

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
April 5, 2018**

I. Chair Hoenig called the meeting to order at 7:00 p.m.

Present: Dailey, Friedrich, Hoenig, Horgan, Irwin, Kostrzewa, Liesch, Ortman

Absent: Rise

Staff: Kain, Murphy

II. Approval of Agenda:

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

Motion approved unanimously.

III. Approval of Minutes

A. March 1, 2018 Regular Meeting:

Motion by Ortman, support by Dailey, to approve the minutes from the March 1, 2018 regular meeting as submitted.

Motion approved unanimously.

IV. Zoning Board of Appeals Report for March:

Commissioner Friedrich reported that the ZBA did not meet in March.

V. Communications:

Kain reported there were no communications.

VI. Public Hearings:

A. SUP-18-03 -2108-2112 S. Mission

Kain introduced SUP-18-03, submitted by Hua Qin Lin, noting this was a request to allow a Class I Restaurant at 2108-2112 S. Mission within the Stadium Mall shopping center.

Kain reported that the property is zoned CD-5 Urban Center, with future land use designated as Commercial. Class I Restaurants are a permitted use in the CD-5 district subject to a special use permit.

Kain noted that the property is located on the west side of S. Mission Street, across from the Mt. Pleasant Shopping Center, and abuts Central Michigan University to the west. Zoning on the properties to the north, south and east are the same as the subject property with future land use designated as commercial. Property to the west is zoned SD-U - University.

Kain shared photos of the site, noting which suites within the existing building the restaurant would occupy. He further noted that the restaurant will occupy approximately 3,700 square feet. Kain indicated that the proposed restaurant would be a Hibachi restaurant that would also serve beer and liquor. Kain reminded the Board that to classify as a Class I restaurant at least 50% of the gross income must come from food sales. Kain noted the hours of operation have been listed as 11:00 a.m. - 11:00 p.m. Monday through Saturday and 11:00 a.m. to 9:00 p.m. on Sunday.

Kain reviewed the SUP criteria for class I restaurants, noting that these would be listed as conditions for approval.

Kain concluded his report with the recommendation to approve subject to the conditions noted.

Commissioner Irwin asked what happens if 50% of the receipts are not from the sale of food. Kain responded that the SUP could either be revoked or the applicant could apply for a new SUP to operate as a nightclub, bar, or tavern. The restaurant could also continue operating without alcohol service.

Commissioner Kostrzewa asked if there was ever any accountability or auditing for Class I Restaurants in the city. Kain commented that this would be on a case by case basis and generally would result from a complaint or concern that the restaurant was not operating as required for Class I Restaurants. He further commented that we have not previously revoked a SUP for that reason.

Hua Qin Lin, applicant, and Tim Schlientz, project contractor, addressed the Board, offering to answer questions.

Commissioner Kostrzewa asked if this was the applicant's first restaurant venture. Mr. Schlientz responded that Mr. Qin owns a Hibachi restaurant in Traverse City and previously owned one in Buffalo, New York, which he sold when he moved to Traverse City.

Commissioner Kostrzewa asked if the restaurant would be targeting students. Mr. Schlientz responded that the restaurant is more family oriented. He further responded that there will not be an actual bar, but will be dining tables, with the cooking taking place in front of the patrons.

Commissioner Irwin asked if they already have the liquor license. Mr. Qin responded that they have one in Traverse City but not yet for Mt. Pleasant. Mr. Schlientz commented that they wanted to get through this process first.

Chair Hoenig opened the public hearing. There being no one who wished to speak the public hearing was closed.

Board Discussion:

Motion by Liesch, support by Friedrich, to approve SUP-18-03 subject to the following conditions:

1. The applicant shall comply with all requirements of Section 154.410 of the zoning ordinance related to Class I restaurants.
2. Use of the property as a Class I restaurant shall be subject to compliance with the requirements of the Michigan Liquor Control Commission.
3. The applicant shall comply with the requirements of the Division of Public Works.

Motion approved unanimously.

VII. Public Comments

Chair Hoenig opened the floor for public comments. There being no one who wished to speak the public comments session was closed.

VIII. Site Plan Reviews:

None

IX. Unfinished Business:

None

X. New Business:

A. Discuss Ordinances related to medical marihuana facilities and consider setting a public hearing on this issue at the May 3, 2018 regular meeting.

Kain provided a brief overview of the prior steps that the City has taken to develop the draft ordinances on medical marihuana facilities being introduced tonight. Kain stated that the only action requested tonight is to set a public hearing for the May 3, 2018 meeting.

Commissioner Dailey asked for clarification on what "stacked grower license" means. Kain explained that this means that a grower facility may utilize more than one license at a specific location, allowing them to have more plants and a larger growing operation. The stacked licenses do not count towards the number of grower facilities the city would allow. Kain further commented that the ordinance limits the number of grower facilities to 3 and limits the number of stacked licenses per facility to 3.

Commissioner Dailey asked for some clarification on the map. Kain explained where the provisioning centers could be located in the CD-4 and CD-5 zones and where they would not be allowed because of the buffer zones. He further noted that the only area the other types of facilities would be allowed is in the SD-I zoning district and all types of facilities would be subject to special use permits.

Motion by Dailey, support by Irwin, to set a public hearing to consider medical marihuana facilities ordinances at the May 3, 2018 Planning Commission meeting.

Motion approved unanimously.

B. Discuss housekeeping amendments to Chapter 154 and consider setting a public hearing on this issue at the May 3, 2018 regular meeting.

Kain introduced two minor zoning ordinance housekeeping issues for the Planning Commission's consideration. First, duplicate text regarding short-term rentals was erroneously included under the special use standards for rooming dwellings and is recommended for deletion. Second, staff has found that the definition of facade is insufficiently clear, particularly with regard to glazing standards, and as a result a new definition of facade area is proposed.

Commissioner Irwin asked if the facade area would be measured from the inside. Kain responded that the proposed definition would account for the interior and where glazing would not be possible on the exterior as a result.

Motion by Dailey, support by Liesch, to set a public hearing to consider proposed housekeeping amendments to Section 154.410.B.s.iv; Article VII; and Table 154.405.A of the zoning ordinance at the May 3, 2018 regular meeting.

Motion approved unanimously.

XI. Other:

A. Staff Report:

1. Administrative Reviews: Kain reported that staff administratively approved the following site plan:

- SPR-18-04 -1750 E. Bellows - an addition of a patio to the existing medical office building.

2. May Planning Commission meeting - Anticipated agenda items: Kain reported we would be holding the two public hearings on the proposed text changes. He is not aware of any other cases at this time.

Kain reminded the Commission of the joint meeting with the City Commission scheduled for April 9th, noting that they should be receiving their packets within the next day or so. Discussion took place regarding the availability of board members for this meeting. Kain commented that it appears there may not be a quorum and if that is the case the meeting would need to be rescheduled. He will follow up and report back.

Kain invited the Planning Commission to attend the presentation of the 2017 Community Improvement Awards, which will take place at the April 23, 2018 City Commission meeting.

XII. Adjournment:

Motion by Kostrzewa, support by Dailey, to adjourn.

Motion approved unanimously.

Meeting adjourned at 7:25 p.m.

bam