

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
June 7, 2012**

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

Present: Hoenig, Holtgreive, Kostrzewa, Lux, Orlik (Chair), Shellady, Smith (Vice-Chair).

Absent: Brockman, Quast.

Staff: Gray, Murphy.

**II. Approval of Agenda:**

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

Motion approved

**III. Minutes:**

**A. May 3, 2012 Regular Meeting**

Chairman Orlik noted that the result from the motion for Case SPR-12-08 was left out of the minutes and asked that it state: *Motion was approved unanimously.*

Vice-Chairman Smith noted that Mr. Dosenberry's name was spelled incorrectly and should be corrected.

Motion by Holtgreive, support by Smith to approve minutes as amended.

Motion approved.

**B. May 3, 2012 Work Session**

Motion by Kostrzewa, support by Holtgreive to approve minutes from work session.

Motion approved.

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

Staff gave a report on Zoning Board of Appeals (ZBA) action in Commissioner Quast's absence.

Staff reported that the ZBA had 4 cases on their agenda at their May 23, 2012 meeting. One case, 1003 Douglas, appears on the Planning Commission agenda, requesting a Special Use Permit and site plan review for a proposed two-unit rooming dwelling. Staff commented that the ZBA had approved the replacement of a non-conforming use, and approved an increase in occupancy.

The ZBA also approved the expansion of a parking area at 110 E. Cherry.

One case, involving a setback request at 402 Greenfield, was postponed at the applicant's request as they could not be in attendance.

Staff reported the final case was a sign variance request for CVS Pharmacy. A monument sign was approved with some modifications to the proposal, which decreased the overall height of the sign.

## **V. Public Hearings:**

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

### **A. SUP-12-04 - 1003 Douglas.** Request for a Special Use Permit to raze existing building and construct a rooming dwelling for up to 11 occupants.

Staff reminded the Commission that this case was postponed last month pending action by the Zoning Board of Appeals. The property is zoned M-2 and is surrounded by similarly zoned properties. There are currently two separate dwellings on the site and the site is licensed for a total of six occupants. Staff reported that the land area permits 9 occupants. The applicant's original request was for a two unit rooming dwelling for 12 occupants. The applicant has since adjusted the request to 11 and the Zoning Board voted to approve the request based on the non-conformities that would be eliminated as identified by the applicant:

- Licensed rear dwelling unit
- Unpaved gravel parking
- 4 parking spaces for 5 tenants
- Rear building does not comply with the 25-foot minimum rear setback
- Front and rear building do not comply with the 6.5-foot minimum east side setback
- Front building does not comply with the 20-foot front setback
- Front building does not comply with the 12-foot separation to the building on the adjoining parcel to the north

The Zoning Board approved the request with a finding that the request constitutes a marked decrease in the degree of non-conformity and voted to allow 11 occupants. The approval was granted subject to meeting DPW and DPS requirements and with staff review of the lease agreements in regards to stronger code enforcement.

Staff shared the site plan, noting that the parking will all be in the rear with access off the alley. The applicant has upgraded the building to include brick 1/2 way up in the front and sides.

Staff stated that with the applicant's approval issued by the ZBA, the proposed rooming dwelling will comply with all building height and setback requirements, as well as the lot width and area requirement listed in Section 154.095 of the Zoning Ordinance. Staff reported that the applicant has shown some foundation plantings on the elevation

drawings and has addressed irrigation in his write up. Staff reminded the Commission that the Police Department has requested that rocks and stones not be used as landscaping or mulch in the student neighborhoods. Staff also reported that the site plan indicates that trash carts will be screened.

Staff referred to the code enforcement history, noting that the owner purchased the property in 2000.

Staff also referred to comments submitted by the Department of Public, noting that separate services may be required for each unit for water and sewer. In addition, storm water management will be required. Public Safety has noted standard safety concerns, and also have recommended installation of a fire suppression system.

Staff commented that the Planning Commission and Zoning Board of Appeals have indicated they would be willing to allow one additional tenant, and in rare instances, two will be considered with M-2 redevelopment proposals. Staff further stated that if the Commission is comfortable with the ZBA's approval, then he would recommend approval with conditions.

Chairman Orlik asked if there was any rationale from the ZBA that defines this as a rare instance, as he doesn't see much difference in this request as compared to previous requests.

Staff replied that an excerpt of the draft minutes is included with the packet and the ZBA reportedly had some discussion; however the motion did not articulate the rationale. The majority of the members of the ZBA were comfortable with the request and noted that the applicant had responded to their request to upgrade the building materials and add detail.

Joe Olivieri, applicant and developer, addressed the Board, offering to answer any questions.

Chairman Orlik asked Mr. Olivieri if he was the property owner. Mr. Olivieri stated he was not; he was representing the owner as the developer.

Commissioner Lux asked staff if a fire suppression system was a recommendation or a requirement.

Staff stated it was a recommendation, and is not required by Fire Code.

Mr. Olivieri commented that statistics show that when there are working smoke detectors in the home, 99% of the fires involve no fatalities. He further stated that most builders cannot afford a sprinkler system. He additionally referred to a duplex fire near his office, where one unit suffered extensive damage and the other was virtually untouched.

Commissioner Kostrzewa asked about the floor plan. Mr. Olivieri stated that the two units would be the same except one wall will be taken out of the 5-occupant unit and the living space would be made larger.

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

Motion by Lux, support by Shellady to approve the request for SUP-12-03 from Joe Olivieri on behalf of Rentwood Management, LLC to allow construction of a Rooming Dwelling with a maximum occupancy of 11 at the property located at 1003 Douglas 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 comply with all site plan review requirements.
3. The applicant shall comply with the requirements and conditions of the Zoning Board of Appeals.

Chairman Orlik stated that he has some concerns from the precedence standpoint, and suggested remanding it back to the ZBA to get a clear idea what the rationale is for allowing two extra occupants.

Commissioner Kostrzewa questioned whether that was allowed - once the ZBA makes their decision.

Staff stated that this is allowed. Staff referred to the document developed by the Planning Commission and ZBA to develop some working principals and to give some direction on what we are looking for. Since we have not seen one approved for two additional occupants, there hasn't been any discussion on what warrants granting two.

Chairman Orlik concurred that this action would not circumvent the ZBA decision - he is just looking for the record to reflect the rationale that the ZBA used in finding this to be a rare instance warranting two additional tenants.

Chairman Orlik called for a roll call vote on the motion submitted by Commissioner Luz. Yays: Kostrzewa, Lux, Smith. Nays: Orlik, Holtgreive, Shellady, Hoenig. Absent: Brockman, Quast.

Motion failed 3:4.

Motion by Orlik, support by Holtgreive to remand the issue back to the ZBA, asking for the rationale on what makes this a rare occasion.

Vice-Chairman Smith asked for clarification on whether the ZBA was being asked to reverse their decision, or just to explain the rationale.

Chairman Orlik stated it was to clarify why this constitutes a rare occasion.

Commissioner Lux commented that this should have been defined prior to getting this far in the process and expressed concern over holding up the applicant.

Mr. Olivieri stated that there was discussion at the ZBA on what makes it rare and there was no clear answer. He commented that we now have one - this owner eliminated 8 non-conformities, added an additional parking space over what is required by ordinance, and added \$17,000 in brick. He further commented that the Planning Commission gave it to the ZBA to make the decision.

Chairman Orlik commented that in his opinion, this is similar to the other approvals given for one extra occupant, and stated that if we have no clear rationale, then every request that comes before us will be for two additional occupants.

Mr. Olivieri stated that he is in the process of working on three other potential redevelopments and is only asking for one.

Commissioner Kostrzewa questioned Mr. Olivieri on how they decided to ask for 11.

Mr. Olivieri stated that they started out at 12 because this design will work on this site with 12 - there is enough parking, etc.

Staff commented that it is important to make it clear to the development community what our expectations are. If we send it back to the ZBA, they can articulate their expectations and get them on record. He further commented that we tried to build in some flexibility and we are not asking the ZBA to change their ruling - just to state the rationale for this proposal being a rare occasion.

Vice-Chairman Smith commented that the clarification isn't going to change the request and suggested the Planning Commission could still take action so as not to hold up the applicant.

Chairman Orlik asked what the construction schedule was. Mr. Olivieri responded it was slated for next summer.

Chairman Orlik asked staff to roll call the vote to remand the issue back to the ZBA, asking for the rationale on what makes this a rare occasion.

Yays: Shellady, Kostrzewa, Holtgreive, Hoenig, Orlik. Nays: Smith, Lux. Absent: Brockman, Quast.

Motion passed 5:2

- B. SUP-12-08 - 1218 S. Mission.** Staff introduced Case SUP-12-08, stating that this is a request to use the former Grand Traverse Pie Company building for use as a Happy's pizza. Staff commented that with no change to the layout, generally this type of request would not come before the Board; however the applicant is proposing the sale of alcohol, which was not an authorized use with the previous restaurant. By Ordinance, this would classify it as a Class I Restaurant which requires a Special Use Permit.

Staff stated that the site plan indicates 78 parking spaces, where 70 are required with the proposed restaurant use and retail spaces on the site.

Staff referred to Section 154.003 of the Zoning Ordinance, which restricts alcohol sales for a Class I restaurant to no more than 50% of the gross revenue. The applicant has provided a projected budget indicating they anticipate approximately 88% of their income to be from food sales. Staff also referred the Board to the menu provided by the applicant showing the variety of food items offered.

Staff reported that the restaurant has a drive through window intended to be used for food pickups only - no alcohol. Staff further reported that alcohol sales from drive-through windows are not permitted under Michigan laws; however, suggested any approval include that condition in the event the law changes.

Staff reported the Fire Department review includes standard conditions, including proper fire suppression for the hood.

Staff concluded his report, stating that the basic conditions of the Zoning Ordinance have been met with this request and it is therefore being recommended for approval, with noted conditions.

Commissioner Kostrzewa asked if this is a chain restaurant. Staff affirmed that it is.

Greg Wordlaw, construction director, representing Happy's Pizza commented that the restaurant is a franchise that mainly serves food, with a few of their sites also selling alcohol. Some of their sites also sell carry out beer and wine.

Chairman Orlik asked if there would be any deliveries of alcohol. Mr. Wordlaw stated if the law allows beer, there may be some alcohol delivery, but no hard liquor. Staff clarified that when his report refers to alcohol, it includes all alcohol. Chairman Orlik stated he would like to add the condition that there is no delivery of alcohol, including beer. The applicant agreed.

Vice-Chairman Smith asked how many stores there were and how many sold alcohol.

Mr. Wordlaw stated that they have 103 stores, with four in the process of getting approval to sell alcohol and 4 that currently sell alcohol.

Commissioner Kostrzewa asked if any of the other sites were in college towns, and if there would be a bar in the restaurant. Mr. Wordlaw replied that have a site in Kalamazoo that sells beer and wine. He further replied that the Mt. Pleasant location would include a small bar; however, he reiterated that their main focus is food.

Commissioner Lux asked if someone could come in and purchase beer without ordering food. Mr. Wordlaw stated they could. They will also have a cooler that someone can purchase beer for carry out.

Commissioner Kostrzewa asked where the home office was located, to which Mr. Wordlaw replied it was in Farmington Hills, Michigan.

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

Board Discussion:

Commissioner Lux asked if there would be an easy in/easy out access to East Campus Drive. Staff responded that they are currently working with the adjoining property owners and the University on a potential East Campus Drive connector near the Special Olympics Building. He indicated that it is similar to the access recently approved near the CVS site. Staff stated that both of these locations would be presented to the Downtown Development Authority (DDA) for prioritization. He stated it is likely the CVS site will take precedence.

Motion by Smith, support by Holtgreive to approve the request for SUP-12-08 from HP Mt. Pleasant #101, Inc. to allow a Class I restaurant and use of the existing drive-through at the property located at 1218 S. Mission St., based on the materials provided by the applicant and subject to the following conditions:

1. The applicant shall comply with the requirements of Section 154.066(D)(3)(a) of the Zoning Ordinance and the performance standards listed in Section 154.003 related to Class I restaurants.
2. The applicant shall meet State and City requirements for the transfer and maintenance of a liquor license for on-premises alcohol sales and consumption.
3. There shall be no alcohol sales from the drive-through window, and there shall be no deliveries of alcohol.

Motion approved unanimously.

**C. SUP-12-09 - 309 N. Main Street - Ginkgo Tree Inn.** Staff introduced the case, reminding the Commission that they had approved a Class I Restaurant and Inn at this site in 2011. Staff reported that the applicant has made some modifications, including adding an outdoor seating area and converting the garage to a kitchen/bar area. The modifications also include a covered walkway connecting the garage to the main building. Staff referred the Commission to the work plan submitted by the applicant. The initial plan indicated an outside area for 60 guests; however, there are some issues to work out with the Fire Department that may reduce the area to 49. There may be some minor adjustments to the parking layout to allow fire service. Staff also stated that if the Commission is comfortable with staff working with the applicant to work through these issues, he would recommend approval.

Chairman Orlik asked if construction had started prior to approvals. Staff stated that the walkway was currently under construction due to some confusion. The applicant had received approval from the Liquor Control Commission for the 2nd license and had

misunderstood that she also needed additional approval from the Planning Commission and Building Department.

Jean Prout, owner and applicant addressed the Board, apologizing for getting excited and proceeding without proper approvals, and stated that she has worked through those issues with staff.

Mrs. Prout explained that she wishes to use the back patio area to allow grilling out.

Chairman Orlik asked about the hours of operation and asked for clarification. Mrs. Prout stated the hours of operation would be from 4:00 p.m. to 9:00 p.m.

Commissioner Kostrzewa asked if there would be any additional restroom facilities. Mrs. Prout stated there would not as there are already ample facilities.

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

Motion by Lux, support by Hoenig to approve the request for SUP-12-09 from Ginkgo Tree Inn, LLC to allow expansion of the existing Class I restaurant located at 309 N. Main to allow outdoor seating and alcohol service subject to the following conditions:

1. The applicant shall comply with the requirements of Section 154.067(C)(8) of the Zoning Ordinance and the performance standards listed in Section 154.003 related to Class I restaurants.
2. The applicant shall comply with the requirements of DPS and the Michigan Liquor Control Commission regarding alcohol sales.
3. All previous conditions associated with SUP-11-01, SPR-11-01 and subsequent amendments shall remain in effect and be met.

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**

- A. SPR-12-01 - 1300 E. Pickard - O'Reilly Automotive.** Staff noted that this case has been before the Commission over the course of several months and he would therefore restrict comments to the two unresolved issues, being the Access Management Plan and the screening wall.

Staff noted that the site is zoned C-3, general commercial, and backs up to residentially zoned property to the south. Staff referred to the revised site plan prepared by the applicant. Staff noted that the City's Access Management Plan calls for the closure of the west driveway; however, as noted in previous meetings, this driveway is shared with Redbird and is their only access for delivery vehicles. The Commission had voted to postpone the request to allow the applicant to look into mitigation measures. The applicant is proposing a restrictor island, that would restrict left turns into and out of the west driveway and has provided engineering support that this meets the intent of the Access Management Plan. The plan has also been reviewed and approved by the City Engineer. Staff stated that because many of the delivery trucks approach from the east and it doesn't make a lot of sense for them to have to continue past the site and turn around, the restrictor island will be constructed with rolled curbs to allow delivery trucks to make left turns into and out of the drive. The island will be very visible and will encourage left turning traffic to use the eastern driveway, pulling traffic away from the intersection. Staff stated that this solution doesn't totally eliminate left turns, but limits them.

Staff reported the second issue that the applicant was asked to revise was in regards to the screening wall. The current wall is less than 6' in height and the cap is deteriorated in many spots. The Planning Commission had expressed interest in seeing that the wall meet the 6' maximum requirement. The applicant is proposing reinforcing the existing wall and adding a cap on it to bring it up to the 6' height. Staff also referred to the Commission's concern about destroying the existing trees to make the modifications to the fence and shared photos of the site, showing that the trees had enough distance between them and the wall to allow for the modifications.

Staff concluded his report noting that the Commission would need to make two decisions: whether to grant a waiver from the Access Management Standards, and action to approve the site plan.

Staff also noted that he had spoken with the owner of Redbird, who verbally indicated he was comfortable with the proposed driveway configuration.

Chairman Orlik asked about water drainage. Staff commented that the applicant's plans had indicated that storm water drainage would all go into the MDOT system, however the City Engineer noted the slope and the grade of the site would allow some of the drainage to go to the south. Staff stated that although a solution was not noted by the applicant, any approval will be conditioned on DPW approval of the site plan.

Paul Engel, civil engineer representing O'Reilly's Automotive, addressed the Board, noting that he agrees with staff's recommendations and offered to answer questions.

Chairman Orlik commented that he sees positive things in regards to the solution offered with the Access Management Standards and also stated the cap on the wall will be a good addition.

Mr. Engel stated that they will run rebar down through the existing wall for reinforcement and also noted that they will be able to do this and add the cap without even trimming the existing trees.

Chairman Orlik suggested the Commission deal with the Access Management issues first.

Motion by Smith, support by Holtgreive to permit a modification to the strict application of the access management standards, allowing the applicant to retain the western driveway on the property with the addition of an island to the same to restrict left turns into and out of the driveway, provided that rollover or mountable curbs are utilized that allow delivery vehicles to continue to make left turns into and out of the driveway. The modification is authorized on the following basis:

1. Based on a review by the City Engineer, the modification is generally consistent with the intent of the Access Management Plan.
2. The modification mitigates traffic generation by reducing left turns at the western driveway.
3. Closure of the driveway is impractical due to the need to maintain deliveries to the adjoining Redbird property.
4. The mitigation measure is supported by the Michigan Department of Transportation (MDOT).

Motion approved unanimously.

Motion by Kostrzewa, support by Shellady to approve SPR-12-01 from O'Reilly Automotive Stores, Inc. based on the site plan prepared for O'Reilly Auto Parts by Craig A. Schneider, AIA, Architect (Comm # 3160, dated August 26, 2011 and last revised on May 10, 2012) for the property located at 1300 E. Pickard. The Site Plan is approved with the following conditions:

1. The turn restriction island proposed in the western driveway shall be constructed of mountable or rollover curb meeting MDOT requirements and allow for delivery vehicles to make left turns into and out of the driveway.
2. The applicant shall comply with the requirements of the Division of Public Works (DPW) and Division of Public Safety (DPS).

Staff noted for the record that the Department of Public Safety comments indicated that they were supportive of the design, noting that the rolled curbs will need to be designed to allow fire truck access as well as deliveries. Staff noted that the condition noted for delivery vehicles will also include fire trucks.

Motion approved unanimously.

**B. SPR-12-03 - 1003 Douglas.**

Chairman Orlik made a housekeeping motion, supported by Smith, to postpone SPR-12-03 until feedback is received from the Zoning Board of Appeals.

Motion approved unanimously.

- C. SPR-12-12 - 802 Industrial Park Drive.** Staff introduced the case noting that the site location is along the entrance ramp of US\ 27. The applicant is proposing a 10,000 sq. foot addition to the 24,000 square foot existing building. Staff noted that the site is occupied by Central Michigan University (CMU) off campus and online programs. The proposed addition will allow them to extend their operations and offices.

Staff noted that the proposed addition complies with setback requirements and the proposed parking also meets the requirements of the Ordinance. Staff stated that the landscaping plan proposes new trees along the western side and the applicant has proposed installing dumpster enclosures. The plan calls for no changes in signage and any site lighting will comply with city code.

Staff reported that the plan does not call for sidewalks and noted that the Planning Commission has granted waivers for properties on both sides of Industrial Park Drive. Staff stated that the proposed plan does not suggest there will be any changes in pedestrian traffic which would warrant the installation of sidewalks. Staff noted that if the Planning Commission agrees, it would be appropriate for them to grant a waiver for this addition.

Staff reported that the Department of Fire Safety has noted that with the parking lot addition, the site exceeds the maximum length that is allowed without providing a turnaround for fire trucks. The applicant owns the adjoining property and has indicated they would be willing to modify the site plan to include access through the adjoining parking lot. Staff stated that if the Commission is agreeable to allowing staff to review the modification, he is recommending approval.

Pete Lorenz, Lorenz Surveying and Engineering, addressed the Board as civil engineer representing the applicant. Mr. Lorenz explained the proposed modifications to the site plan to allow for the turnaround area. Mr. Lorenz stated that the modifications would take away five parking spots; however, they would still be able to meet ordinance requirements for the number of spaces.

Board Discussion:

Chairman Orlik suggested the Board discuss the sidewalk waiver first and then move on to the Site Plan Review.

Motion by Smith, support by Lux, that pursuant to the requirements of Section 154.022(B) of the Zoning Ordinance, the Planning Commission grant a waiver to the requirement to install sidewalks in the public rights-of- way on a finding that the property is not located on a street designated as a school walking route and there are no existing intermittent public sidewalks on the streets within the block where the property is located. Also, the property is not located on a principal access route to a major activity center.

Motion approved unanimously.

Site Plan Review:

Motion by Lux, support by Smith to approve SPR-12-12 to allow a 10,019 square foot building addition to the property located at 802 Industrial Park Drive, based on the site plan prepared by Lorenz Surveying and Engineering dated May 14, 2012 (job no. 120025) with the following conditions:

1. All new site lighting shall comply with the requirements of Section 96.13 of the Code of Ordinances.
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.

**D. SPR-12-13 - 309 N. Main. Ginkgo Tree Inn.**

Motion by Kostrzewa, support by Smith to approve SPR-12-13 from Ginkgo Tree Inn, LLC to construct a covered walkway, outdoor seating and convert the carriage house on the property located at 309 N. Main Street, based on the site plan drawing dated May 29, 2012 and subject to the following conditions:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved unanimously.

Commissioner Kostrzewa commended the applicant, stating she has made the place beautiful.

**VIII. Unfinished Business**

None

**IX. New Business:**

**A. Master Plan Update - Consider draft Request for Proposals (RFP) and scope of services for professional services.**

Staff noted that as part of the 2012/2013 Goals, the Commission is working on the Master Plan update. Staff reminded the Commission that earlier this year they had appointed a committee of Vice-Chairman Smith and Commissioner Holtgreive to assist with the RFP for professional services.

Staff noted that when the scope of the project was developed, it was broken down into two pieces, one of them being the development of grid streets along Mission. Staff also noted that we are making some progress on the west side of Mission and need to also

look at the east side and a larger development area. Staff stated that there is a need for traffic engineering assistance with that piece.

Staff noted the second piece is for planning consulting services to help with other scopes of work such as prioritizing Ordinance amendments, etc. Staff commented that he would recommend, and the committee has supported his decision to consider recommending sole-sourcing to AECOM, specifically Ian Lockwood. Staff reported that Mr. Lockwood assisted the city with the introduction of the grid street concept and they are about the only firm in the country doing this type of thing. Staff additionally noted that bringing Mr. Lockwood here brought the opportunity to open dialog with Central Michigan University. CMU has previously hired Mr. Lockwood to assist them with their Master Plan as well.

Staff stated that based on other commitments, Mr. Lockwood has not been able to get us a proposal, but we expect to see one next week, and he has indicated that he could bring us a proposal for an amount not to exceed \$15,000. Staff stated that once he receives the proposal, he will e-mail it out to the Planning Commission. If there are concerns over the proposal, staff indicated the Planning Commission could postpone taking it to the City Commission. Staff further stated that if the Planning Commission is comfortable with the proposal it would then be sent on to the City Commission for their June 25th meeting. Staff provided a tentative schedule.

Chairman Orlik suggested staff email the proposal from AECOM to Planning Commissioners once it is received. If staff doesn't hear any objections from the Commission within five days, then it would then be sent on to the City Commission.

Motion by Holtgreive, support by Kostrzewa to recommend the RFP and Mission Grid Street Project Scope to the City Commission.

Motion approved unanimously.

## **X. Other Business:**

### **A. Staff Report**

#### **1. July Planning Commission meeting - Anticipated Agenda Items.**

Staff reminded the Planning Commission that the July meeting has been moved out a week due to the July 4th holiday and will be held on July 12, 2012. So far we have received one applicant from L-1 Bar & Grille following some modifications to their operations.

#### **2. Review Procedures and Standards - Redevelopment of Housing in the M-2 Zoning District.**

Staff noted that no action is required by the Planning Commission as they have already endorsed the document. Staff reported that the Zoning Board of Appeals has

also endorsed the document and the next step will be to provide it to the City Commission.

**B. Correspondence:**

1. **Ethics Article.** A newspaper article regarding the Ethics policy was submitted by Mr. Peter Reale. No action was required.
2. **Notice of unauthorized changes - L-1 Bar & Grille**

Staff referred the Commission to a letter that was sent to the owners/operators of the L-1 Bar & Grille following some unauthorized changes to their operations. The owners were notified that any changes would need to be submitted to the ZBA and Planning Commission for approval, at which time incomplete applications were submitted. Staff prepared a letter noting what was needed to complete the application and also met with the owners to discuss the changes. Staff further reported the L-1 just completed their 6 month review with the Liquor Commission.

Commissioner Lux questioned if the Commission has the right to revoke the SUP that was previously granted. Staff stated that the Planning Commission has the right to not approve the proposed changes; however, any action to revoke an SUP would be through the Zoning Board of Appeals.

Staff stated they had contacted the city's legal council on how to proceed.

Commissioner Lux asked if staff had spoken with the Liquor Control Commission. Staff stated he had not, but will be calling them.

**XI. Adjournment:**

Motion by Holtgreive, support by Kostrzewa to adjourn.

Meeting adjourned at 7:25 p.m.

bam