



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

May 14, 2014 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Member Anthony, Member Baratta, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Giacometti (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Sara Roediger, Planner; Kristen Kapelanski, Planner; Sara White, Planner; Adam Wayne, Engineer; David Beschke, Landscape Architect; Beth Saarela, City Attorney.

PLEDGE OF ALLEGIANCE

Member Lynch led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Baratta and seconded by Member Anthony:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER ANTHONY:

Motion to approve the May 14, 2014 Planning Commission Agenda. *Motion carried 6-0.*

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no Correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth said I have a few things to report this evening. First, City Council took action to approve the Revised Preliminary Site Plan for the Detroit Metropolitan Credit Union. That project is located at the northeast corner of Main Street and Novi Road. That project was approved about a year ago for a one-story building and applicant came back in a decided to add a second story.

Also, I wanted to tell you a little about last week's Placemaking training session. There were a number of appointed officials, elected officials, city staff and representatives from the Chamber of Commerce who attended the first session of the Placemaking Strategy Development Training. The Michigan State Housing Development Authority, Michigan State University Land Policy Institute, and the Michigan Municipal League sponsored this program. We had more than 20 participants and learned concepts from several modules of that training program. There's another session next Thursday evening, May 22nd. I expect that this next session is going to build on what was presented in that first session, and will be an interactive session designed to accommodate the participants. Any of the planning commissioners may attend next Thursday even if you didn't attend the first session. I will be sending out emails again with an invitation and some additional information for those who were not able to attend.

Finally, I wanted to introduce our new temporary planner, Sara White. She recently received her Master's Degree in Urban Planning from the University of Michigan and had received her undergraduate degree in architecture from the same university. While she was studying, she worked part time with both the City of Ann Arbor and Ann Arbor Downtown Development Authority. She's going to fill in with our department's needs over the summer while Kristen is on leave.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no Consent Agenda items.

PUBLIC HEARINGS

There were no Public Hearings.

MATTERS FOR CONSIDERATION

1. SUNDANCE GRILL & CANTINA, JSP13-56

Consideration of the request of Theodore Andris, PC for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is 1.89 acres in Section 2, located on the southeast corner of Fourteen Mile Rd. and East Lake Dr. in the B-3, General Business District. The applicant is proposing to construct a 693 square foot addition and a 526 square foot outdoor seating area at the existing Sundance Grill & Cantina.

Planner Sara Roediger said the applicant is proposing to construct a small addition and outdoor seating area at the existing Sundance Grill & Cantina. The site is located on the southeast corner of Fourteen Mile Road and East Lake Drive and is directly bordered by vacant land but is in the general vicinity of single and multiple-family residences. The subject property and the parcel immediately east are zoned B-3 General Business with R-4 One-Family to the west and south and C-1 Neighborhood Commercial in Walled Lake to the north. The Future Land Use map indicates Local Commercial uses for the subject property and the parcel to the east with Single-Family uses to the west and south and Gateway Mixed Use in Walled Lake to the north. The site does not contain any regulated wetlands or woodlands.

The applicant is proposing to construct a 693 square foot addition to the existing non-conforming Sundance Grill & Cantina building and a 526 square foot outdoor seating area along the building's west side. Additional parking and site upgrades are also being installed. Because this site is an existing non-conforming site, the applicant will need to obtain a number of waivers and variances as proposed, including two Zoning Board of Appeal variances for the expansion of the building to not meet the front and exterior side yard setbacks along 14 Mile Road and East Lake Drive. Four Planning Commission waivers are being recommended for the same-side driveway spacing, to permit a fence in lieu of a berm along the southern property line, for the lack of street trees, and to permit a reduced berm height along Fourteen Mile Road.

In addition, two City Council variances are being requested to not provide the required pathway along East Lake Drive and sidewalk along Fourteen Mile Road. Because the site is an existing nonconforming site that is being improved, staff supports the requested waivers and variances, with the exception of the variance to not provide the required sidewalk along Fourteen Mile Road, which is recommended in the City's' Non-Motorized Master Plan. The applicant has ample room on the site to accommodate this important non-motorized connection, identified as the 17th highest priority pathway & sidewalk segment in the Annual Non-Motorized Prioritization: 2013-2014 Update. Furthermore, the improvements made to this property will likely increase the need for pedestrian and bicycle access, as many patrons will be from the surrounding residential areas. As an alternative, staff would support a lesser administrative variance to allow the sidewalk to be located outside of the 1 ft. requirement from the future right-of-way line, provided the sidewalk connects to the existing bike lane along East Lake Drive to the west and to the existing sidewalk east of the property, as illustrated in the graphic. With the addition of this sidewalk,

planning staff can recommend approval of the plan. All other reviews recommend approval of the plan, with the facade review noting that approval is contingent upon all RTU's, exhausts fans and related ductwork be painted the same color as the trim to match the existing asphalt shingles. As you may recall the applicant was here late last year regarding the paint color of their building and with this proposal, the applicant has since met all of the conditions of the agreed upon stipulated disposition. This evening the Planning Commission is asked to approve the Preliminary Site Plan and Stormwater Management Plan. I'm happy to answer any questions you may have.

Clif Seiber, of Seiber-Keast Engineering, said with me this evening is Ted Andris, the owner of the Sundance Grill & Cantina, also Lee Mamola, the project architect. What's being proposed as described is a relatively small building addition that is a little less than 700 square feet that fills in the southwesterly corner of the building and the northeasterly corner which really cleans up that part of the building. Probably, one of the biggest positive impacts that is proposed here is that there is currently parking along the westerly side of the building and northerly site where cars currently back out into East Lake Drive and Fourteen Mile Road in order to enter and exit the site. All of that pavement and parking is proposed to be removed. We are now proposing an extension as you can see on that site plan of a new parking lot that does provide for parking requirements in accordance with the city's ordinance. As was mentioned, there are a number of waivers. There's a landscape waiver for street trees out on East Lake Drive and the Fourteen Mile Road right-of-ways. We are proposing a screen fence along that south property line rather than a berm. Of course, the separation requirement for the driveways from the corner of East Lake Drive and Fourteen Mile Road to our proposed driveway locations, which are essentially existing driveways, for the most part.

Mr. Seiber said, the one controversial area is the discussion about the sidewalk. Staff is supporting a waiver of the sidewalk on the East Lake Drive side because of the lack of right-of-way. I think primarily because there's an existing bike path that was built into the East Lake Drive pavement. There's a little widening on that shoulder of the pavement and it provides for a bicycle pathway. The objection that we have on the Fourteen Mile Road right-of-way, you can see from the blue line, which is the proposed sidewalk, to the red line, which is existing right-of-way line, there is a significant amount of land there. We did propose a sidewalk within the existing road right-of-way; however, that was too close to the existing road pavement on Fourteen Mile Road. Also, according to the engineering department, it didn't comply with the minimum distance from the edge of the pavement to the walkway or the safety path. The city attorney said that the ordinance does allow the pathway to be placed at the future right-of-way line. In other words, this results in the property owner being required to give property to the City as a condition of site plan approval. That is a point to which he objects. He is certainly willing to put the sidewalk in the existing right-of-way but he's not comfortable having to grant property to the City in exchange for a site plan approval. So with that, I'm here to answer any questions you may have.

Chair Pehrson asked the Planning Commission for comments or a motion.

Member Anthony said, in looking at what we're asked to approve in the Preliminary Site Plan, one item that didn't seem to be in the approval, maybe because it's not supposed to be, is the stipulated disposition items. The four modifications that were required were suggested in the facade letter by the consultant which had to do with matching the cedar shingles to the asphalt mechanical enclosure and then the other two. I have a couple questions with that. Should it be a condition of our approval that those are also met or through legal or procedural purposes, is that why it's not in there? Or did I just miss it when I looked at it?

Planner Roediger said the facade review letter indicates that there were the four conditions that we specified in the disposition and the proposed elevations that were included in the site plan met all of those conditions. So our consultant's review said he supports the plan because the plan met all of the

conditions. His only additional thought would be that the roof screening also be painted a color to match the shingles so that they blend in better.

Member Anthony said okay, just to repeat so that I make sure I understand this, the applicant already proposed those items within the site plan, therefore approving the site plan that's part of it? It's embedded in the site plan?

Planner Roediger said yes. Also, the suggested motion includes the requirements of all the comments in the staff and consultant review letters, and his letter addresses those conditions as well.

Member Anthony said with the issue of the sidewalk along Fourteen Mile, is it a conveyance of right-of-way?

Attorney Beth Saarela said it will be a pathway easement. It won't be a conveyance of right-of-way.

Member Anthony said so we're simply talking of a pathway easement which would be there at some point in the future and not a conveyance of property.

Attorney Saarela said it wouldn't be conveying right-of-way for road purposes or anything else. It would be just a pathway constructed across the property. It would be within the public pathway easement but it doesn't adjust the setbacks.

Member Anthony said, and thus any future development in that area would also have to incorporate this as well.

Attorney Saarela said yes that's correct.

Member Anthony said his next question would be to the owner of the property. The non-motorized plan for the city, it is a very important component of our community especially where this property is located, on the lake. It's a destination point for bikes and walking. It's a gathering location, so you really do have an ideal location there for this bike path. So I'd be very reluctant to waive that requirement there. So my question to you is so since this is not a conveyance of property, nor a loss of property ownership, but it is an easement. It's an easement that would be put in place for development of that property in the future and not one that would be waived or moved from where it is. Tell me your concern and why you couldn't support that. Unless now, with this new information, it's changed.

Ted Andris said I'm not sure I'm real clear on the technical explanation. To me, my understanding is that to put in a sidewalk the road commission would not allow it because of the proximity of the sidewalk to the road. There are some possible considerations there that might work but I'd have to consult further with my engineer. The sidewalk that's already there in the apartment complex that comes up to that property is a more narrow sidewalk. I think, perhaps, if we just continued that sort of a narrow sidewalk, that might not be a violation as far as the road commission is concerned. So I'm willing to do it if it's doable. I get lost a little bit on the engineering explanation and the go-between with the road commission and the City of Novi.

Member Anthony said well I'm certainly glad that you're open to consider this because when I look at the nine waivers that we're asked to approve, I think eight of them, I could approve. This remaining one, I'm certainly glad you're willing to consider.

Mr. Andris said I am willing to consider it and hopefully I'm not too dumb to understand it. I'm ok with the sidewalk there but in the same manner as it crowds the road on the other road, it seemed like the same application applies. It would be consistent with the width of the sidewalk leading up to the apartment's

sidewalk. The original width of the sidewalk discussed in this site plan was wider than that which I don't understand that but I think it's an engineering piece of information that is just standard or something. But if we could modify it just to be consistent with the other sidewalk, it's okay with me.

Member Anthony said if we went through with this with an approval that included that path, the details of that path, could that be worked out with staff between now and the final approval.

Planner Roediger said we would work with the applicant for a final site plan approval but speaking to the existing path that he's referring to that is shown in yellow on that aerial, I'm not sure the width of that sidewalk. It may be non-conforming or a sidewalk that was put in before our current standards. So we wouldn't want to commit to just matching an existing sidewalk without knowing the width of it.

Member Anthony said that's reasonable but that's something you would work on and explain so that the property owner is well informed.

Planner Roediger said correct. Our standard sidewalk width is six foot.

Member Anthony said all right good. Those were my questions.

Mr. Andris said I wanted to clarify. I guess there's an added complication. The sidewalk as it is situated in the apartment complex, I don't mean for the sidewalk to be in that identical location continuing west because that would rearrange our entire parking lot. What I'm thinking is, if it's the width of that sidewalk then it would be allowed to not interfere with the road commission's requirements. Maybe I better have Cliff explain that a little better than I'm doing.

Mr. Seiber said with regard to that location of that sidewalk, I believe it's the Beach Walk Apartments that are next door. When that was built, at the time the City had a proposed right-of-way there at 60 feet. Since that time, the City's Master Plan for Land Use has changed the right-of-way on Fourteen Mile Road to 43 feet. So if the City ordinance requires that the pathway be built at the 43 foot right-of-way, it will not connect to that Beach Walk sidewalk. The other thing is if it were built at the 43 foot right-of-way, the result of that to the proposed parking lot and landscaping is that it pushes everything south. It would push the parking lot farther southerly and the required 3 foot screen berm. I'm not so sure that's what Ted wants to do as far as moving the proposed improvements around to accommodate that additional sidewalk.

Member Baratta said I think my question may have been answered. When I was trying to understand what was being said here, when I look at the yellow sidewalk in front of the apartment complex and then look at the sidewalk in blue at the eastern side of the property, they appear to be in alignment. If I understood correctly, the original discussion was, don't put it in alignment, but allow the sidewalk to be at the street. I just wanted to make sure that we were both talking about the sidewalk being in alignment with the current yellow sidewalk as described for the apartment complex. I thought that was acceptable to your group.

Mr. Seiber said no it wouldn't be in alignment with the yellow sidewalk because that's at the 60 foot right-of-way line and that's not what the ordinance requires. The ordinance requires that at the proposed master right-of-way of 43 feet.

Member Baratta said ok thank you very much.

Member Lynch said I guess I'm still confused. You wouldn't have a problem if we run that blue sidewalk right along Fourteen Mile, right? If you ran right along Fourteen Mile, it's fine?

Mr. Seiber said from what I can see on that drawing, it appears that they drew that blue line at the 60 foot right-of-way line because it lines up with the yellow walk. I think it's actually incorrectly drawn on that drawing. There would be a little less curve coming off the yellow sidewalk to move it up to the 43 right-of-way line.

Member Lynch said and from what I just heard from the petitioner, he wouldn't have a problem as long we don't change the foot print of that parking lot or all that other stuff. So if we shifted that sidewalk on your property north, this is a non-issue, right?

Mr. Seiber said as long as it doesn't interfere with the proposed berm and parking lot.

Planner Roediger said I just wanted to point out that one of the additional conditions added to the motion sheet was to reduce the berm height from three feet, which is shown on the plans, to two feet in an attempt to address the applicant's concern. By reducing the berm height by one foot vertically, it doesn't have to take up so much space on the ground thereby adding about six feet between the berm and the parking lot which thereby wouldn't require the big shift in parking that they're concerned about. That's an attempt by staff to address the concern by supporting approval of another waiver. But I think, overall, looking at the entire site, it results in a better existing non-conforming site that met our goals of connectivity.

Member Lynch said ok so we reduce the berm to give them another six feet. So that blue line isn't drawn in the right place, correct?

Planner Roediger said the blue line is just an approximation. We just drew a line over the aerial just to give you an idea of what we're talking about. I think staff would be willing to look at some variation within there, but we were trying to make this pathway meet the intent of the ordinance as much as possible and keep it a safe distance away from the vehicle traffic to provide safety.

Member Lynch said I understand that. I don't want to burden the applicant. I do agree we need a sidewalk there; however, the sidewalk is one thing but to change the footprint is another. It becomes financially expensive. If we were to find a way to install the sidewalk and not have to move the parking lot or berm, it's my understanding you wouldn't have a problem with that. There has to be a way that we can minimize the expense. We don't want to change the footprint. There has to be a way that we can abide by the City ordinance and make it safe. I don't want the sidewalk by the road either but at the same time I don't want to add the additional expense to the applicant for the sidewalk. So my basic question is can we work out a win-win solution to this thing? Can we get that sidewalk to a place where we can put the sidewalk in and not change the footprint of what he's proposing? Is there a way we can do that?

Planner Roediger said I believe so. Again, this is going to be an administrative variance that's granted by the city's engineer so I'd like to hear Adam's comments. I think it's possible to get the sidewalk in without changing their plans. Adam?

Engineer Wayne said as the current design stands, the applicant has not sufficiently demonstrated that. What our ordinance requires is in fact a hardship. We do allow a light meander for the proposed pedestrian safety pathway away from that one-foot requirement if there's existing topography or other site conditions, something that creates a hardship. The safety requirement that they allude to earlier was that the pedestrian safety path must be at least 12 foot from the edge of pavement of Fourteen Mile Road. So between that 12 feet from Fourteen Mile Road and the future 43 foot away from right-of-way, there is some wiggle room where the applicant can either demonstrate that they cannot, in fact, accommodate a safety path or that they can through satisfying our ordinance requirements.

Member Lynch said ok so what I seem to understand here is the hardship is a financial one. By not allowing that sidewalk to move further to the north, we're creating a financial hardship on the business owner because he would have to change the footprint of the parking lot and the plantings. Does that kind of sum it up? Is that what we're looking at? I need to understand this because I have to vote on this.

Mr. Andris said I think you accurately described what going on here.

Member Lynch said then can we do this? It sounds like we're pretty close. I read through this and it's a good project. The other variances I don't have a problem with. I do want the sidewalk in but at the same time I don't want to create an additional hardship for the applicant. I guess my vote is going to be dependent. I'm going to assume that you guys can work this stuff out before it goes to the final site plan. I'll be in support of this thing but my support is based on the fact that this will get worked out before we go to the final site plan approval.

Member Greco said I have a couple of questions for staff just so I understand this as well. It looks like what the applicant is suggesting is that he is willing to put in a sidewalk but using the 43 feet right-of-way so that puts it up to Fourteen Mile. We have two things that are being said here. Number one, he's saying that he's willing to put the sidewalk near the road and pursuant to the ordinance, that's all that's required? Is that right?

Mr. Seiber said yes. That's what Mr. Andris is suggesting. We have submitted a plan in the alternate that would place the sidewalk 12 feet off the road pavement, in compliance with the city ordinance. That was offered as an alternative, it didn't move it all the way back to the 43 foot right-of-way line but it did still meet the safety requirement of separation from the road while minimizing the amount of land Mr. Andris would donate or grant to the City. I think I should clarify one thing. The granting of the easement is still a loss of property right. Certainly if that easement was there and the City were to condemn that property under eminent domain, they would argue that the value of the property has been diminished by the fact that there's an easement there. So granting an easement certainly does diminish property value. That's why we wanted to minimize the amount of property that had to be granted.

Member Greco said all right but I mean is there a dispute there between the letter of the ordinance and what's required and what the intent is? Is that the dispute that we have over placing it here versus placing it closer to the road?

Engineer Wayne said the intent of the ordinance is to ultimately accommodate pedestrian safety pathway here. So between the 43 foot, one foot off of that, and then the 12 foot from the pavement requirement, the ordinance allows wiggle room. And that allows the applicant to seek administrative variance from the right-of-way requirement to push it closer towards the road.

Member Greco said right so what we have is an area where, based upon the language and intent of the ordinance, we have two parameters where the intent of the ordinance and the ultimate safety is down here but if you look at the letter of the ordinance there is some wiggle room between here and here close to the road. Is that correct?

Engineer Wayne said that is correct.

Mr. Seiber said and we would fully support that. The way Adam described that, we would certainly work with that.

Member Greco said I know it's not engineered exactly, but the issue here is how close we can move the blue line toward Fourteen Mile and would be acceptable to the City? Is that right?

Engineer Wayne said, yes sir.

Member Greco said and the blue line, as exists connecting the yellow line of the other sidewalk, is what we want? And the applicant wants it closer to Fourteen Mile? And what the applicant wants to do is minimize the granting of land. So the applicant wants it closer to the road and the city wants it closer to the blue line?

Mr. Andris said yes.

Planner Roediger said just for clarification too, as mentioned, there were discussions between staff and the applicant and it was the staff's position that if a sidewalk is going to go in then maybe the best location for it would be between the berm and the parking as opposed to the parking then the berm then the sidewalk. Because then the berm acts like a buffer between the sidewalk and the street. So it would be our recommendation that we place it between the berm and the parking, if possible, to create that safety buffer if we're not meeting the distance requirements.

Chair Pehrson said to have that blue line connect that yellow line then we're going to have that meandering S shape to get it moving closer to Fourteen Mile. The berm was reduced from three foot to two foot gives us a little bit more wiggle room to then close the gap let's say to move that blue line closer to Fourteen Mile and still have the safety margin. That then takes some of the burden off of the applicant such that he is losing less property in that path. So if that's the case are we not moving all in the same general direction given the fact that this is City Council approval, correct?

Deputy Director McBeth said that the Planning Commission approves the site plan but there's a possibility that it would go to the City Council for the relocation of the walk.

Chair Pehrson said so what we're trying to do here is determine that as the buffer, if you will, for City Council to say it seems reasonable and seems like a good plan.

Planner Roediger said if the applicant shows the sidewalk on the property, staff can administratively grant the variance for the location so they wouldn't need a waiver from City Council at all on this item.

Chair Pehrson said so the verbiage of the motion that we would want to have is that staff will work with the applicant to derive that best location for the connection ultimately moving the sidewalk as close to Fourteen Mile but inside that safety boundary. I would also suggest on the other side of the berm as you have just so that we're not encroaching even further into their property line. That seems very reasonable from what Mr. Seiber and what we're proposing as well. Is that correct?

Deputy Director McBeth said to me that sounds very good. I think we would feel more comfortable if we were in agreement this evening about the location where the sidewalk could go with the understanding that there needs to be some additional information provided as well once we get to the final site plan.

Chair Pehrson said what's the number that we need to have in this motion that gives us that buffer and wiggle room from Fourteen Mile distance?

Engineer Wayne said I believe the proper specification would be that pathway must be a minimum of 12 feet from the road way and one foot off of the future right-of-way line. That would give you your upper and lower boundaries.

Chair Pehrson said and that would then also allow us to have the two foot berm south of the pathway?

Engineer Wayne said I think that would be up to the applicant to demonstrate that they can accommodate that berm within the area.

Chair Pehrson said ok. Everybody catch that? Mr. Seiber are you in alignment with what we're trying to do here?

Mr. Seiber said yes. The comment about moving the sidewalk on the other side of the berm, it sounds like it may push the berm into the existing right-of-way for Fourteen Mile Road which I believe the road commission would have a problem with. Either way, we would probably want to keep the berm next to the parking lot because it will be landscaped and screened. If you move it out then the sidewalk goes between the parking lot and the berm.

Chair Pehrson said I think we would want parking lot, berm, sidewalk, Fourteen Mile. Right? That would be the order of what we're trying to do.

Member Zuchlewski said the parking lot as shown on the landscaping plan, from the parking lot bumpers, how far out to the road?

Mr. Seiber said 20 feet from the parking lot to the edge of the existing road right-of-way.

Member Zuchlewski said so we have 20 feet to work with. Within that we've got a berm structure. What's the width of the berm structure?

Mr. Seiber said well it would normally be about 20 feet. If the height is reduced to two feet, then that frees up six feet.

Member Zuchlewski said so we've got a foot to play with here to move the sidewalk. So we're not really moving the sidewalk back. What I'd really like to see, is the sidewalk shown on the plan so that we know exactly where it's going to go. I don't know why that should be so difficult, instead of hypothetically guessing. I'd like it shown on a plan so we can all look at it and know exactly where it's going because I hear a lot of talk about going back and forth but I don't think the sidewalk is going to work there. So let's show it. Adam do you have a problem with it?

Engineer Wayne said I see a lot of gray area right here, personally. We may walk away from this meeting being somewhat confused upon what was actually agreed.

Member Zuchlewski said I don't think it would take that long and we could come back at the next meeting and have the sidewalk shown

Engineer Wayne said I think that is well within the applicant's capabilities to show the potential location of the sidewalk within the parameters that we have discussed. And to clarify the pathway width which we would be looking at in this area would be six feet.

Member Anthony said could you tell me again how you described where the location of the sidewalk would be and the parameters it needs to fall within.

Engineer Wayne said as the ordinance reads the sidewalk must be at least 12 feet from the edge of pavement of an uncurbed roadway. Then the other parameter, which the ordinance defines, is that the safety path should be relocated within one foot of future right of way lines, which would be one foot inside of the 43 and a half foot.

Member Anthony said so it's within one foot of the easement of the right-of-way lines?

Engineer Wayne said the future right-of-way lines.

Member Anthony reiterated that it is the future right-of-way line. Does that definition give you enough of a narrow location that helps you out Barb?

Deputy Director McBeth said I think that does help, along with the statements that Chair Pehrson was making regarding the order of the improvements with regard to where the right-of-way is located.

Member Anthony said that would be parking lot, berm, sidewalk and Fourteen Mile.

Member Baratta said based on what Member Zuchlewski was talking about and I tried to decipher this plan and it's very difficult to do that. I've listened to what everybody's been saying and I didn't really have any questions because I didn't understand where they would ever put a sidewalk and how we'd ever come up with a mechanism for what's safe.

Chair Pehrson said apparently all you need is PowerPoint and you can connect the blue line to the yellow line.

Member Baratta said we need a plan. I'd make a motion to table this until we get the correct plan with a sidewalk so we can analyze it correctly and provide the proper feedback.

Member Greco said I have just one comment about tabling this. It seems like the parties and the staff have their parameters. I don't know if splitting the difference solves the problem but that's what we're asking for. Just do something. Split the difference. Come up with a plan that's not too close to the road way and not exactly taking this big section of the property. Split the difference and get it done and then we'll be able to see.

Moved by Member Baratta and seconded by Member Anthony:

ROLL CALL VOTE THE PRELIMINARY SITE PLAN AND STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER ANTHONY:

In the matter of Sundance Grille & Cantina, JSP13-56, In the matter of Sundance Grille & Cantina, JSP13-56, motion to postpone the matter to allow time for the applicant to show the proposed Fourteen Mile Road sidewalk on the plan. *Motion carried 6-0.*

2. APPROVAL OF THE APRIL 23, 2014 PLANNING COMMISSION MINUTES

Moved by Member Lynch and seconded by Member Zuchlewski:

VOICE VOTE ON THE APRIL 23, 2014 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:

Motion to approve the April 23, 2014 Planning Commission Minutes. *Motion carried 6-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda Removals.

MATTERS FOR DISCUSSION

There were no Matters for Discussion.

SUPPLEMENTAL ISSUES

There are no Supplemental Issues.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Zuchlewski:

VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:

Motion to adjourn the May 14, 2014 Planning Commission meeting. *Motion carried 6-0.*

The meeting was adjourned at 7:44 PM.

Transcribed by Valentina Nuculaj

May, 2014

Date Approved: May 28, 2014

Richelle Leskun, Planning Assistant
Signature on File