

Mt. Pleasant Zoning Board of Appeals
Minutes of Work Session
Review Procedures and Standards - Redevelopment of Housing in the M-2 Zoning District
December 19, 2012

Members Present: Berkshire, Fokens, Kulick, Palm, Quast, White (Chair).

Absent: Ellertson (Vice-Chair).

Staff: Kench, Gray, Murphy

Staff shared a brief PowerPoint presentation on the M-2 Redevelopment Standards, noting that the Planning Commission appreciates the amount of work the ZBA is doing to get these developments to the standards that they have prior to sending them to the Planning Commission.

Staff commented that following our first request for two additional occupants at 1003 Douglas, both Boards struggled with what constitutes a "rare" occasion to allow two additional occupants. Although the ZBA approved the request, the Planning Commission felt they needed more information on what made this project stand apart from previous requests and asked the ZBA to clarify their basis for granting two occupants.

This prompted a work session with the Planning Commission to review the language. Staff took the comments and made the suggested revisions, removing the word "rare" and attempted to more clearly describe the things that would take a project from one to two additional occupants. Staff noted that the intent is to allow enough discretion for the ZBA without being, or appearing to be, arbitrary.

Commissioner Kulick asked for clarification on whether this is designed as a policy statement or an amendment to the Ordinance. Staff clarified that this is a policy statement, adding that we are still functioning under the non-conformance standards of the Ordinance. The document is designed as a guidance tool to help implement the Ordinance.

Discussion included some of the more notable non-conformities such as:

- Properties with accessory structures converted to dwellings
- Properties with an inordinate number of non-conformities
- Parcels that are narrower or smaller than others on the block

Staff summarized that for projects to be considered for two additional occupants they would need to be characterized by all of the followings:

- Elimination of notable nonconformities
- Durable and Distinct building design
- Demonstrated track record for long-term maintenance and code compliance.

Further discussion involved what constitutes distinctive building design; massing and roof pitch. It was noted by Commissioner Kulick that the ordinance limits height to 2 1/2 stories, which creates some limitations regarding design. Commissioner Quast noted that the ZBA

has the authority to grant a height variance. Commissioner Kulick suggested an Ordinance amendment. Staff responded that the Planning Commission is currently updating the Master Plan and has committed to looking at possible Ordinance amendments in the future; however, commented that in the meantime we are trying to move forward under the existing Ordinance. Staff noted that this is unique time and we have developers willing to invest so we need to use what tools we have available to us to keep up with the market. Staff further commented that the ZBA has been doing a really good job with these requests and we have it sequenced so a developer can come to the ZBA one month and then proceed to the Planning Commission within a couple of weeks. In addition, it was suggested that it is beneficial having two public bodies review these requests and the two boards are working very well together. It was also noted that we can't really codify and get the level of detail that we are seeing with these developments.

Commissioner Kulick stated that he has heard some criticism that we are tearing down historical buildings, when in reality, the ones that are being razed are just old. The new buildings are safer and better fit the character of the neighborhoods.

Staff referred back to the policy document, asking if the ZBA would like to see additional changes or if they were okay with the revised language.

Commissioner Palm stated she feels it is much more helpful and clear.

Because no action can be taken in a work session, staff suggested that this will be included as an agenda item for the next regular meeting at which time the Board can take action to endorse the document.

Board members entered into a discussion on density, noting that density isn't necessarily a bad thing, and that these new developments provide for the density, including providing sufficient parking.

Chairman White commented that he felt that the Planning Commission overturned the ZBA's decision and feels that this could result in more timid voting by the ZBA. Staff responded that the revised document still gives the ZBA discretion, which was important to the Planning Commission, and yet still hopefully gives a little more clarity to provide a better comfort level for the ZBA.

Chairman White commented that material wise, we are reaching new levels, but it all comes back to density and he is still concerned with the fact that the ZBA granted approval with stipulations and then the Planning Commission overturned it.

Staff noted that this whole process with 1003 Douglas isn't something we felt great about, and it wasn't done against the ZBA. Staff further commented that Mr. Olivieri knew he had the right to bring the PC's decision back to the ZBA and it would have likely been overturned; however, he was more interested in getting to a place that both boards were comfortable. Staff also noted that with as many redevelopments that have went through this year, that this was the only one that we had any questions on, and the track record is pretty good. Staff also noted that neither Board voted unanimously, which is another indicator that

the guidelines didn't provide enough clarity.

Commissioner Kulick stated he would like to see the discretion on these cases move back to the Planning Commission, similar to the Mission Redevelopment Overlay Zone; however, Commissioner Quast stated she likes these projects going before both Boards and feels that is why we are getting such good developments. Commissioner Quast noted she feels another added benefit to this process, is as the houses south of High Street are being redeveloped, houses north of High are more likely to revert back to owner occupied, as they will become less desirable for student renters.

Commissioner Kulick stated he feels that we are truly revitalizing the neighborhoods with these developments.

Staff agreed, noting that although it's not the standard way of doing things, it is working.

Motion by Kulick, support by Palm to adjourn.

Work session adjourned at 8:22 p.m.

bam