

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
March 14, 2013**

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

Present: Brockman, Cotter, Dailey, Hoenig, Holtgreive (Vice-Chair), Quast, Shellady, Smith (Chair).

Absent: Kostrzewa.

Staff: Gray, Murphy.

**II. Approval of Agenda:**

Chairman Smith asked to add an item under "Other Business" to include: Assign presentations for civic groups.

Motion by Holtgreive, support by Brockman, to approve the agenda as amended.

Motion approved.

**III. Welcome New Board Member:**

Chairman Smith welcomed Keith Cotter to the Planning Commission.

**IV. Approval of Minutes:**

**1. February 7, 2013 Regular Meeting**

Motion by Holtgreive, support by Brockman to approve minutes from the February 7, 2013 regular meeting as written.

Motion approved.

**2. February 7, 2013 Work Session**

Commissioner Quast noted a typographical error and asked for a correction as follows:

**It was also noted that density isn't a bad ~~think~~ thing if managed properly.**

Motion by Holtgreive, support by Brockman to approve minutes from the February 7, 2013 work session with noted correction.

Motion approved.

**V. Zoning Board of Appeals Report for February:**

Commissioner Quast reported that the ZBA did not have a February meeting.

**VI. Public Hearings:**

**A. SUP-13-01 - 2013 S. Mission - Ronald McIvor.**

Staff reported that case SUP-13-01 will be postponed until May, as it needs to appear before the Zoning Board of Appeals for a variance prior to coming to the Planning Commission.

No action was required by the Commission.

**B. SUP-13-06 - 108 Court Street - Rick Swindlehurst.**

Staff introduced case SUP-13-06, noting that the site plan review that corresponds with this case appears later on the agenda and we will be reviewing them both together. Staff noted that the applicant is looking to continue the existing use as a night club, and would like to construct a small addition on the front of the building, bringing it up to the front lot line. The property is zoned C-2 as are the surrounding properties. Staff noted that buildings in the C-2 district are allowed to build to the front property line, as there is no on-site parking requirements and there are no landscape requirements.

Staff shared a site plan of the property, noting the area between the building and the lot line; which the applicant wishes to utilize. Staff indicated the purpose of the addition is to create an indoor lobby area for patrons waiting to enter the nightclub. Staff noted that the addition will result in reducing the outdoor patio area, which will remain only in front of the Blue Gator.

Staff shared photos of the existing site along with illustrations of the new facade and elevations provided by the applicant. Staff noted that they will be balancing the elevations and updating the facade.

Staff commented that the SUP standards for the nightclub require that they not be within 100 feet of another nightclub. The site meets that standard.

Staff reported that DPW has indicated that storm water drainage review will be required and a grease trap may be required. At the time of the report, DPS had not offered any comments; however, comments from them have since been received and they have indicated no concerns. Staff noted that the SUP request meets the requirements of the Ordinance, the applicant has provided responses to the criteria and the request is therefore, being recommended for approval.

Commissioner Dailey asked for clarification on DPS requirements. Staff responded that the comments were not available at the time of the report, but were provided at the dais for the Commission.

Vice-Chairman Holtgreive asked if the addition would increase the allowed occupancy. Staff indicated it would change slightly; however how much would be determined by the Fire Department and Building Official with review of a building permit if the project is approved.

Commissioner Dailey commented that he prefers the looks of the old version.

Richard Swindlehurst, owner and applicant, addressed the Board, thanking Mr. Daily for his comment and noting that he had received a Community Improvement Award in the past for this location. Mr. Swindlehurst commented that the front of the building is falling apart and needs to

be redone and since they have to do some work on the building anyway, they wish to utilize the entire area. Mr. Swindlehurst also commented that he doesn't feel that the photos do the project justice. Mr. Swindlehurst noted that the actual size of the proposed addition is less than the 370 square feet noted in the application.

Commissioner Quast asked if the applicant had considered a more historic approach rather than modern. Mr. Swindlehurst noted that he feels that the materials they are using will give it a more historical appearance. He further noted that they are going for a more "high end" nightclub image.

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

Board Discussion:

Motion by Brockman, support by Quast that the Planning Commission approve the request for SUP-13-06 from Rick Swindlehurst to allow an addition to the existing nightclub at the property located at 108 Court Street with the following condition:

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

Motion approved.

## **VII. Public Comments:**

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

## **VIII. Site Plan Reviews**

**A. SPR-13-01 - 2013 S. Mission - Ronald McIvor.** Chairman Smith noted that this case is postponed until the May Planning Commission meeting.

**B. SPR-13-06 - 715 Oak Street - Dave Duba.** Staff introduced Case SPR-13-06, noting that the applicant is proposing to utilize the existing building as a duplex. Staff reported that the site is located in the M-1 zoning district, which limits the occupancy in each unit to not more than two unrelated people. Staff also reported that this site was previously licensed as two units, and was non-conforming as one of the units was licensed for three. Because the license lapsed for more than one year, the site has not only lost its non-conforming status but is required to come before the Planning Commission for site plan review to resume use as a duplex.

Staff reported that the applicant has made some improvements to the exterior of the building and will need to add additional parking on the alley side. Duplexes require three parking spaces per unit and the site plan provided by the applicant shows five; however, appears to have sufficient space to add the required 6th space. Staff reported that the Ordinance requires a landscape buffer when the site abuts single-family residences, and noted that the applicant will need to shift the parking to the west to allow for the buffer.

Staff reported that the applicant shows that trash cans will be used and noted that he will need to add screening to screen the trash cans from the street and alley.

The Department of Public Works noted that the site may require storm water review with the added parking area and also noted that two water service units would be required. The Department of Public Safety noted that the site will require a rental license.

Staff concluded his report, noting that with the modifications to the parking, screening and landscape buffer, the site meets the requirements of the Ordinance and staff is recommending approval with the noted requirements of the DPS and DPW.

David Duba, applicant, addressed the Board, noting that he had nothing to add, but would answer any questions the Board may have.

Chairman Smith asked if the site was currently licensed. Staff noted it was licensed until 2009. By Ordinance, when more than a year has passed, the request needs to come back to the Planning Commission.

Chairman Smith asked if the site has been vacant. Mr. Duba responded that it has been vacant since the license lapsed to allow him time to make some needed repairs.

Commissioner Dailey questioned why this needed site plan review. Staff responded that the Ordinance now requires hard surface parking and the site needs to conform with current standards, which requires 6 parking spaces for a duplex. The site will accommodate the six spaces by shifting them to the west and adding one. Staff noted that the changes to the site plan are fairly minor and noted that if the Commission is comfortable with staff approving the changes, they could approve the request with that condition.

Motion by Dailey, support by Brockman to allow the existing building located at 715 Oak to be utilized as a two family dwelling (duplex), based on the site plan prepared by the applicant with the following conditions:

1. The applicant shall provide a revised site plan showing 6 hard surfaced parking spaces in accordance with the requirements of Section 154.120 of the Zoning Ordinance, and a 5-foot landscaped buffer between the parking area and east property line in accordance with Section 154.051(C)(9)(d) for review and approval by the Community Development Department prior to occupancy of the building.
2. Outdoor screening of trash carts shall also be shown on the revised plan, with the location and nature of screening subject to the approval of the Community Development Department.
3. The occupancy of the building shall not exceed the requirements of the Housing Licensing Code and the Zoning Ordinance, currently a single family or not more than 2 unrelated people in each unit.
4. The applicant shall comply with the requirements of the Division of Public Safety (DPS), including all licensing requirements, and the requirements of the Division of Public Works (DPW).

Motion approved.

**C. SPR-13-07 - 108 Court Street - Richard Swindlehurst.**

Chairman Smith noted that this will be a formal approval of the site plan for this site.

Motion by Brockman, support by Quast that the Planning Commission approve SPR-13-07 to construct an approximately 6 feet deep addition across the width of the existing building located at 108 Court Street based on the site plan dated February 11, 2013 and the elevation drawings provided with the request with the following condition:

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

Motion approved.

**IX. Unfinished Business:**

**A. Z-13-01 - 1040 E. Broomfield - P.S. Equities.** Staff reported that he has met with the applicant who is looking at some alternative concepts for this property. The applicant has tentatively indicated that he will be ready to come back to the Commission at the May meeting, and has asked that the case continue to be postponed until then.

Chairman Smith referred the Commission to the letter of opposition that was received from a neighboring property.

**X. New Business:**

**A. Special Meeting for March 21, 2013.**

Staff referred the Commission to the e-mail that was previously sent with a preliminary agenda and survey and asked that the Commission consider setting a joint meeting with the Central Business District Tax Increment Finance Authority (CBD-TIFA) and the Downtown Development Board (DDB) to discuss Master Plan Downtown Priorities. Staff asked the Commission to provide him with any comments/updates they would like to see, and also commented that the packets will be sent out electronically to each Board with hard copies available the night of the meeting.

Chairman Smith asked for clarification on the survey. Staff noted it would be available after the joint meeting and would be looking for input from Downtown Business owners; property owners and residents in general.

Motion by Brockman, support by Hoenig to set a special joint meeting with the CBD-TIFA and the DDB to be held on Thursday, March 21, 2013 at 6:00 p.m. in the City Hall Commission Chambers to discuss Downtown priorities for the Master Plan update.

Motion approved.

## **B. Annual Joint meeting.**

Staff noted that each year, the Planning Commission meets with the City Commission for the purpose of discussing the annual report and to discuss upcoming goals. Staff noted that this year, the City Commission will be receiving results of the highest and best land use study for the Mt. Pleasant Property. Staff noted that since this information is important to consider with the Master Plan update, and since both topics may take some time to review, the City Commission has expressed interest in setting a special meeting date/time for this purpose.

Commissioner Quast asked if the M-2 redevelopment standards would be discussed. Staff noted that typically there is an open agenda but commented that with the two proposed topics, it will likely be a full evening already.

Chairman Smith asked if the Community Improvement Awards would be presented at this meeting. Staff noted he wasn't sure yet; however, commented that this isn't one of their regularly scheduled meetings, so it was unlikely.

Motion by Holtgreive, support by Dailey to set a special joint meeting with the City Commission to be held on Monday, April 15, 2013, at 6:00 p.m. in the City Hall Commission Chambers to discuss the 2012 Annual Report, the 2013 goals and the highest and best use study for the Mt. Pleasant Center.

Motion approved.

## **XI. Other:**

### **A. Ordinance Amendment Subcommittee Report and Recommendation:**

Commissioner Quast reported that the subcommittee of Quast, Shellady and Hoenig met with staff to prioritize the requested Ordinance amendments. Commissioner Quast reviewed the list as follows:

1. Section 154.095 – Setback requirements in Industrial zones (ZBA-04-2010/April 28, 2010)
2. Section 154.146(H) – 100 sq. ft. cap for wall sign area for individual tenants in a shopping center (ZBA-08-2010/June 23, 2010)
3. Section 154.095/Section 154.006 – Nonconforming lots in the M-2 zoning district (ZBA-14-2010/October 27, 2010)
4. Section 154.095/154.050(I) – Architectural projections in the Industrial districts (ZBA-05-2011/July 27, 2011)

Commissioner Quast reported that the sub-committee is recommending that the Commission first look at section 154.146(H) and staff has prepared the suggested language as follows:

Section 154.146 (H) Shopping centers.

- (1) In shopping centers, one pylon sign limited to a height of 30 feet and a minimum clearance of eight feet is allowed. The sign shall indicate the name of

the center along with the individual names of the businesses in an area limited to 200 square feet.

(2) Individual businesses within the center are allowed signs on the ~~premises~~ **building** not to exceed one square foot per lineal front foot of the building front ~~to a maximum of 100 square feet.~~

Commissioner Quast also noted that the subcommittee will meet again on March 25th and will consider language for number 1 and 4. They are recommending delaying number 3 until the City Commission reviews the M-2 regulations.

Staff noted that if the Commission was comfortable with the recommendation from the subcommittee a motion will be needed to place it on the Agenda for a public hearing.

Motion by Brockman, support by Holtgreive to place the recommendation for the text change in Section 154.146(H) on the April 11th agenda and hold a public hearing.

Motion approved.

#### **B. Staff Report:**

Staff noted that the public hearing for the proposed text change would be on the April agenda; and noted that the deadline for new submissions is Monday, March 18th. Staff reminded the Commission that the April meeting was moved to the 2nd Thursday of the month and will be April 11, 2013.

#### **C. Presentation Schedule:**

Commissioner Quast presented a list of service organizations that have agreed to listen to the "meeting in a box" presentation on the Master Plan update. Commissioner Quast asked Board members to consider which organizations and time slots would work for them. Based on the feedback, Commissioner Quast stated she would put together a schedule and distribute it to the Commission and contact the service organizations to finalize plans.

Staff noted that work continues to coordinate an open house on the Master Plan to coincide with the open house to get input on the Mt. Pleasant Center. The thought is to try and do it in one evening. Currently, they are looking at April 22nd to try and get all consultants on Board. Staff will keep the Commission apprised of the plans as they develop.

#### **XII. Adjournment:**

Motion by Brockman, support by Dailey to adjourn. Motion approved. Meeting adjourned 7:45 p.m.

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