

Mt. Pleasant Planning Commission
Work Session Minutes
August 2, 2012

Chairman Orlik called the work session to order at 7:35 p.m.

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

Absent: Shellady, *Quast*.

Staff: Gray, Murphy.

Chairman Orlik provided some background on the request that prompted the work session, noting that there has been some concern with the language in the M-2 Redevelopment Standards and Procedures document not being clear in regards to what constitutes a rare or unique circumstance. Chairman Orlik noted a couple of his concerns include an increased density/over-occupancy of an area and that if the rationale for approving two additional occupants isn't clear, then that would become the norm.

Staff noted that what he heard from commissioners is that some are willing to accept whatever the ZBA has determined and others feel that there needs to be a clearer definition on the rationale for the decision.

Staff noted that the ZBA deals with judgment terms and has to make judgment calls within a set of parameters on all of their cases, i.e., determining unnecessary hardships and practical difficulty. Staff noted that the burden of proof lies with the applicant and is substantiated with a finding of fact. The question is whether there is a way to handle the "rare occasion" language and give it some parameters without defining it too much.

Staff noted that the developers have indicated that more tenants buys better buildings.

Chairman Orlik reiterated his concerns:

1. Noting the need to be cognizant of increased densities
2. Doesn't want two additional occupants to become the standard - fears that if we do one without a firm basis it will become the norm.

Chairman Orlik questioned if there was a way to put together a checklist or to put a # on the non-conformities being eliminated. He commented the key is to be clear.

Vice-Chairman Smith commented he feels the level of investment is important. In addition, he noted that regarding non-conformities - some are a bigger deal than others, so doesn't feel like the number system would be that good.

Discussion ensued on some of the past redevelopments and approvals. It was noted that the building model Mr. Olivieri has been using is designed so it can be a duplex or easily converted

into a duplex, and this is one of the reasons he has asked for two additional tenants in some instances as an even number of tenants makes more sense for this type of building.

Staff noted that Mr. Olivieri postponed the case at 1003 Douglas to give the board time to discuss and come to some conclusions on what are the acceptable standards to allow two additional occupants. He expressed interest in working towards meeting those standards. Chairman Orlik commented that he still does not see what distinguishes 1003 Douglas from the other redevelopments.

Commissioner Kostrzewa stated that one additional tenant is a pretty good addition and suggested striking the language from the document suggesting that two would ever be considered.

Commissioner Holtgreive commented that there is a great deal of uncertainty out there in regards to CMU enrollment. He suggested that based on the demographics of the area, within a few years there will be an overabundance of student housing and if we don't find a way to offer the developers some incentives for their investments, we won't be getting the types of developments we want. We need to find a way to help the developers who are willing to invest or they won't take the risk. He questioned whether there were some improvements in regards to eliminating non-conformities that were more important to the community than others.

Commissioner Brockman wondered if there was a way to consider the entire block size rather than each parcel separately. Staff noted that the ZBA has been considering the surrounding densities with each of these requests and commented that although they could expand on that and look at the entire block, it could get complicated due to multiple property owners in a single block.

Commissioner Kostrzewa suggested keeping the process simpler, noting that this path would result in extreme complications. He noted that although it is an extra cost for developers there is also the return on investment from one extra tenant and suggested that should be sufficient. Staff noted that conceptually it could be simple if it is articulated what separates one from many.

Vice-Chairman Smith stated that he is not in favor of striking the language as he would like to keep the flexibility. He also commented that in regards to code enforcement, he isn't so concerned with how many violations a property has had, but more on how good the landlord is in addressing the issues.

Staff shared photos of recent approvals and questioned if any of them stood apart. Commissioner Lux commented that they all looked good.

Discussion ensued on what sets one apart from the others. It was noted that sometimes it is the building itself; and sometimes it is the number of non-conformities that are being eliminated.

The consensus of the Commission was that in order to even be considered for two additional occupants, a development would need to not only offer something significant as far as the

building itself, i.e., durable materials and distinctiveness in design; but would also need to eliminate a number of non-conformities.

Staff spoke about the current review procedures where cases go before the ZBA first and noted that there seems to be some anxiety over the fact that one of the recent cases has been bounced back and forth between the ZBA and PC. Staff stated that with the 1003 Douglas site, staff had worked with the developer and knew their construction schedule and therefore there was not a concern over additional review. Staff noted that he feels this has been a positive thing, as the PC was comfortable enough to call a "time out" when they felt they needed additional information prior to proceeding with the case.

Discussion took place on a past work session following comments from Planning Commission members who expressed concern about a decision of the ZBA (in regards to the L-1 Bar & Grille and the waiver granted for the 8' masonry wall). During the work session it was noted that the safest measure is to stay with the ZBA's decision. You can move away from that; however, at that point it becomes riskier. If, however, something doesn't feel right, it is perfectly acceptable to call a time out. Staff noted also that in regards to the L-1 wall issue, when it came back the second time around, the ZBA was aware of the PC concerns and although they granted a waiver the second time around, they left some flexibility for the PC to require additional screening if they felt it necessary. So even though it may have been a little uncomfortable at the time, there is now an awareness. In regards to the M-2 Redevelopments, the Commission has asked that the ZBA clearly articulate their rationale for approving cases.

Staff commented that they act as the agents for the Commission. When a developer comes in, they can give them some understanding of what is important to the Commission - an idea of what the expectations are.

Staff was asked to come up with a short list of those non-conformities that would make a significant impact on the neighborhoods/community if eliminated. It was suggested that a revised framework be brought back for the PC to review and approve, prior to considering a joint meeting with the ZBA.

Other discussion:

Commissioner Lux asked what was discussed at the regular meeting in regards to L-1 Bar & Grille, as she was late getting to the meeting. Chairman Orlik reported that based on the clarifications offered by the applicant on the Commission's concerns from the last meeting, they were approved. No one had offered any concerns over the fence.

Commissioner Brockman referred to the 1003 Douglas case, questioning whether the applicant could appeal the PC's decision to the ZBA. Staff noted that he could; however, the applicant has indicated he is more interested in knowing what direction the PC is going and trying to work within that. Commissioner Lux asked if this case would be on next month's agenda. Staff noted that the applicant was waiting to see what the PC decided the mark would be. He further noted

that he would be working with the applicant to see if he would be making more modifications for a new request.

Motion by Brockman, support by Hoenig to adjourn. Meeting adjourned at 8:32 p.m.