

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
May 23, 2012

Chairman White called the meeting to order at 7:01 p.m.

I. Roll Call: Kench called roll.

Members Present: Ellertson, Fetting, Fokens, Kulick, Palm, Quast, White (Chair)

Members Absent: None

Staff: Kench, Murphy

Chairman White welcomed Commissioner Fokens to the Board.

II. Approval of Agenda:

Motion by Kulick, support by Quast to approve agenda. Motion approved unanimously.

III. Approval of Minutes from April 25, 2012:

Motion by Kulick, support by Quast to approve minutes from the April 25, 2012 meeting as submitted. Motion approved unanimously.

IV. Communications:

Kench reported that there were no communications to share at this time.

V. Public Comments:

Chairman White opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

VI. Public Hearings:

Chairman White explained board proceedings, noting that a quorum was present.

Chairman White asked for a motion to remove the two cases from the table that were postponed at last month's meeting.

Motion by Kulick, support by Palm, to reopen Cases ZBA-02-2012 and ZBA-03-2012.

Motion approved.

A. Case ZBA-02-2012 - 1003 Douglas.

Chairman White explained that Commissioner Kulick, who is serving as our alternate Commissioner, would be participating and voting in both ZBA-02-2012 and ZBA-03-2012, as he was serving in another member's absence when the cases were first brought before the Board.

Kench introduced Case ZBA-02-2012, submitted by Joe Olivieri, on behalf of Rentwood Management. Kench reminded the Board that they first heard the case in February at which time they voted to postpone the case to allow the applicant to amend their request. The case was back in March, however; based on the fact that there were only four members of the Board present, the applicant exercised his right to postpone until a full Board was present.

Kench explained that this request is a two step process, involving ZBA action first. If the ZBA approves the request, the applicant will then appear before the Planning Commission to request site plan review and a Special Use Permit. Kench explained that the board is being asked to make a finding on the reductions in non-conformities.

Kench referred to Section 154.007(B)(5) of the Zoning Ordinance, which states:

Change of use. A nonconforming use may be changed to a new nonconforming use if the Zoning Board of Appeals finds that the new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. Where no structural alterations requiring a building permit are involved, a similar nonconforming use may be converted to a similar non conforming use of a basic character and intensity.

Kench reported that the proposed redevelopment would meet the setbacks for the zoning district; would increase the distance between buildings to exceed the required 12 ft. separation distance; would eliminate the rear dwelling unit, and would increase the parking ratio to meet ordinance requirements of 1:1. In addition the parking would be hard surfaced, with proper drainage.

Kench spoke of how land area per person is calculated and also shared a visual of the surrounding densities in the area. Kench further shared photos of the site as it currently exists, along with the elevations submitted in March and the revised elevations. Kench explained that the applicant has added some durable brick masonry and has also shared the floor plans as requested by the Board in March.

Joe Olivieri, applicant, addressed the Board. Mr. Olivieri commented that at the March meeting the Board expressed some concerns with the exterior upgrades to the building not being enough to justify an additional two occupants, based on land area. Mr. Olivieri stated that the owner has heard the concerns and has added brick to the exterior.

Mr. Olivieri also commented that since the last request he has spoken with the neighbor at 221 Clayton and he has also agreed to step up his development. Mr. Olivieri commented that these two new homes will have a huge impact and the end product will be something everyone will be proud of.

Commissioner Fokens questioned what the distance would be between the two developments. Kench verified it would be around 15' where 12' is required.

Chairman White asked if there was any screening or landscaping proposed. Mr. Olivieri stated the development would have landscaping and irrigation similar to the other recent developments.

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

Board Discussion:

Commissioner Kulick commented that the applicant is asking for two additional occupants, which borders on the comfort zone. He further commented that two months ago the Board asked the applicant for an upgrade and he has stepped up and brought a better product. He stated that the applicant stepped up again and spoke with the neighbor and encouraged him to step up his development as well. Commissioner Kulick stated he feels this will be an asset to the neighborhood and will put pressure on other landlords to better their properties. He further stated he feels it will be good for the city as well.

Kench shared the correspondence from the Fire Department and the Department of Public Works.

Commissioner Kulick clarified that this request was for student housing for eleven occupants, but is not a Registered Student Organization.

Chairman White agreed with many of Commissioner Kulick's comments; and further commented that this case is somewhat unique because of the non-conforming rear dwelling currently located on the property.

Commissioner Palm expressed that she feels the project is wonderful; however she is uncomfortable with the request for two additional occupants. Commissioner Palm referred to the document that would be discussed at the work session scheduled for after the regular meeting which indicates two occupants would be considered in rare instances and questioned what defines a rare instance.

Commissioner Quast agreed; stating that she doesn't want to set precedence that if you use durable products you will be allowed the extra occupant. Chairman White commented that he wouldn't vote based solely on the building materials. He further stated however; that the developer and owner have stepped up the project as requested by the Board and they would be replacing two buildings with one that fits well with the surrounding neighborhood.

Vice-Chairman Ellertson stated that even though the Planning Commission and City Commission are not entirely comfortable with these projects, he is and he will always support this type of development. Vice-Chairman Ellertson further commented that if 11 is too many, the market will decide that. He stated he approves of what is being proposed and feels it is unique when someone makes this type of investment in our community.

Commissioner Kulick stated that the ordinance was adopted many years ago and society has changed. He commented that the project meets all the setbacks, meets the building area per occupant and meets the parking requirements. He feels it meets the objectives of the ordinance.

Motion by Kulick, support by Ellertson to approve the finding that the proposed development is a marked decrease in the degree of non-conformity and to allow 11 occupants, with the

provision that the redevelopment is as shown on the revised elevation drawings provided by the applicant and the requirements of the Department of Public Works and the Department of Public Safety are met. In addition, the applicant is to provide a copy of the lease agreements, showing stronger language in regards to code enforcement activity.

Vice-Chairman Ellertson commented that in addition to his previous comments, the proposed redevelopment would mean more tax revenue for the city as the property becomes uncapped.

Chairman White asked for roll call vote:

Nay: Quast, Palm. Yays: Ellertson, Fetting, Kulick and White.

Motion approved 4:2.

B. ZBA-03-2012 - Tim Driessnack. 110 E. Cherry/701 S. Main.

Kench introduced Case ZBA-03-2012, reminding the Board that this request, which was postponed from February, involves a request to change the use on a vacant lot to allow additional parking for an existing non-conforming rooming dwelling located on the adjacent lot at 701 S. Main. Kench stated that the future land use is Urban Residential.

Kench reported that this request was prompted by enforcement action in September for unauthorized parking on the vacant lot.

Kench reported that the site (110 E. Cherry) became vacant following a fire which destroyed the home on it. Following the fire, the site was purchased by the applicant. The two sites, if combined, meet the lot width and area for the zoning district.

Kench reported that the 701 S. Main Street site is currently licensed for 10 occupants, and provides 5 parking spaces. Kench shared the site plan originally proposed by the applicant, which includes stacked parking. Following the review in February, Kench reminded the Board that they had asked the applicant to revise his plan.

Kench shared a visual of the surrounding properties and the density, along with photos of the site. Kench also shared the two alternative plans that the applicant provided.

Tim Driessnack, owner of the property, addressed the Board. Mr. Driessnack shared his thoughts on the two alternative plans that he provided, noting that he felt that Option 1 looked too much like a parking lot for the residential area.

Mr. Driessnack shared a second option; commenting that he feels it has more of a neighborhood feel, noting also that there is a lot of mixed uses in the area. Mr. Driessnack commented that he proposes removing all of the existing concrete and will be replacing it for all proposed 10 spaces. The remaining area will be greenspace with landscaping along Cherry Street. Mr. Driessnack commented that he would like to use some sort of natural hedges with a more residential feel. Board discussion ensued regarding the need for something that screens year round, as opposed to something that only screens in the summer.

Chairman White suggested modifying Option 2 to move the #3 spot adjacent to the #1 & #2 spots.

Commissioner Fokens questioned whether moving the three spots together would require expanding the curb cut.

Commissioner Kulick commented that he prefers Option 2, as it retains more of the non-impervious surface. He also commented that he would like to see the three spaces off Cherry Street moved together; however commented that he would be concerned with landscaping obscuring the vision, commenting it would need to be short enough that cars backing out of the spaces could see over it. He further commented that this option removes the need for stacked parking.

Chairman White asked if the applicant had given any consideration to eliminating both curb cuts from Cherry Street and putting all the parking in the back. Mr. Driessnack stated he felt that was too tight of a fit.

Commissioner Quast commented that the neighbors across the alley would basically be looking at a parking lot and questioned if there was any way to improve the screening.

Chairman White commented that no matter how it is shined up, it is still a lot with 10 cars.

Commissioner Kulick commented that the neighboring properties also have an option to plant their own screening. He further commented that if the applicant is not allowed to use the lot for this purpose, it is in theory, non usable.

Chairman White asked if there would be any barrier along the parking lot. Mr. Driessnack stated there would be metal/steel barriers along the back.

Chairman White commented that any approval would also need to be contingent on the parcels being joined through the Assessing department.

Commissioner Kulick stated that by putting the three parking spaces along Cherry Street together as discussed with Option 2, we would be eliminating two curb cuts that are too close together and combining them into one driveway.

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

Correspondence:

Kench indicated the comments from DPW which spoke of the need for engineering plans.

Kench commented that he had met with one of the neighbors who was concerned with the number of vehicles on the site and they spoke of the benefit of consolidating access points, etc.

Board Discussion:

Chairman White stated he was more comfortable with alley traffic than street traffic and likes the idea of eliminating one of the curb cuts on Cherry Street as long as the applicant meets screening requests and agrees to join the properties.

Motion by Ellertson, support by Kulick to approve a use variance to allow a non-conforming lot to be used as overflow parking for the adjoining property, based on Option 2, with the #1, #2, and #3 parking spaces combined to remove one curb cut on Cherry Street. In addition, the applicant is to work with staff on approved screening requirements; will work with the assessing department to combine the properties and will meet all DPW and DPS requirements.

Commissioner Kulick asked to add an amendment to the motion to include that the comment that this provides a reduction in the non-conformity of the sites.

Motion approved unanimously.

- C. ZBA 09-2012 - 402 Greenfield.** Kench commented that the applicant was unable to attend tonight's meeting and has asked that the case be postponed until the June meeting.

Motion by Ellertson, support by Fetting to postpone case ZBA-09-2012 until the June 27, 2012 meeting.

Motion approved.

- D. ZBA-10-2012 - 712 E Preston, CVS Pharmacy.**

Chairman White explained that Commissioner Kulick would be participating in the discussion; however would not be voting on this case.

Kench introduced Case ZBA-10-2012, submitted by BR Rhodes, representing Sign Art on behalf of CVS Pharmacy. Kench reported that the Planning Commission had recently approved the construction of a new CVS Pharmacy on the corner of Mission and Preston.

Kench stated that the applicant is looking for a slight increase in the allotted sign area; along with a variance to increase the height of a ground sign.

Kench reported that the site is zoned C-3, with CMU property to the west. Future land use is designated as Commercial. Kench reported that the proposed ground sign is able to maintain the 5' setback. Kench reported that the applicant was encouraged to look at ground signs rather than a pylon sign; however, our Ordinance restricts ground signs to no more than 4' above grade. The proposed sign has an overall height of 15 ft., and includes a message board. Kench shared photos of the proposed elevations, noting that the applicant has removed some of the awning signage, which brings their total request to 226 square feet of signage.

Kench stated that the 20' clear vision triangle would be met. He further commented that the site is somewhat unique in that it has frontage on three streets.

Commissioner Kulick commented that if the ground sign was put on a pole with an 8' clearance it would meet the definition for a pylon sign.

Mr. Brad Rhodes, Sign Art, addressed the Board. Mr. Rhodes commented that they feel the sign is proportional to the building. He further commented that the streetscape includes a 1/2 wall, round pedestrian area, and a 4' ground sign would basically be hidden. He further commented they are trying to conform to the wishes of the Planning Commission and shared a concept drawing for one of their other stores with the same elevation proposed for the Mt. Pleasant Store.

Chairman White asked how much signage is fixed to the building. Mr. Rhodes stated it was approx. 190 square feet.

Commissioner Fokens asked for clarification on the total sign area being requested. Mr. Rhodes stated they were asking for a total of 226 square feet.

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

Correspondence:

Kench stated the Fire Department had no objections.

Commissioner Kulick commented that the site is unique in that MDOT has an additional Right-of-Way area there. He also commented that this is the only area along Mission that is like that.

Commissioner Quast commented that the Planning Commission wasn't as concerned with the width of the sign as they were with the height. She stated they acknowledged that the sign needs to be visible; but not overpowering for pedestrians, and commented that she is uncomfortable with the proposed height of 15 ft.

Chairman White stated that although he prefers the monument signs, he feels the proposed height defeats the purpose. He further expressed some concern with the overall square footage and feels that the building is going to be plenty visible on this corner.

Commissioner Quast commented that she agrees that the 4' is unrealistic.

Commissioner Palm commented that if the upper portion of the ground sign could be made smaller, it would not only reduce the height, but would reduce the total square footage.

Vice-Chairman Ellertson commented that the site is unique and it is pretty significant that it fronts on three streets and he is not concerned with the overall square footage. He feels that it is justifiable due to the 3 street frontages.

Commissioner Palm commented that the building is going to be very identifiable from Preston Street and expressed concern with the size of the proposed monument sign.

Commissioner Fetting asked if the monument sign was two sided. Kench explained that it was; however only one side is used in the calculation for display area.

Commissioner Quast stated she is fine with the proposed building signage; however, not with the height of the monument sign.

Commissioner Kulick stated if they took out the LED message, it would shorten the height.

Commissioner Fokens commented that he can see the rationale for the additional 26 square footage of sign. He further stated that with the 2 foot seating wall, the base of the sign would be lost and if we ask them to take off the bottom of the sign, then it will not be visible. He commented that he likes the design for the sign and his initial concern of visual clearance will not be an issue. He further stated that he has some concern with the overall height and questioned whether the CVS Pharmacy portion could be reduced.

Commissioner Quast asked for the applicant's thoughts.

Mr. Rhodes stated that they do have a design that is approximately 10' in height, which shortens the face of the CVS sign. With the sign cap, the overall height would be close to 10' 9". The design is more lineal, with the message below. CVS Pharmacy wishes to keep the message center.

Commissioner Palm asked what the difference in the width would be. Mr. Rhodes stated he couldn't say for sure as he didn't bring the information on that particular design with him; however commented that there isn't much more space there.

Motion by Ellertson, support by Fokens to approve a ground sign with an approximate height of 10' 9", realizing that this will help mitigate the overall 26' variance request in regards to overall square footage.

Motion approved.

Commissioner Ellertson also commented that he commends the Planning Commission and the CVS Pharmacy for the design and is happy to see a viable business going on this site.

VII. New Business

None

VIII. Other Business

A. June ZBA Meeting - anticipated items.

Kench stated that the Board would be considering Case ZBA-09-2012 at the June meeting, along with any new requests that may be submitted prior to the June 5 deadline.

Adjournment

Motion by Kulick, support by Ellertson to adjourn to work session. Motion approved.

Meeting adjourned 8:45 p.m.

Reconvene:

Board reconvened following the work session at 9:00 p.m.

Motion by Kulick, support by Quast to approve the document entitled: *"Documentation of Current Review Procedures and Standards; Redevelopment of Housing in the M-2 Zoning District."*

Motion approved.

Motion by Quast, support by Kulick to adjourn.

Motion approved.

Meeting adjourned at 9:03 p.m.

bam