

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
August 2, 2012**

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

Present: Brockman, Lux (arrived 7:15), Holtgreive, Hoenig, Kostrzewa, Orlik (Chair), Smith (Vice-Chair).

Absent: Quast, Shellady.

Staff: Gray, Murphy.

II. **Approval of Agenda:**

Motion by Holtgreive, support by Kostrzewa, to approve the agenda.

Motion approved.

III. **Minutes:**

A. July 12, 2012 Regular Meeting

Chairman Orlik asked for a correction on page 5 as noted:

Chairman Orlik stated *is it* isn't just the hours of operation that are in question, but also the mezzanine and the occupancy.

Motion by Kostrzewa, support by Brockman to approve minutes with noted correction.

Motion approved.

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

Chairman Orlik suggested moving this item further down the agenda as Commissioner Quast had not yet arrived.

V. **Public Hearings:**

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

A. **A-12-01 - Request to formerly vacate the alley running from Lincoln Street to Chippewa Street and between Lansing Street and Franklin Street.**

Staff introduced case A-12-01, noting that the City has held property at the rear of the lots for the purpose of placing an alley. Staff reported that in this particular block, somewhere around the year 1955, a home was built in a portion of the right-of-way, which would suggest that the City had intended to abandon the alley. However, a recent

sale of the property and subsequent title search revealed that there was no formal record that the City had officially abandoned the alley. In order to facilitate the sale, the city agreed to move forward to formally vacate this area of the alley. In addition, to prevent similar future issues for the remaining properties, the City Commission has initiated procedures for the formal abandonment of the entire alley.

Staff noted that the alley is not viable for alley use and there are no public utilities.

Staff noted that the City Charter requires the City Commission to hold a public hearing prior to moving forward with the abandonment. Requests to vacate alleys are typically brought to the Planning Commission, who also holds a public hearing and then makes a recommendation to the City Commission.

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

Board Discussion:

Motion by Kostrzewa, support by Holtgreive that the Planning Commission recommend that the City Commission formally vacate the alley property running from Lincoln St. to Chippewa St. and between Lansing St. and Franklin St. in Block 9 of the Original Plat of the City of Mt. Pleasant.

Motion approved unanimously.

VI. Public Comments:

Chairman Orlik opened the floor for public comments.

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

VII. Site Plan Reviews

None

VIII. Unfinished Business

A. SUP-12-07 - 1705 S. Mission - L-1 Bar & Grille. Staff reminded the Commission that they had postponed action on this case at their July 12, 2012 meeting, requesting that staff meet with the applicant to get clarification on proposed hours of operation and other operational issues. Staff reported that a meeting had taken place and as a result the applicant has offered written representations of their proposed changes, along with a revised seating layout.

- Nightclub hours shall be no greater than 10:00 p.m. to 2:00 a.m. 7 days per week (with patrons permitted to finish their drinks by 2:30 a.m.)
- Restaurant hours shall be a minimum of 9:00 a.m. to 10:00 p.m. 7 days per week

- The total seating will be 140, with 120 on the main floor and 20 on the mezzanine
- 75% of the seating will be in tables and chairs (the remaining seating may be in couches and the like)
- The primary use of the mezzanine space will be for office and storage space

Staff noted that this allows the applicant flexibility to reduce the nightclub hours, but not increase them. In addition, they could increase the restaurant hours, but not decrease them. Staff commented that in his view, the issues the Commission brought forth at the previous meeting have been addressed. Staff commented that based on the multiple revisions, the proposed recommendation includes many of the previous conditions for approval with an addition that any further modifications would require prior Planning Commission approval, and noted that failure to obtain the approval may be cause for revocation of the Special Use Permit.

Commissioner Kostrzewa asked if the requirement that 50% of the gross revenue sales be from non-alcoholic products was a city requirement or if this was based on the applicant's representation. Staff stated that this is actually a state requirement for resort licenses, which is what the applicant is operating under. In addition, the ZBA granted their approval on the basis that the applicant complies with the state requirements for resort licenses.

Chairman Orlik commented that the issues that the Board dealt with at the previous meeting have been addressed; however questioned if anyone had any concerns with the fence.

Staff noted that the initial approval through the ZBA waived the 8' masonry wall requirement entirely. With the change of use, this went back to the ZBA at which time they again approved the waiver; however, left an option open for the Planning Commission to determine if they felt additional screening was warranted.

Vice-Chairman Smith commented that the fencing is not a concern to him and asked if there have been any complaints since the business opened. Staff confirmed that there have been no complaints.

Commissioner Brockman questioned if the fence at the rear of the site belongs to the shopping center property or the apartments behind it. Staff stated that based on past site plans, it appears that the fence is on the shopping center property.

Motion by Smith, support by Brockman that the Planning Commission finds that the request for SUP-12-07 from L-1, Inc. to allow a restaurant that serves alcohol/nightclub at the property located at 1705-1721 S. Mission Street meets the conditions listed in Section 154.171(A). The Special Use Permit is hereby approved, based on the materials provided by the applicant, subject to the following conditions:

1. The applicant shall comply with the requirements of Section 154.067(C)(9) of the Zoning Ordinance.

2. The applicant shall comply with the requirements of the Zoning Board of Appeals, including the following:
 - a. At least 50% of the gross revenues of the establishment shall be from food sales.
 - b. Use of the mezzanine is approved provided that the occupancy of the building will not exceed its current occupancy of 151 people during restaurant hours and 175 people during nightclub hours.
3. Approval is based on the representation of the applicant that seating on the ground floor shall be 120; seating on the mezzanine level shall be 20. Also, at least 75% of the seating shall be at tables and chairs, as represented by the applicant.
4. Approval is based on the representation of the applicant that the establishment will be operated as a restaurant at least between the hours of 9:00 a.m. and 10:00 pm., daily and operated as a night club at most between the hours of 10:00 p.m. and 2:00 a.m., daily. An increase in the maximum hours of operation as a night club and/or decreases in the minimum hours as a full service restaurant will be considered a change in use and will require review and approval by the Planning Commission.
5. Noise from the establishment shall not be audible at the property lines.
6. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).
7. Modification of these conditions will be considered a change in use and will require review and approval by the Planning Commission. Failure to obtain Planning Commission approval prior to making changes may be cause for revocation of the Special Use Permit.

Motion approved unanimously.

B. SPR-12-03 - 1003 Douglas - Joseph Olivieri. Request for site plan review to raze the existing building and construct a rooming dwelling for up to 11 occupants. Chairman Orlik reported that this case will be postponed until the September 6, 2012 meeting at the applicant's request.

IX. New Business:

A. SPR-10-14 - 1705-1721 S. Mission - Request to extend approval to construct a 5,000 square foot retail building with drive-through and associated site improvements.

Staff reported that this request is for the same property that L-1 is located on, and noted that in 2010 the Planning Commission approved construction of a new building under the Mission Redevelopment Overlay Zone. In September of 2011 the Planning Commission approved an extension through July of 2012. The applicant has requested another

extension of the approval for an additional year, and has noted that he is currently negotiating with a prospective tenant for the site. Staff reported that there have been no changes to the site plan or the elevations that were previously approved.

Chairman Orlik asked if there was any fee for extending the request. Staff noted that there is none.

Motion by Brockman, support by Kostrzewa that the Planning Commission grant an extension to the approval of SPR-10-14 and final plan approval for Special Use Permit 10-01 to allow the construction of a 5,000 square foot retail building on the property located at 1705-1721 S. Mission Street under the Mission Redevelopment Overlay Zone through July 1, 2013. Approval is subject to the following conditions:

1. All prior conditions of approval related to SPR-10-14 and SUP-10-01 shall remain in effect.

Motion approved unanimously.

X. Other Business:

A. Staff Report

1. September Planning Commission meeting - Anticipated Agenda Items.

Staff noted that 1003 Douglas will be on the agenda. To date, no new applications have been received, however the deadline is not until August 13, 2012.

2. 2012 Goals.

Staff provided a summary of the status of the Planning Commission's 2012 goals:

Priority Goals:

a. Begin the 5-year review and update of the Master Plan.

Staff reported that proposals for professional planning services were received from 7 consultants. He will attempt to get a meeting set up with the RFP committee in September to review the proposals and will then schedule interviews. A meeting request will be sent out to the Commission to find out their availability. Staff noted he would like to have the consultants on board by the end of September.

In addition, staff reported that he had worked with a group of students at CMU, who have completed a demographic study. A written report will soon be available.

b. Develop potential policy and ordinance amendments to address repeat ordinance offenders.

Staff reported that we are currently working with the city's general counsel to develop procedures utilizing the current zoning ordinances. Staff reported that there has been

some miscommunications and noted that additional meetings are being scheduled with the City Commission, Senior Management and Chairman Orlik.

Staff noted that he will try to get some recommendations in writing following these meetings.

c. Consider Zoning Amendments recommended by the ZBA and those needed to address conventional development projects.

Staff provided a list of the proposed amendments that have been recommended by the ZBA and noted that in addition to those on the list the ZBA has also discussed recent variances to allow ground signs. The ZBA is currently awaiting the construction of the CVS sign that was recently approved before making a formal referral to the Planning Commission. Staff noted the Commission needs to decide how to proceed with the housekeeping amendments and suggested a sub-committee look at the issues. Commissioner Brockman and Commissioner Hoenig offered to serve on the sub-committee. Staff suggested asking Commissioner Quast if she was interested in serving on the committee as well as she had expressed interest in the topic. The Commission agreed, noting that if Commissioner Quast was not interested, then the sub-committee would consist of the other two commissioners.

Chairman Orlik commented that the committee may want to consider dealing with the issues one at a time (or cluster related issues together) and bring back their recommendations if that makes review easier.

As Time Allows:

a. Complete the Mission Street Redevelopment District (Mission north of Pickard and along Pickard.

Staff noted that although no work has commenced on this goal, we have been successful working with developers on some of the recent projects to incorporate the design concepts and materials that are consistent with the objectives of the district, including Belle Tire and O'Reilly Auto Parts.

As time allows, we will work towards getting the amendments in place to help assure similar projects are proposed as redevelopments take place.

B. Correspondence

Staff referred to the correspondence provided by the Isabella Community Development department in regards to their intent to amend their Master Plan. Staff noted that State Statute requires notice be sent to surrounding jurisdictions, and further noted that if acceptable, future correspondence related to the process would be sent electronically. The commission agreed that electronic correspondence is acceptable.

Agenda Item IV.

Chairman Orlik returned to agenda item IV and asked staff to provide the ZBA report in Commissioner Quast's absence.

Staff reported that the ZBA denied a request for additional wall signage for Happy's Pizza. In addition, they reviewed the list of Ordinance amendments and agreed that these were the amendments that they were interested in having the Planning Commission take a look at for possible revisions.

Adjournment:

Motion by Lux, support by Brockman to adjourn to work session.

Meeting adjourned at 7:31 p.m.

bam