development.

Mr. Corbin commented on some of the details of the proposed building, such as crown molding, brick and stone facing, varying heights of parapet walls, potential outdoor seating areas with wrought iron fencing etc.

Commissioner Lux asked if there would be back doors along Preston Street. Mr. Fine stated that all of the units would have two entrances – a front and back. This will allow pedestrians easy access from Preston Street, while allowing easy access from the parking lot as well.

Chairman Orlik commented that he likes the walkthrough designed in the middle of the building.

Commissioner Lux asked Mr. Fine if he would be willing to install a fence along Preston Street, citing concerns with safety. Mr. Fine commented that he thought the idea of the Mission Redevelopment Overlay Zone was to get the buildings closer to the street. He said he could look at it, but does not want it to be a “gated” look. It was also commented that the fence may inhibit pedestrian ease and the idea of pedestrian friendly sidewalks.

Commissioner Kostrzewa asked if there were any plans for a 2nd floor. Mr. Corbin stated that although the building will have the appearance of being two-story, it will only be one. Some of the stores will have higher ceilings.

Commissioner Kostrzewa asked if the pass-through would be wide and tall enough for a car or truck to pass through and if so, would there be anything placed to prevent this from

happening. Mr. Corbin said it would be big enough and commented that it might be a good idea to look at that.

Chairman Orlik asked if the applicant was actually going to break ground this time. Mr. Fine commented that there is a much better chance of getting financing with the project than with the last request, but stated that without financing, it can't be done. He further stated he has had 3-4 tenants interested in the location already and he wouldn't be here if he didn't have plans of proceeding.

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

Board discussion:

Commissioner Robinette commented that he likes this plan better than the previous plan and commends the applicant and staff for working together on the proposal.

Commissioner Lux commented that she loves the concept and her only concern is the close proximity to the street without some sort of fencing. Chairman Orlik commented that a fence would change the entire look. Commissioner Lux commented that safety was more important to her than how the project looks.

Chairman Orlik stated that first the Board needs to look at the waivers needed under the Overlay Zone.

Motion by Robinette, support by Rautanen that the Planning Commission approve the following waivers to traditional Zoning Ordinance requirements, as authorized under the Mission Redevelopment Overlay Zone on a finding that the proposed development project advances the currently adopted Design Considerations for Mission Street, provides benefits that could not be accomplished under the traditional provisions of the C-3 zoning district, and advances the goals and objectives of the Economic Development Action Plan and the Mission Street study:

- A waiver of 30 feet to the traditional 50 foot setback to allow the building to be placed 20 feet from the right-of-way of Mission Street.
- A waiver of 32.5 feet to the traditional 50 foot setback to allow the building to be placed 17.5 feet from the right-of-way of Preston Street.
- A waiver of the traditional greenbelt landscaping requirement to allow screening with the use of street trees.

Motion approved 6:1.

Chairman Orlik stated the Board next needs to determine if they wish to grant the Special Use Permit.

Commissioner Rautanen questioned DPW's comments regarding replacing 6' sidewalks. Staff commented they will need to get clarification from DPW, but the reality is there will be more than what is required because the sidewalks will extend onto the private property.

Commissioner Robinette asked if the design of the building facing the parking lot would be similar to the facing on Preston Street. The applicant stated it would be.

Motion by Rautenan, support by Kostrzewa approve the request for SUP-10-09 from Bobenal Investments for approval of a Special Use Permit and Site Plan to allow construction of a 14,520 square foot retail building at the southwest corner of Mission and Preston Streets under the Mission Redevelopment Overlay Zone. Approval is based on the site plan and elevation drawings prepared by Oakwood Architectural, Inc., last revised on October 29, 2010 subject to the following conditions:

1. Building materials shall be of equal or better quality to those shown on the elevation drawings. Changes to the materials shall be subject to approval by the Community Development Director.
2. The applicant shall provide a revised plan showing 5 feet of sidewalk in the public right-of-way.
3. The applicant shall provide a site lighting plan meeting the requirements of Section 96.13 of the Code of Ordinances prior to issuance of a building permit.
4. The applicant shall provide a final plan for the freestanding sign prior to issuance of a building permit.
5. The final sidewalk, lighting, and sign plan shall be subject to final review and approval by the Community Development Director to assure compliance with these conditions.
6. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved.

VI. Public Comments

Chairman Orlik opened the Public Comments portion of the meeting, stating that this would be the last opportunity for audience members to speak, other than applicants. There being no one who wished to address the Board, Public Comments was closed.

VII. Site Plan Reviews

- A. Case SPR-10-19 – 701 E. Maple** - Addition to Outdoor Play Area, White Pine Montessori Children's Center.

Commissioner Kostrzewa recused himself.

Staff reported that this property is located in an R-3 zoning district and is regulated under a Special Use Permit as a Child Care Center. The applicant is proposing an amendment to their

site plan with an addition to the fenced in area. Staff reminded the Board that a fenced in play area is required by ordinance.

Chairman Orlik questioned whether vehicles would be allowed in play area. Staff stated the recommendation be that all previous terms of approval remain in effect. Staff further commented that the flood lights mentioned in his report are pre-existing – not a new feature.

Tim Dolehanty, President of the White Pine Montessori Children's Center addressed the Board. Mr. Dolehanty listed his reasons for being before the Board:

- 1) Children's safety. They have noted an increase in traffic in the area and wish to increase the safety for the children.
- 2) Deterrent to vandalism.
- 3) The Children's Center operates under a number of administrative rules. One of these rules includes a fall zone for play equipment such as the monkey bars. The fall zone is required to be 6" in depth and 6' around the equipment and pretty much takes up that entire east area.
- 4) City Requirements. The City requires a zoning permit to extend the fence and he was unable to obtain one without approval from the Planning Commission to amend the site plan.

Mr. Dolehanty commented that this is a very minor project, and questioned the comments from DPW regarding a drainage plan, stating that drainage would be improved. He also stated that part of the proposed plan includes a future expansion that will not be completed right away, but he does not want to have to come back for additional modifications.

Motion by Lux, support by Brockman to approve SPR-10-19 from Timothy J. Dolehanty for an expansion to the outdoor play area at the White Pine Montessori Children's Center located at 701 E. Maple Street, based on the plans dated October 11, 2010 and prepared by Mr. Dolehanty, with the following conditions:

1. All other terms and conditions of the prior approvals related to this use and site remain in effect.
2. Any new site lighting shall be subject to review by the City Staff prior to installation to assure compliance with Section 96.13 of the Code of Ordinances.
3. The applicant shall comply with the requirements of the Division of Public Works (DPW) and the Division of Public Safety (DPS).

Chairman Orlik questioned whether the approval would be subject to the one year approval by ordinance. Staff stated that it would be however there is authorization to approve for a total of two years.

Commissioner Lux ~~amended the~~ **modified her** motion to allow the approval to extend for two years. Brockman accepted the ~~amendment~~ **modification**.

Motion passed unanimously.

Commissioner Kostrzewa rejoined the Board.

C. SPR-10-21- 1106 W. High Street – Mountain Town Investments.

Staff reported that this request was for a 390 square foot addition to the existing building. The property is zoned C-3, with M-1 property to the north (Mill Pond Park), R-3 to the south (undeveloped) and C-3 on either side of it. Staff reported that the plan complies with the standards of the ordinance and has more than sufficient parking. Staff further commented that the owner has agreed to include some trees and shrubs in the landscaping, however, sensitivity to the visibility from the street will be taken into account.

Andy Theisen, Konwinski Construction addressed the Board. Mr. Theisen stated they are looking to do a simple, small addition to the building, which houses a physical therapy office. They are expanding their staff and need additional space.

Motion by Lux, support by Robinette to approve SPR-10-21 for the property located at 1106 W. High Street, based on the site plan dated October 22, 2010 and prepared by Konwinski Construction for Mountain Town Rehab with the following condition:

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.

VIII. New Business: None

IX. Other

- A. December Planning Commission Meeting:** Staff reported that the deadline for the December meeting is November 8. Nothing has been received at this time.

X. Adjournment to Work Session

Motion by Robinette, support by Brockman to adjourn to the work session. Motion passed unanimously.

Meeting adjourned 8:20 p.m.

bam