

**Mt. Pleasant Planning Commission  
Minutes or Regular Meeting  
April 7, 2011**

**I.** Vice-Chairman Smith called the meeting to order at 7:00 p.m.

Present: Holtgreive, Kostrzewa, Lux, Rautanen, Robinette, Shellady, Smith (Vice-Chair)

Absent: Brockman, Orlik (Chair)

Staff: Gray, Murphy.

**II. Approval of Agenda:**

Motion by Holtgreive, support by Robinette to approve agenda.

Motion approved.

**III. Minutes:**

Vice-Chairman Smith noted that there were three sets of minutes to approve: the regular meeting of the Planning Commission from March 3, 2011; the Work Session of the Planning Commission on March 3, 2011; and the joint meeting between the Planning Commission and City Commission on March 14, 2011.

Motion by Lux, support by Rautanen to approve the three sets of minutes.

Motion approved.

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

As Commissioner Brockman was not in attendance, staff reported that the ZBA heard one case at their March meeting. The request, for the property located at 218 N. Lansing Street, was for a rear-yard setback. The applicant had been issued a building permit to build a small addition on the home. During an inspection of the addition, it was noted that a deck had also been enlarged, which had not been included in the permit application, and which encroached into the rear-yard setback. The Board denied the request, noting that there were other options for the applicant which would not require a variance.

**V. Public Hearings:**

Vice-Chairman Smith explained board proceedings and asked staff to introduce the case.

A. SUP-11-04 – 1506 W. High. A request for a Special Use Permit to allow a Class I Restaurant.

Staff reported that the site is located on West High Street, across from Chipp-A-Waters Park. The property is zoned C-3, with the property to the North, East and West also zoned C-3. The property to the South is zoned R-1 Residential. Staff reported that the applicant, Tavola Gigi's has submitted their request to add alcohol sales to their existing restaurant through a Resort Liquor License. Staff commented that the intent of the SUP requirements is to assure establishments maintain their restaurant status with 50% of the business to be from food sales. In fact, the applicant estimates that less than 20% of the revenues will be from alcohol sales if the permit is approved. Staff further reported that the applicant has proposed no physical changes to their site. Staff reported that the parking is sufficient for the request, and in addition, the owner of the property has indicated that the adjoining property, which he also owns, could be used for any overflow.

Staff referred to the revised comments provided by the Department of Public Safety. After conducting field measurements, they have required only minor changes. The applicant is aware of the Fire Department requirements.

Staff concluded his report stating the request meets the requirements of the ordinance and is therefore recommended for approval.

Commissioner Lux commented for clarification that the City Commission would need to approve the Liquor License, and that the Planning Commission has nothing to do with that approval, they just need to decide on the Special Use Permit.

Georgianne Gennette-Zavaglia, applicant, addressed the Board. Ms. Gennette-Zavaglia stated that this is only the first step in getting their liquor license. She stated that their intent is to be a restaurant, with the alcohol as an add-on to this use. They are not interested in operating a bar – they specialize in homemade pastas, sauces, etc. They will continue to place their focus on food; however, feel the license is necessary to be competitive. Ms. Gennette-Zavaglia also stated that they have met with several city officials to assure the building meets the necessary requirements.

Commissioner Kostrzewa asked if the liquor license has been approved through the state. Ms. Gennette-Zavaglia reiterated that this is only the first step. They needed to get this approval prior to applying to the State. They have found a resort license that is available and have a tentative purchase agreement; however, the State could still deny them. Ms. Gennette-Zavaglia commented that the advantage to the Resort license is that they don't run into the quota issue.

Commissioner Lux questioned whether this would just include the sale of beer and wines, or if there would be liquor available as well.

Ms. Genette stated it would be a full class C License; however, their intent is to have mainly wine, with some beer and after dinner liquors. She further commented that another advantages of obtaining the license is for their catering business. Commissioner Lux asked if the interior of the diner is set up as a restaurant and if they intend to put in a bar. Ms. Gennette-Zavaglia commented again that a “bar” is not their intent. The current set up is for large groups out front, with individual table seating in the back.

Ms. Gennette-Zavaglia stated that when they moved their business to this location they were not concerned about not having a liquor license until they began getting cancelations based on that fact. She reiterated that in order to be competitive, they feel they need to be able to serve alcohol with meals.

Vice-Chairman Smith referred to a recent case involving a resort license, where it was indicated that establishments were required to have seating available for 100 patrons. Ms. Gennette-Zavaglia commented that the State has been trying to make some changes with development licenses, but she would need to look into that. Staff commented that the parking would be sufficient to accommodate 100 patrons; however, we would need to verify whether the building itself could. Commissioner Lux commented that the requirement may be different for an establishment that is strictly a Class I Restaurant, whereas the previous request included a Night Club. Commissioner Rautanen questioned whether we need to get clarification prior to making a decision. Vice-Chairman Smith stated the Planning Commission can proceed with their part of it.

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

Motion by Kostrzewa, support by Rautanen to approve the request for SUP-11-04 from Tavola Gigi’s LLC to convert to a Class I restaurant at the property located at 1506 W. High Street, based on the materials provided by the applicant and subject to the following conditions:

1. The applicant shall comply with the requirements of Section 154.067(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.

Motion approved.

## **VI. Public Comments:**

Vice-Chair Smith opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

## **VII. Site Plan Reviews**

**A. SPR-10-24 Revised: Mountain Town Station.**

Staff reminded the Board that they had recently approved a proposed addition to Mountain Town Station at their December meeting. The applicant has submitted a revised site plan, which includes an additional 300 square feet. In addition, the revised plan includes some additional bump-outs and features to add architectural interest. Because the revised plan is an increase in the area previously approved, it has been brought back to the Planning Commission.

Vice-Chairman Smith asked if the increased area would mean an increase in occupancy as well.

Gary Sych, representative for the applicant, addressed the Board, stating that the original plan did not include a kitchen for the new area and the revised plans do. Commissioner Lux asked if there would then be two separate kitchens; one for the new addition and one for the existing restaurant. Mr. Sych indicated that was the intent.

Motion by Rautanen, support by Kostrzewa to approve the revisions to SPR-10-24 to construct an addition the Mountain Town Station Class I restaurant located at 506 W. Broadway based on the site plan revised on March 8, 2011 by CMS&D Surveying/Engineering with 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).
2. The conditions of SUP-10-14 shall remain in effect.

Motion approved.

**VIII. Zoning Ordinance Amendment**

Staff referred the Board to the proposed Ordinance changes provided by the City Attorney that are consistent with the recent Tribal agreement. The City Commission has referred the proposed changes to the Planning Commission. Staff stated the Planning Commission will need to hold a Public Hearing prior to voting on the proposed changes.

Motion by Holtgreive, support by Lux to hold a Public Hearing on May 5, 2011 to get public input on the proposed changes to the Ordinance.

Motion approved.

**IX. Other Business:**

#### **A. Capital Improvement Plan (CIP)**

Staff reported that the Commission will receive a final copy of the CIP next month. Staff has provided a draft of the summary sheets to provide the Commission with an overview. Final documents will include detailed sheets describing each project. Staff further reported that some of the projects have been moved out or extended over a period of years due to budget and staff reductions.

Vice –Chairman Smith commented that no action was required by the Board.

Commissioner Kostrzewa questioned the riverfront property purchase for 2012. Staff indicated that there currently is land available next to Chipp-A-Waters Park that is under consideration. Staff further reported that the final documents will list fund sources, including items that may be considered under grant funding opportunities. Staff also stated that the City Commission ultimately makes the decisions on which projects are funded.

#### **B. May Meeting**

Staff reported that we have not received any applications as of this date; however, the deadline for submittal isn't until next week. Staff reported that next month's agenda will include the Public Hearing on the Ordinance Amendment, as well as the Capital Improvement Plan.

#### **C. Census**

Commissioner Holtgreive asked staff for a report on Census numbers. Staff reported that numbers came in 26, 016. He further commented that maintaining a count above 25,000 was very significant. If we had fallen below 25,000 people our state shared revenue formula would change, our ACT 51 funding (for roads and roadway maintenance and construction) would drop. Commissioner Holtgreive commented that staff had done an excellent job of leading the campaign and congratulated staff on a job well done.

#### **X. Adjournment:**

Motion by Robinette, support by Rautanen to adjourn. Meeting adjourned at 7:35 p.m.