

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
August 6, 2009**

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

Present: Brockman, Ellertson, English, Holtgrieve (arrived at 7:03), Jakeway, Lux, Orlik (Chair), Smith (Vice Chair).

Absent: Robinette (excused).

Staff: Gray, Morrison, Sundberg.

II. Approval of Agenda:

Motion by Ellertson, second by Brockman, to approve the agenda as presented. Motion approved.

III. Approval of Minutes

A. July 2, 2009 Regular Meeting.

Motion by Smith, second by Brockman, to approve the minutes of the July 2, 2009 regular meeting. Motion approved.

IV. Zoning Board of Appeals Report.

A. Monthly report for July.

Commissioner Ellertson reported that there was no Zoning Board of Appeals meeting in July.

V. Public Hearings:

Chairman Orlik explained the public hearing process and asked staff to introduce the first case.

A. Case #SUP-09-08 – 105 E. Broadway – Midori Sushi & Martini Lounge– Request for a Special Use Permit to allow a Class I Restaurant.

Staff presented details of the applicant's request based on the staff report dated July 31, 2009, noting the applicant's business plan proposes to invest into the project more than the minimum amount required, with 60% of the projected revenue derived from food sales. The establishment is expected to be open 6 days per week.

Chairman Orlik asked the Planning Commission for questions of staff. There being none, Orlik asked the applicant to address the project before the Planning Commission. Rich Swindlehurst, 110 E. Michigan, believes this will be a great asset to the downtown, compliment other businesses, and add to the whole downtown mix.

Orlik asked about the term "lounge" in the establishment's name and whether it would be promoted more as a bar than a Class I restaurant. Swindlehurst responded that they see it as a term that is chic and trendy. While emphasis will be on sushi, alcohol is necessary in order to be successful.

Orlik, recalling the previous applicant's business plan where alcohol would be served only with an entree, asked how the applicant felt about that as a way of doing business, acknowledging that it could not be required. Swindlehurst said he did not see a need for that since they plan to uphold all state and local requirements, and if someone wanted to stop in just for a drink that should not pose a problem.

Commissioner Jakeway asked for clarification about the jurisdiction of the Class I designation. Staff explained that the Class I designation is a local designation approved by the Planning Commission, while a separate Class C quota liquor license is issued by the City Commission.

Commissioner Lux asked if they foresee the lounge as being more like a restaurant than a bar, like Cheers. Swindlehurst said he does not see it as being anything like Cheers or geared toward a bar atmosphere, as it is being designed with tables, not a lot of standing room, and resources put toward

extremely fresh food and quality chefs. He also confirmed that there would be no dance floor.

Chairman Orlik opened the public hearing.

Cindy Neal-VanderPloeg, owner of 120 S. Main, had talked to 23 people in the past few days and all agreed that the applicant will create a quality establishment, but shared concerns about whether the lounge may eventually become a bar if the trendy approach does not last, and wondered how it will be monitored to ensure that the food ratio is maintained.

Tony Kulick, 409 S. Fancher, spoke in favor of the applicant's request (written comments attached).

Jeff Ellis, 213 N. Fancher, questioned who monitors the establishment and whether it meets all state and local regulations.

There being no further comments, Chairman Orlik closed the public hearing and invited comments from the Planning Commission.

Staff noted that the business owner is monitored by staff to assure compliance with the conditions of the Special Use Permit, but there is no fixed schedule. An "event" doesn't have to precede being monitored.

Motion by Brockman, second by Jakeway, to approve the request for SUP-09-08 from Midori Sushi and Martini Lounge for a Class I restaurant at the property located at 105 E. Broadway 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. Use of the property as a Class I restaurant shall be subject to issuance of a liquor license and compliance with the requirements of the City Commission and the Michigan Liquor Control Commission.
3. The design of the exterior building façade shall be subject to the review of the Director of Planning and Community Development.
4. The applicant shall comply with the requirements of the Division of Public Works (DPW) and the Division of Public Safety (DPS).

Motion approved unanimously.

- B. Case #SUP-09-09 – 1221 South Drive – Central Michigan Community Hospital – Request for a Special Use Permit to allow the expansion of an existing parking lot, located on the north side of North Drive.

Commissioner English excused herself for the duration of the case due to a conflict of interest, i.e. she has a working relationship with the applicant.

Staff presented details of the applicant's request based on the staff report dated July 30, 2009. Gray noted that the 98-space parking addition would expand into properties zoned R-2, Residential and OS-2 Office Service. The hospital and parking require a Special Use Permit in the R-2 district. Gray also explained that since the staff report was written, the applicant has confirmed that the proposed landscaping will be irrigated. There being no questions asked of staff by the Planning Commission, Chairman Orlik asked the applicant to come forward.

Stacie Tewari of Rowe Incorporated, representing the applicant, explained that the storm water detention has been approved. Vern Hoag, of CMCH Facilities, stated that outdoor activities at Pullen School will continue as usual.

Chairman Orlik opened the public hearing.

Tony Kulick, 409 S. Fancher, spoke in favor of the applicant's request, and suggested North Drive be closed off.

There being no further comments, Chairman Orlik closed the public hearing and invited comments from the Planning Commission. No discussion.

Motion by Smith, second by Lux, to approve the request for SUP-09-09 from the Central Michigan Community Hospital for property located on the north side of North Drive to allow an expansion to the hospital employee parking area with the following condition:

1. The applicant shall comply with all site plan review requirements.

Motion approved unanimously.

VI. Public Comments:

There were none.

VII. Site Plan Reviews:

- A. SPR-09-18 – 214 S. Washington – Lois Breidenstein – 576 square foot parking area (3 spaces) off of alley.

Chairman Orlik reported that the applicant requested postponement until the September meeting.

- B. SPR-09-19 – 1221 South Drive – Central Michigan Community Hospital – 36,140 square foot parking lot expansion (98 spaces) north of existing parking lot located on the north side of North Drive.

Commissioner English excused herself for the duration of the case due to a conflict of interest, i.e. she has a working relationship with the applicant.

No staff report, as it had already been given during review of SUP-09-09, and no comments from other departments. No discussion.

Motion by Brockman, second by Lux, to approve SPR-09-19 to allow construction of an addition to the hospital employee parking area located on the north side of North Drive, based on the site plan drawings prepared by Rowe Professional Services Company received by the Planning Department on July 28, 2009 with the following conditions:

1. The masonry obscuring wall required by Section 154.106 of the Zoning Ordinance is waived at this time, in lieu of the landscaping proposed by the applicant, on a finding that the proposed parking expansion does not directly abut the neighborhood to the north and residential development is not anticipated on the property to the west. This waiver may be revisited by the Planning Commission if additional expansions are contemplated in the future.
 2. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).
- C. SPR-08-13 (modification) – Corner of S. Franklin and E. Gaylord – Jeff Jakeway – Modification to site plan for proposed parking lot.

Commissioner Jakeway excused himself for the duration of the case due to a conflict of interest, as he is the applicant.

Staff presented details of the applicant's request based on the staff report dated July 31, 2009, noting that the previously approved site plan required relocation of the utility pole. The applicant is electing to leave the pole in place. As a result, the driveway approach flares have been modified and the parking lot has been narrowed and shifted slightly to the west. These changes are subject to review by the Planning Commission. There being no questions asked of staff by the Planning Commission, Chairman Orlik asked the applicant to come forward.

Pete Lorenz, of Lorenz Surveying and Engineering, approached the podium on behalf of the applicant

and explained that the turning radius is adequate as shown on the site plan. He also addressed the access drive and explained that the City does not regulate such; MDOT does, so their charts and allowable ranges were used to calculate and design the access flares entering and exiting the parking lot. The maneuvering area was reduced slightly as well, which also helped overall.

Commissioner Lux asked why the service pole was not addressed on the original site plan. Lorenz explained that they did plan on relocating it but later learned that several variables involved with relocating three different utility lines was more complicated than originally thought to be.

Commissioner Smith noted that the modification was not lowering any standards or conditions of the original site plan approval.

Commissioner Brockman asked if the pole will be a sight obstruction. Staff explained that the design was modified to meet DPW recommendations and no concerns are anticipated.

Motion by Holtgrieve, second by Brockman, to approve the modification to SPR-08-13, based on the plan and details last revised on July 29, 2009, with all other terms and conditions of the Special Use Permit and site plan approval for this property remaining in place. Motion approved

VIII. Unfinished Business:

None.

IX. New Business:

A. Planning Commission Code of Ethics – Consider for possible adoption.

Chairman Orlik introduced the topic. He noted that staff prepared the proposed draft

Lengthy discussion ensued, with focus on items B.8., Full Disclosure, and B.11., Avoidance of Appearance of Impropriety. Commissioner Smith expressed concern that these provisions could unintentionally disqualify Commissioners; he suggested that they be written to clarify that direct financial interest is a conflict. Monitoring and enforcement were also discussed. It was noted that the code would be self-enforced by the Planning Commission.

Discussion followed regarding whether the code should be adopted by the Planning Commission or the City Commission. Morrison was asked if the City Commission has considered a similar policy. He said there has been no active discussion by the City Commission to adopt a code of ethics. It was the consensus that the Planning Commission should continue to develop and adopt a code of ethics; the code could be rescinded if the City Commission were to adopt a code in the future.

Chairman Orlik asked the commissioners to look over the text and give specific suggestions to staff over the course of the next few weeks. Staff was asked to compile the suggestions into a revised draft for consideration at the next meeting.

X. Other:

A. Staff Reports.

1. September Planning Commission meeting – Anticipated agenda items.

Staff reported that in addition to SPR-09-18 (item VII. A. postponed), a site plan is expected for a cell tower at Chipp-A-Waters Park, which is first going before the Zoning Board of Appeals for a variance.

XI. Adjournment:

Motion by Brockman, second by Ellertson, to adjourn at meeting at 8:30 p.m. Motion approved.