

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
October 6, 2011**

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

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

Staff: Gray, Murphy

II. Approval of Agenda:

Chairman Orlik reported that we have received a request for an additional item to be placed on the agenda related to changes to a patio area and fencing for a proposed Rally's Restaurant at 1501 S. Mission Street. Chairman Orlik recommended that this project, identified as Case **SPR-11-12**, be added to the agenda as Item VII. B, unless there were objections to doing so.

Motion by Smith, support by Rautanen, to approve agenda with the addition of Case SPR-11-14 to the agenda as Item VII. B. Motion approved

III. Minutes:

A. September 7, 2011 Regular Meeting

Motion by Holtgreive, support by Rautanen to approve the minutes from the September 7, 2011 regular meeting as submitted.

Motion approved.

B. September 7, 2011 Work Session

Motion by Holtgreive, support by Quast to approve the minutes from the September 7, 2011 meeting as submitted.

Motion approved.

IV. Zoning Board of Appeals Report:

Commissioner Brockman reported that the ZBA heard one case at their September meeting, which also appears on the Planning Commission agenda tonight. The case was brought to the ZBA by Joe Olivieri, on behalf of Marla Hoag, for a redevelopment of an existing non-conforming rooming dwelling into a new two-unit rooming dwelling. The ZBA postponed the case at their August meeting to allow the applicant to revise his request and further reduce the number of non-conformities on the property. The revised request required a variance to allow the redevelopment on a non-conforming parcel and also increased the allowed occupancy from 11 to 12. The Board determined that the

proposed redevelopment was a marked decrease in the non-conformities and approved the necessary variances.

V. Public Hearings:

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

A. SUP-11-09 –and SPR-11-10 - 1018 S. Main. Staff commented that these cases were interlocked and he would be presenting information for both the Special Use Permit and Site Plan Review. Staff reported that this was the same property that Commissioner Brockman reported on that recently went before the ZBA. Staff explained that the property is zoned M-2 and is surrounded by other M-2 properties. The neighborhood is predominantly rooming dwellings and Registered Student Organizations. The lot fronts Main Street and extends through the lot, with frontage on Washington Street as well. The proposal is for a two-unit rooming dwelling with 6 occupants per unit. One unit will face Main Street and one will front Washington Street. Staff shared the elevation drawings, showing the proposed architectural details which were taken into consideration by the ZBA to allow the additional occupant. Staff reported that there were a number of non-conformities that will be eliminated with the proposed re-development, that were also taken into account by the ZBA, such as:

- Parking will be provided at a ratio of one space per tenant.
- Parking will be removed from the front yard along Washington Street.
- Stacked parking will be eliminated.
- Greenbelt can be added along Washington Street frontage.
- Parking will be provided with hard surfacing and proper drainage.
- The building area per person provisions will be brought into compliance with zoning provisions.
- The setback along the north property line will be made to comply with the district requirements.
- The 12' distance required between buildings will be made to comply.

Staff shared elevation drawings showing the evolution of the project from the date it was first submitted, and the additional features and details that were added to get to the final submittal. The applicant has added additional architectural details on the front, rear and north sides of the dwelling. Staff reported that the original request to the ZBA was for 7 occupants in each unit, which was reduced down to 6 per unit, which is one over what the ordinance allows.

Staff commented that the site meets the conditions for the Special Use Permit for rooming dwellings, and with the variances granted by the ZBA, also meets the requirements for Site Plan Review. The site will provide hard surfaced parking at a ratio of one space per tenant. In addition, staff commented that the applicant has taken an additional step to add decorative fencing detail along the Washington Street side to help screen the parking area. The original submittal has been revised to pull the parking area back from Washington Street to match the setbacks of the other properties that face Washington Street.

Commissioner Quast commented that she appreciates the additional greenspace on the Washington Street side, but questioned whether the applicant was proposing planting any trees or shrubs. Staff commented that there is none proposed on the site plan; however, the applicant would be able to address that question.

Joe Olivieri, applicant, addressed the Board. Mr. Olivieri replied to Commissioner Quast's question, stating that in his experience the shrubbery and trees do not thrive well at these developments and stated that the proposed fence will have brick pillars and white picket fencing, which will be a nice screening for the parking.

Commissioner Kostrzewa asked if the large tree that is currently on site would be eliminated. Mr. Olivieri stated it would be eliminated as it would be in the way of the development. He further stated that the City has a street tree program, and he could possibly look into that.

Chairman Orlik commented on the lease provisions which address nuisance parties and questioned whether there could be additional language dealing with trash and litter management.

Mr. Olivieri stated that would not be necessary as they have a maintenance person who conducts daily patrols. If there is an issue it is addressed with the tenants and if they fail to clean up the litter/trash, then management takes care of it and bills the tenants for the service.

Vice-Chairman Smith asked if he had noticed it being easier to control these issues in the newer developments than it was in the older homes. Mr. Olivieri stated that it is hard to say right now as they are still dealing with the tenants moving in and getting settled, etc. He also commented that he has offered them the usage of his dumpster located near his office when they have an overflow to further help alleviate problems with trash.

Commissioner Kostrzewa commented that Mr. Olivieri is not the owner, and questioned what his relationship to the owner was and further questioned why the owner was not in attendance. Mr. Olivieri stated that he is the builder and developer and she isn't in attendance because that is what she hired him for.

Chairman Orlik commented that if he isn't the owner, then the daily patrols mentioned would not be of any use at this proposed development. Mr. Olivieri stated that although he would not be managing the property, United Apartments would be acting as property manager. Commissioner Brockman interjected that the ZBA also had that question and the owner, who was in attendance for the 2nd ZBA meeting, had agreed to the same lease provisions.

Commissioner Lux stated for clarification purposes that Mr. Olivieri was the builder/developer; Marla Hoag is the owner; and United Apartments would be acting as property manager. Mr. Olivieri concurred that this was correct.

Commissioner Kostrzewa stated that he had visited the site and had initially questioned whether the green space would meet the ordinance requirements; however, after doing the calculations, found that it did.

Commissioner Kostrzewa questioned whether providing parking at a ratio of 1:1 was pretty standard. Mr. Olivieri commented that it is in the owner's and developer's best interest to do so, as the number of college age students owning cars has doubled in the past few years.

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

Board discussion:

Commissioner Smith commented that this is a very nice development.

Motion by Smith, support by Rautanen to approve the request for SUP-11-09 from Joe Olivieri to allow construction of a 2-unit Rooming Dwelling with a maximum occupancy of 12 at the property located at 1018 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. The applicant shall provide and enforce a copy of the proposed lease agreement for the property that provides for the enforcement of nuisance parties.
3. Applicant shall comply with all site plan review requirements.

Motion approved unanimously.

B. TC-11-02 Hotels in Downtown

Chairman Orlik commented that this proposed change in the Ordinance would allow hotels in the downtown C-2 district and is something the Commission has been working on for some time. Chairman Orlik stated that staff had presented a draft of the proposed text at the last meeting and the Commission unanimously agreed that the language was good and had therefore set a Public Hearing. He further stated that this is the last step before making a recommendation to the City Commission.

Staff reported that the language presented is identical to the language provided last month and covers the definitions of hotels and motels in the Zoning Ordinance and makes provisions for hotels in the Downtown. The language also provides for parking requirements, generally on site, but allows for some flexibility on a case by case basis for off site or public parking. Staff further reported that the language will provide for hotels of all sizes and all will be reviewed by the Special Use Permit process. Staff reported that the Public Hearing notice was posted as required, and in

addition, the proposed language had been presented to the Downtown Development Board, who voted to support the change. The information was provided to the CBD/TIFA Board as well, and both groups were asked to share the information with the Downtown folks.

Staff reported that, although unrelated to this text change, the DDB has expressed interest in the Planning Commission taking a more comprehensive look at the downtown zoning. Staff suggested that due to the current Planning Commission work load, it would be difficult to do at this time; the Planning Commission may want to consider where this fits when Commission goals are considered in the future.

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

Motion by Holtgreive, support by Quast that the Planning Commission recommend that the City Commission approve Text Change 11-02 to add hotels to the uses allowed by Special Use Permit in the Downtown and to provide definitions for hotels and motels.

Motion approved unanimously.

VI. Public Comments:

Chairman Orlik opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VII. Site Plan Reviews

- A. SPR-11-10- 1018 S. Main.** Staff commented that he had no additional information for this case, which was presented in conjunction with SUP-11-09.

Mr. Olivieri, applicant, also stated that he nothing to add, but would answer any additional questions the Board may have.

Motion by Rautanen, support by Brockman approve SPR-11-10 to construct a Rooming Dwelling at 1018 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 comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

- B. SPR-11-14 – 1501 S. Mission.** Chairman Orlik stated that this case involves a minor change from what is now “Oh My Burgers and Fries” for a patio extension and associated decorative fence.

Staff reminded the Commission that in 2009 they had approved a conversion from “Hot N Now” to “Oh My Burgers and Fries”. Staff recently received a request that will convert the site to a “Rallys” restaurant. Staff reported that the applicant has recently obtained a lease agreement from the owner and wishes to complete the work during this construction season. Based on the nature of the work, time is of the essence to get the required cement work installed. Staff stated that the only item subject for review is the patio extension. Staff commented that he has talked with the applicant regarding the Planning Commission’s sensitivity to outdoor seating along Mission Street and the applicant was willing to include some fencing.

Staff reported that the request complies with the requirements of the Ordinance and includes the fencing that the Planning Commission generally looks for. He further commented that he spoke with the applicant regarding the DDA’s program for decorative fencing and that may be a possibility for them. The site has an extra wide right-of-way, and will therefore require some coordination with MDOT as well.

Commissioner Lux asked if the fence was definitely to be included with the patio. Staff stated that yes; the fence was depicted on the site plan and is included in the review.

Commissioners Quast and Lux expressed some concern with pedestrian access from Mission Street and pedestrian pathways crossing the traffic on the site. Staff stated that if there was interest, staff was willing to work with the applicant to see if there were other sidewalk options. He further commented that there does not appear to be a lot of high speed traffic on the site. Commissioner Rautanen commented that all drive through establishments face the same issue with pedestrian traffic crossing drive-through lanes.

Commissioner Smith commented that he would like to leave the opportunity available to the applicant to possibly add a gate to the other side.

Chairman Orlik suggested adding criteria that would allow the applicant to make changes to allow an optimum safety path, subject to staff approval.

Motion by Smith, support by Rautanen, to approve Site Plan Review 11-14 to allow the construction of an outdoor patio as depicted on the site plan dated October 4, 2011 by Anthony C. Rea, Architect for Metro H&N, subject to meeting the requirements of DPS and DPW, and staff approval of a optimal safety pedestrian access path.

Motion approved unanimously.

VIII. Unfinished Business

- A. SUP-11-06 – 1022 S. Mission.** Staff reminded the Commission that the last time this case was before them, they had representation from the applicant that it was his intent to operate in the manner that he was originally approved for as a specialty goods store. The Board postponed action and staff worked with the applicant to get his representations in writing. Staff has had the opportunity to inspect the store on a couple different occasions, as the applicant has decided to proceed with this representation. Staff shared the floor plan provided by the applicant with added shading showing the areas where alcohol is currently located. The applicant has reduced the floor area and has managed to increase the quantity of specialty goods. In addition, the rear portion of the store has an increased quantity of food items you would find in a convenience store. The applicant has referred to the store as a party store. Staff stated that in his view, the operation should still be regulated as a liquor store under our Ordinance subject to a Special Use Permit.

Staff reported that he and the applicant had discussed the areas that are currently devoted to alcohol sales and the applicant has stated that these areas are all he will need. Staff further reported that he has put together a recommendation that clearly articulates what is expected on both sides and will be easy to enforce. He commented he would not recommend getting into specifics of what types of food the applicant sells, but to let the market dictate that. Staff commented that he has also included in the recommendations the allowed hours of operation, no keg sales, outdoor advertising, etc., based on the applicant's representations.

Staff commented that this is a unique situation because the petitions that were signed were signed because the signers had no objections to the store as it was currently operating. Staff further stated that in imposing the conditions on the SUP, it doesn't preclude the applicant from coming back before the Planning Commission at a later time if the operations change.

Chairman Orlik commented that he agrees that tying the approval to the floor plan will be easier to enforce than percentages.

Fouad Senni, applicant, addressed the Board, thanking staff for his assistance. He commented that he worked with staff and hopes the Board would agree with the proposed layout and we can move forward.

Chairman Orlik asked if Mr. Senni had seen the recommendations and if the diagram shared with the Board, showing the proposed areas for alcohol sales, was acceptable to him. Mr. Senni stated that this will meet his needs and he agrees with it.

Commissioner Lux commented on the hours of operation, and stated she would like to make sure the hours never exceed those listed in the conditions. Staff responded that the hours listed are the maximum hours and should not be exceeded.

Motion by Holtgreive, support by Smith to Commission approve Special Use Permit 11-06 from Fouad Senni to operate a liquor store (Group B Special Regulated Use) at the property located at 1022 S. Mission Street with the following conditions:

1. There shall be no increase in the area of the store devoted to the sale of beer, wine, or liquor over those areas currently utilized without prior approval by the Planning Commission. The areas are depicted on the floor plan dated September 29, 2011 and are generally identified as the wine room, the beer coolers along the north wall, existing shelving along the west wall and the areas below and behind the counter.
2. The hours of operation will not exceed noon until midnight on Sunday, 10:00 am until midnight Monday through Wednesday and 10:00 am to 2:00 am Thursday through Saturday, as represented by the applicant.
3. There will be no signs, banners or other advertising in the front windows, as represented by the applicant; and advertising will only occur on permanent freestanding signs or the building wall sign.
4. There will be no sale of keg beer, as represented by the applicant.
5. Modification to these conditions will be considered a change in use and will require review and approval by the Planning Commission.
6. Violation of these conditions will result in the commencement of proceedings to revoke the Special Use Permit, as described in Section 154.171(D).

Vice-Chairman Smith asked who would be responsible for monitoring the site for compliance. Staff stated it would be city staff, specifically Code Enforcement, who would be charged with monitoring the site.

Motion approved unanimously.

IX. New Business:

No new business.

X. Other Business:

- A. November Meeting.** Staff reported that we would be hearing a request for an increase in the parking for trucks from Blodgett Oil. Deadline for submissions is October 10. If the agenda remains light, staff suggested it may be a good time for a work session to discuss the status of 2011 goals.
- B. Master Plan Update:** Commissioner Quast asked when the Commission would be looking at the Master Plan. Staff commented we may be able to discuss this next month, stating that with Rich's departure; we have had to juggle some things. The City Commission is looking at their goals next week, so we may have a little more direction by next month's meeting on what their focus is. Chairman Orlik questioned whether the city would be filling the vacant position. Staff commented that it has been advertised.

- C. **Belle Tire:** Staff reported that Belle Tire has applied for a building permit, which is currently under review. They are planning to break ground soon.

XI. Adjournment:

Motion by Rautanen, support by Brockman, to adjourn.

Meeting adjourned at 7:45 p.m.

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