

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
March 3, 2011**

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

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

Absent: Brockman

Staff: Gray, Murphy.

Chairman Orlik expressed condolences to Commissioner Brockman on the recent loss of his father.

Chairman Orlik welcomed Commissioner Shellady to the Board.

**II.** Approval of Agenda:

Motion by Smith, support by Holtgreive to approve agenda.

Motion approved.

**III.** Approval of Minutes

A. February 3, 2011 regular meeting.

Motion by Holtgreive, support by Kostrzewa to approve the minutes from the February 3, 2011 regular meeting as submitted.

Motion approved.

**IV.** Zoning Board of Appeals Report.

Staff reported that the ZBA did not meet in February.

**V. Public Hearings:**

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

- A. SUP-11-02 – 1005 S. Main.** Special Use Permit to demolish the existing rooming dwelling and replace it with a new Registered Student Organization (fraternity) dwelling with a maximum of 12 occupants.

Staff stated he would be presenting both SUP-11-02 and SPR-11-03 together. Staff reported the project location is on the east side of S. Main Street, just south of Gaylord Street. The property is zoned M-2, and the proposed Registered Student Organization (RSO) dwelling is an allowed use in the district. Staff reported that the surrounding property is predominantly RSO and rooming boarding dwellings. Staff reported that the property was considered by the Zoning Board of Appeals in January, and was granted a variance to allow an increase in the occupancy from 10 to 12. The ZBA was compelled to allow an increase in the occupancy as it is consistent with the density on the surrounding properties. They also took into consideration that the applicant will be eliminating the non-conformity in the parking and will be increasing the square foot of building per occupant ratio to meet/exceed ordinance requirements. The applicant has also included an upgrade in building materials and appearance of the proposed building to enhance the neighborhood.

Staff commented that the proposed parking area will be moved to the rear of the site, eliminating the drive off Main Street. DPW has provided comments regarding the drive and staff has suggested the applicant work with staff to adjust the parking to meet DPW requirements. Staff stated that with the variance granted by the ZBA the applicant has met the requirements of the ordinance with the proposed project meeting all the setback and height requirements.

Staff further reported that the applicant has included foundation plantings in the site plan and are proposing the elimination of the dumpster from the site, which will be replaced with trash carts. Screening will be provided for the trash carts, which will be located in back of the building. Staff commented on the code enforcement history of the property and referred to the changes the applicant has made to his lease agreements to help address these issues.

Staff reported that comments from DPW and DPS had been received. DPW has stipulated that any damage to the sidewalks will need to be repaired by the applicant. Although not required, DPS has recommended sprinklers for the building.

Staff concluded his report stating that in his view the request meets the conditions for a Special Use Permit, meets the minimum requirements of the ordinance, and will be an upgrade to the area, therefore is recommending approval.

Commissioner Robinette questioned whether the proposed trash carts would be sufficient for the proposed number of occupants. Staff commented that the applicant has indicated that the overflowing dumpsters were a problem because they tend to become a dumping ground for others in the area. The use of trash carts will hopefully help to alleviate that problem.

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

Commissioner Robinette posed the trash question to Mr. Olivieri. Mr. Olivieri reiterated staff's comments that the dumpsters become a dumping ground, which is why he is getting rid of them. In place of the dumpsters there will be four trash carts. If four proves to be not enough, more will be provided. He further commented that the carts will be located near the

back door.

Commissioner Kostrzewa asked for clarification on what a trash cart was.

Chairman Orlik asked how the applicant proposed policing his property. Mr. Olivieri commented that it should be an easy task as he has three properties right in a row, which someone will pass by each morning. If there is a problem, they will contact the office who will in turn contact the tenants. They will be given a specific amount of time to correct the problem. If they fail, management will take care of the problem and bill the tenants. Tenants will also be reminded of the party policy prior to big weekends. Mr. Olivier commented that with the design of the buildings, if fraternities prove to be an issue, he will get rid of them and convert the property into a duplex.

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

Board Discussion:

Commissioner Kostrzewa questioned whether there was a required amount of greenspace, and if so, would the applicant be able to meet that requirement.

Staff stated that they need to maintain 25% in the side and rear yards and the applicant does meet that requirement.

Chairman Orlik asked if they would still meet the 25% if they are required to shift their parking lot as DPW has suggested. Staff commented they should still be able to meet the 25% as they would pick up the lost green space on the other side.

Commissioner Kostrzewa asked if there were any requirements for landscaping. Staff commented that there was not by ordinance; however, the applicant has proposed foundation plantings against the building.

Commissioner Lux suggested the applicant may want to plant some trees as well to deter cars from pulling on the lawn.

Motion by Lux, support by Holtgreive to approve the request for SUP-11-02 from Olivieri Management, Inc. to allow the construction of a Registered Student Organization dwelling with a maximum occupancy of 12 at the property located at 1005 S. Main Street 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. Applicant shall comply with all site plan review requirements.

Motion approved unanimously.

- B. SUP-11-03 – 1007 S. Main.** Special Use Permit to demolish the existing rooming dwelling and replace it with a new Registered Student Organization (fraternity) dwelling with a maximum of 12 occupants.

Staff stated this request is similar to the previous request and is located immediately south of 1005 S. Main. Staff commented that he would be presenting both SUP-11-03 and SPR-11-04 together. Staff reported this is also a request for a RSO for up to 12 occupants. This property also received a variance from the ZBA in January to increase the occupancy from 9 up to 12. The ZBA was compelled by the same issues as for 1005 S. Main. Staff reported that the property is zoned M-2 and meets the requirements for a Special Use Permit. Although the footprint of the proposed dwelling is similar to the previous case, the applicant has incorporated different architectural details to enhance and improve the area. As in the previous case, DPW has provided comments regarding the parking that will need to be addressed by the applicant. Likewise, DPS has also provided similar comments.

Commissioner Kostrzewa questioned whether the properties would be demolished and rebuilt simultaneously.

Mr. Olivieri stated that 1007 S. Main and 1001 S. Main, which recently went through the SUP/SPR process, would be completed in 2011; however work on 1005 S. Main will not take place until the summer of 2012. Mr. Olivieri further stated he will be working on 1029 S. Main this year as well so there will be some significant improvements to the block.

Mr. Olivieri spoke regarding the landscaping of the properties, stating there will be landscaping along the front and the sides of the building, adding that the property will be irrigated. He further commented that he is trying to create the “wow” factor.

Mr. Olivieri asked that the Board allow him to work with staff and DPW on the parking lot issue.

Chairman Orlik commented that staff is delegated to do so providing the 25% landscape requirement is met.

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

Staff reported we had received one letter of opposition from John & Elaine Davis and Brigid Hinkley, and one note of support from Tom Horgan.

Motion by Robinette, support by Rautanen to approve the request for SUP-11-03 from Olivieri Management, Inc. to allow construction of a Registered Student Organization dwelling with a maximum occupancy of 12 at the property located at 1007 S. Main Street 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. Applicant shall comply with all site plan review requirements.

Motion approved unanimously.

#### **VI. Public Comments:**

Chairman Orlik opened the Public Comments portion of the meeting, explaining that this would be the last time for the public to speak. There being no one who wished to address the Board, the public comments session was closed.

#### **VII. Site Plan Reviews**

- A. SPR-11-03, 1005 S. Main.** Registered Student Organization (fraternity) dwelling with a maximum of 12 occupants. Staff commented that he had nothing else to present on SPR-11-03.

Motion by Lux, support by Rautanen to approve SPR-11-03 to construct a Registered Student Organization dwelling at 1005 S. Main Street based on the site plan and elevation drawings provided with the request with the following conditions:

1. The applicant complies with the requirements of the Zoning Board of Appeals.
2. The applicant shall file all necessary paperwork to adjust the side property line prior to occupancy of the proposed structure.
3. The site plan shall be revised to meet the driveway requirements of the Division of Public Works. These changes shall be subject to the review of the Community Development Director and shall otherwise comply with the requirements of the Zoning Ordinance.
4. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

- B. SPR-11-04, 1007 S. Main.** Registered Student Organization (fraternity) dwelling with a maximum of 12 occupants – information presented with SUP-11-03. Staff clarified condition #2 of the previous case regarding the adjustment to the property line. The applicant is adjusting the lot line between 1005 S. Main and 1007 S. Main, to make two identical parcels.

Motion by Rautanen, support by Lux to approve SPR-11-04 to construct a Registered Student Organization dwelling at 1007 S. Main Street based on the site plan and elevation drawings provided with the request with the following conditions:

1. The applicant complies with the requirements of the Zoning Board of Appeals.

2. The applicant shall file all necessary paperwork to adjust the side property line prior to occupancy of the proposed structure.
3. The site plan shall be revised to meet the driveway requirements of the Division of Public Works. These changes shall be subject to the review of the Community Development Director and shall otherwise comply with the requirements of the Zoning Ordinance.
4. 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:**

- A. **Amendment to Case SUP-10-11; 1705-1721 S. Mission – L-1 Inc:** Increase in number of seats in proposed nightclub.

Staff presented the proposed changes in the nightclub floor plan, commenting that the approval granted in January was for specific interior layouts, with chairs coming off the dance floor at 10:00 p.m. for the nightclub. Staff commented that the applicant has since confirmed with the State that the establishment will be required to have a minimum of 100 seats at all times, and is therefore, proposing a new nightclub layout, which will still include removing chairs and tables from the dance floor, however, rather than being placed in storage, they will be relocated elsewhere within the establishment to provide the required seating. Staff reported that the revised floor plan has received preliminary review from the Fire Chief to assure there are not any issues with over occupancy. In addition, a preliminary review has been conducted by the Building Official to assure accessibility standards are being met. Both issues will be reviewed in detail at the time a building permit application is submitted.

Chairman Orlik asked if there was a problem with ADA requirements if the dance floor could be made smaller.

Kerry Chahil, applicant, addressed the Board, complimenting Commissioner Lux on being correct regarding the number of seats required for nightclubs. Mr. Chahil assured the Board that they have done their research to assure all standards will be met.

Commissioner Lux questioned whether the dance floor would be open prior to 10:00 p.m. Mr. Chahil assured the Board that the dance floor would not be open until the nightclub hours of 10:00 p.m. and stated it would be roped off to assure no dancing took place before that time.

Commissioner Smith questioned whether the new layout was just for the nightclub or if they intended to keep the layout during the daytime hours as well. Mr. Chahil stated that they may just keep the nightclub layout for daytime hours as well, and simply not have the dance floor open until 10:00 p.m.

Staff commented that he was not informed that the applicant had intentions of changing the restaurant layout, that he had been led to believe it was just the nightclub layout that was being changed. Staff further stated that based on the previous approval, if the applicant is proposing a change to the restaurant layout, the Board will need to take action on that as well.

Commissioner Lux questioned whether there was any requirement that the applicant would have to rope off the dance floor. Mr. Chahil commented that he would do so to assure there was no dancing prior to 10:00 p.m. He suggested however, that the area could be used for overflow if someone were waiting for a table to open up as well.

Staff commented that the concern voiced by the Board previously was that this presents itself as strictly a restaurant during restaurant hours and suggested the Board consider whether they are comfortable with this change.

Chairman Orlik stated the Board could approve the revised nightclub layout and if they wish to stay with the previous restaurant layout then no action would be required for that or they could approve the revised layout for both restaurant and nightclub use.

Motion by Smith, support by Lux to approve the revised layout for both restaurant and nightclub use, which allows for 100 seats in the establishment at all times, provided that dancing and other night club related activities will not occur in the dance floor area outside of the hours of 10:00 p.m. to 2:00 a.m., and additionally leaving the applicant the option of using the previously approved restaurant layout.

Motion approved unanimously.

## **IX. Other:**

### **A. Staff Report:**

- 1. City Comforts Book:** Staff explained that the book they had received with their packets is one that he has used extensively for guidance – especially during the creation of the Mission Redevelopment Overlay Zone. Staff had an opportunity to pick up several copies of the book and felt the Board may find them useful.
- 2. Greater Mt. Pleasant Non-Motorized Transportation Plan:** Staff provided information regarding the plan initiated by Union Township to create biking and walking paths. Union Township received financial support from the Tribe and has invited City officials to participate in the project. Staff reported that there is an online survey available for those who wish to participate. In addition, Union Township will be holding two public input sessions at the County building; one on March 15<sup>th</sup> and one on April 26<sup>th</sup> – both at 7:00 p.m.

Commissioner Lux asked if the city will be incurring any expenses. Staff stated the

plan is 100% funded by the Tribe. Staff further commented that the City may choose to adopt the plan at some point in time; however if that was the case, it would go through the regular CIP process. At this point in time the City has no financial obligations.

- B. SPR-11-05 – 1000 Industrial Drive – Administrative Review:** Staff reported that the parking lot expansion at 1000 Industrial Drive, that recently went under administrative review had been approved. The parking lot expansion was necessary to accommodate the conversion of the existing warehouse into office use.
- C. Joint Meeting:** Staff reminded the Board that annually a joint meeting is set up between the Planning Commission and City Commission. The meeting will include review of the status of 2010 Goals, along with 2011 Goals. The annual report will also be shared with the City Commission.

Motion by Holtgreive, support by Smith to schedule a special meeting with the City Commission to be held at 6:30 p.m. on March 14, 2011 in the Commission Chambers.

Motion approved unanimously.

- D. April Planning Commission Meeting:** Staff reported that we have not received any applications for the April meeting at this time; however, the deadline is still a week out.

## **X. Adjournment**

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

Meeting adjourned 7:43

bam