



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

June 13, 2012 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 Baratta, Member Gutman, Member Lynch, Chair Pehrson, Member Prince

Absent: Member Anthony (excused); Member Greco (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Beth Kudla-Saarela, City Attorney; Sarah Fleming, Planner

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

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

Motion to approve the June 13, 2012 Planning Commission Agenda. *Motion carried 5-0.*

AUDIENCE PARTICIPATION

No one from 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 had no comments.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no Consent Agenda items.

PUBLIC HEARINGS

1. KROGER SEASONAL OUTDOOR SALES, ZCM 12-12

Public hearing for the request of The Kroger Company of Michigan for Special Land Use Permit and Preliminary Site Plan Approval. The subject property is located at 47650 Grand River Avenue, in Section 17 at the northwest corner of Grand River Avenue and Beck Road, in the B-2, Community Business District. The applicant is proposing to occupy a space along the front of the existing Kroger grocery Store in the West Market Square shopping center for outdoor sales of plant materials and produce.

Planner Kapelanski said this project is for limited outdoor sales of plants and produce. This is permitted as a special land use in select districts and Kroger has come forward with a proposal for outdoor sales at their existing location at West Market Square at the Northwest corner of Grand River Avenue and Beck Road. The entire shopping center is zoned B-2, Community Business District with OSC (Office Service

Commercial) zoning across the street on the Providence Hospital Campus. The applicant is requesting approval of the Special Land Use Permit and Preliminary Site Plan for proposed outdoor sales of produce and plants. This will be on the concrete area in front of their existing store space. The Planning Commission should consider the findings listed under Section 2516.2.c of the ordinance for Special Land Use permit approval. Staff has not identified any major concerns regarding this request and therefore recommends approval subject to the conditions noted in the motion.

Jeff Scott of Scott Architects representing Kroger came forward. He said Kroger would like to pursue their outdoor sales on a more permanent basis. He read the recommendations and has no issues with the concerns.

Chair Pehrson opened the public hearing. No one from the audience wished to speak.

Member Gutman read the correspondence into the record. Gary Reggish at 47720 Grand River Avenue approves the project.

Chair Pehrson closed the public hearing.

Member Baratta asked the applicant if there are sources of electricity and water in the area or is Kroger planning to use hoses and extension cords, which could be a tripping hazard.

The applicant confirmed both electricity and water are available nearby.

Chair Pehrson asked if the placement of these items on the sidewalk would interfere with the use of the nearby crosswalks.

The applicant said that the merchandise along the walkway may help guide shoppers on a more direct route.

Motion made by Member Gutman, seconded by Member Baratta:

ROLL CALL VOTE ON THE SPECIAL LAND USE APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

In the matter of the request of The Kroger Company of Michigan for Seasonal Outdoor Sales, ZCM 12-12, motion to approve the Special Land Use Permit, subject to the following:

a. Planning Commission finding under section 2516.2.c for the Special Land Use permit:

Relative to other feasible uses of the site,

- The proposed use will not cause any detrimental impact on existing thoroughfares due to the relatively minor expansion of an existing business to allow for outside sales of plants and produce, much of which is already available for sale at the Kroger grocery store;
- The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood due to the location of the outdoor sales which are proposed to be on the existing sidewalk directly adjacent to the retail store;
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
- The proposed use will promote the use of land in a socially and economically desirable manner as it is an enhancement to an existing business; and
- The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff and consultant's

review letters;

b. Combustible materials shall not be stored under the canopy; and

c. Compliance with all conditions and requirements listed in the staff and consultant review letters.

This motion is made because the request is otherwise in compliance with Article 14, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 5-0.*

Motion made by Member Gutman, seconded by Member Baratta:

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

In the matter of The Kroger Company of Michigan for Seasonal Outdoor Sales, ZCM 12-12, motion to approve the Preliminary Site Plan, subject to the following:

a. Applicant should maintain a minimum level pathway width of 6 feet along the sidewalk;

b. Applicant should limit outdoor sales to produce and plant material only;

c. Determination by the Building Official and the Fire Marshal of the types and quantities of seasonal plant materials to be permitted under the existing building canopy; and

d. The conditions and items in the staff and consultant review letters being addressed on the Stamping Set

This motion is made because the plan is otherwise in compliance with Article 14, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the ordinance. *Motion carried 5-0.*

2. ZONING ORDINANCE TEXT AMENDMENT 18.255 FOR RETAIL SERVICE OVERLAY EXPANSION

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 23A, OST, Planned Office Service Technology District, Section 2302A, Retail Service Overlay uses permitted subject to special conditions; in order to expand the areas where the retail service overlay is permitted to the area east of M-5 and north of 12 Mile Road.

Planner Kapelanski said the City Council has expressed an interest in expanding the recently created retail service overlay district to include areas north of 12 Mile Road and east of M-5. Staff has drafted a proposed amendment in response to that request. The retail service overlay district concept, which allows for a limited amount of restaurant, retail and personal service uses (excluding drive-in and drive-through restaurants) was recently approved as part of the 2010 Master Plan Update. The district is currently centered on areas near the intersection of Grand River Avenue and Beck Road. The proposed amendment would expand that area to include OST zoned properties north of 12 Mile Road and east of M-5 and would only be permitted on properties at the intersection of two major thoroughfares or a major thoroughfare and a non-residential collector that is at least 500 feet from residentially zoned properties. There are provisions in the proposed ordinance to ensure the use would be in keeping with the intent and maintain the character of the OST District. Drive-through restaurants have not been included as a permitted use in the proposed amendment. If the City Council requested more intense uses such as drive-thru restaurants and gas stations be removed from the retail service overlay when it was originally approved. The Planning Commission is asked to hold the public hearing and make a recommendation to Council.

Chair Pehrson opened the public hearing.

Mathew Sosin of Northern Equities Group, the primary property owner in the area said he recently had a meeting with three separate tenants in the park and they all expressed a desire to have drive-through restaurants or cafés in the park. He expressed that most of the problems people seem to have with drive-throughs are the traffic and neighborhood protection issues said there would be none of those issues in

this area. With the 500 foot barrier there won't be any noise issues for the neighbors, and any potential sites would comply with the lighting and façade ordinances for this district. There's a way to craft the ordinance to prevent some of the concerns that most people have with drive-throughs. The office park has reached a level of mass where people expect amenities. The passage of this ordinance re-write would be great but it needs to include the drive-through component to attract more people to the office park. In the paper today there was something about restaurants and drive-throughs and it stated that 70% of their revenues come from the drive-through. Occupants of the park have engaged in a letter writing campaign to show they would like to see drive-through restaurants. Northern Equities does not plan to have multiple fast food restaurants on the premises because that's not what the tenants want.

No else from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Member Lynch asked if this ordinance text amendment was geared only towards area or if it's applied to the whole City.

Planner Kapelanski answered the amendment would only allow the retail service overlay provisions to be expanded to the area north of 12 Mile Road and east of M-5. The amendment that staff has prepared does not include provisions for a drive-through restaurant; it includes provisions for a sit-down restaurant.

Member Lynch stated that as long as drive-through restaurants are proposed, he doesn't see a problem with it. How would the Planning Commission go about recommending the inclusion of drive-through restaurants?

Planner Kapelanski noted the Planning Commission could recommend approval of the amendment as presented with the addition of drive-through restaurants and perhaps suggest staff craft some ordinance provisions to either come back to the Planning Commission or send forward to the City Council that include drive-through restaurants. If the City Council were to approve the amendment as is and an applicant wanted to amend it after the fact, they would propose a text amendment that included the provisions they would want to add to the ordinance and it would go through the process of the Planning Commission, the City Council and so on.

Member Lynch said the amendment should state that nice restaurants or cafes should be allowed to have a drive-through. He doesn't want to send this amendment forward as is because he doesn't want the applicant to have to come back to the Planning Commission.

Chair Pehrson said the majority of office and industrial parks do not usually have a drive-through restaurant near the entrance and he would like to send this amendment back and ask the staff to re-craft the ordinance to narrow the scope so that if the Planning Commission has a desire to look at a drive-through, language be included to ensure it is a more enhanced and upscale version of a typical drive-through with amenities that wouldn't usually be included. Consideration could also be given to keeping additional traffic off of the arterial road possibly by requiring the drive-through be located interior to the office park. If the Planning Division could add some of these ideas to the amendment, the Planning Commission could have a more complete version to pass along to the City Council.

Member Baratta stated as businesses evolve with their business models, the City has to evolve with our ordinances. Would there be objections from the major property owner if the amendment states the restaurant could not have access to the arterial road?

Mathew Sosin answered that the main entrance to the park is off of Cabot Drive which is the non-residential collector rather than 12 Mile Road, the arterial. It would not be a major constraint if access

had to be off of the collector road.

Member Baratta said it seems the drive-through is not intended to serve the drive by traffic per say, but the customers in the park instead.

Mathew Sosin said although the drive by traffic on 12 Mile Road is a consideration, realistically a restaurant wouldn't even need to worry about the traffic counts because there are 27 buildings in the park at 96% occupancy. The new kind of style of drive-throughs does limit a lot of the negative externalities, like the speaker technology and the light in the menu.

ROLL CALL VOTE ON ZONING ORDINANCE TEXT AMENDMENT 18.255 MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BARATTA:

Motion made by Member Lynch, seconded by Member Baratta:

Motion to direct staff to amend the ordinance provisions to permit drive-through restaurants in limited instances. *Motion carried 5-0.*

Deputy Director McBeth said we could take these comments into consideration and make some modifications to the text and bring those modifications back to the Planning Commission in a month or so.

3. ZONING ORDINANCE TEXT AMENDMENT 18.258 FOR OUTDOOR RESTAURANTS

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2524, Outdoor Restaurants; in order to revise the approval process and provisions for outdoor seating.

Planner Kapelanski stated this is in response to inquiries received from several business owners regarding the permitted opening date for outdoor seating areas and the plan submittal requirements for restaurants to have outdoor seating areas. In response to these comments the City Council passed a resolution temporarily suspending the provisions for the start of outdoor seating and the submittal requirements to receive approval of an outdoor seating area. The Council also directed the Planning Commission to examine the current standards. Staff has drafted the proposed amendments to the outdoor seating ordinance in response to those concerns. The amendment would change the permitted outdoor seating start date to March 1st instead of April 15th and would permit outdoor seating plans to be submitted without the seal of a registered architect or engineer. In most cases, approval would shift to the Building Official. The Planning Commission is asked to hold a public hearing and make a recommendation to City Council.

Chair Pehrson opened the public hearing. No one from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Chair Pehrson asked, relative to the 20 seats verses the 21 seats or 19 seats, does it make sense to try to affix some kind of required square footage to this ordinance instead of a number of seats?

Planner Kapelanski answered the plans in the past have been limited by the amount of space they have on their sidewalk. The 20 seats hasn't been much of a detriment; it's in there because if the seats should go passed 20 then they parking requirements have to be reviewed again.

Chair Pehrson then asked if 20 seats equates to occupants. If there is a seat that fits more than one person, is that one person count?

Planner Kapelanski answered back saying no, staff would look at that as more than one seat.

Chair Pehrson asked if seats should be changed to occupants.

Planner Kapelanski agreed that would make sense.

Motion made by Member Lynch, seconded by Member Gutman:

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.258 MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

Motion to recommend approval of Text Amendment 18.258 with the following amendment: "seats" should be changed to "occupants" to clarify the intent of the ordinance. *Motion carried 5-0.*

4. ZONING ORDINANCE TEXT AMENDMENT 18.256 FOR DRIVE-THROUGH RESTAURANTS IN TC-1

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 16, TC and TC-1 Town Center Districts, Section 1600, intent and Section 1602, Principal Uses Permitted Subject to Special Conditions: in order to permit drive-through restaurants in the TC-1 Town Center Zoning District.

Planner Kapelanski said the City has received several requests to permit drive-through restaurants on properties currently developed or zoned TC-1. The City Council recently directed the Planning Commission to consider this issue. In response, staff has drafted an amendment to permit restaurants with an accessory drive-through use only in the TC-1 district in limited instances. The staff does have a concern regarding the compatibility of the intended pedestrian orientation of the TC-1 district with drive-through restaurants and has included provisions to limit conflicts where possible and allow for pedestrian accessible drive-through's as a special land use only. Provisions include drive-through properties must be screened and drive-through restaurants must have frontage on an arterial road and non-residential collector with access only provided from the non-residential collector. Staff has also included a conceptual sketch that meets the standards in the TC-1 district that are proposed to give the Planning Commission an idea of how the proposed text might translate to an actual plan. The Planning Commission is asked to hold a public hearing and make a recommendation to Council.

Chair Pehrson opened the public hearing

Mathew Quinn came forward on behalf of the owners of City Center Plaza, a major property owner in the area and said they were part of the discussions with the staff and the Mayor to get this process started. City Center was approached by Panera Bread whose lease is being considered for renewal and Panera noted that would like to have a drive-through or they would need to find a different location to accommodate that request. Panera Bread is the anchor of this center.

Mr. Quinn continue noting City Center owns most of the property from Flint Street all the way around the corner and the lot immediately west of Flint Street on Grand River Avenue. His client likes the ordinance and the idea that drive-through's would be allowed in TC-1. The ordinance works fairly well with Panera. We don't have anything tied down with them yet, but their entrance would come off of Flint Street. Of course City Center has multiple entrances, one on Flint Street, one on Novi Road and one on Grand River Avenue. The other sites on the map, especially the site immediately west of Flint Street on the corner of Grand River Avenue would be an ideal spot for a drive-through restaurant.

Some of the restrictions proposed cause some concerns. The first problem is the fact that the ordinance requires 300 feet on the arterial road. Well that corner happens to have 192 feet on the arterial and

another 175 feet on Flint Street, so it might be more appropriate to say 300 feet of frontage along both the arterial and non-residential collector combined. That 300 feet of frontage on the arterial really can't be met and a lot of the locations identified by staff. The other concern is the requirement that access only be provided from the non-residential collector. A national drive-through restaurant chain demands access to the arterial road. An access on Grand River Avenue and on Flint Street would allow for full circulation. The ordinance also mandates outdoor seating but Panera's plan is to remove their outdoor seating to construct the drive-through in that location. As long as there is no minimum number of seats required, Panera could comply with that provision.

Mr. Quinn stated the final two concerns are cost items. Why is the City requiring a Traffic Study? There is heavy Novi Road and Grand River Avenue traffic already so what's the sense of having a Traffic Impact Statement when you know you've already got substantial traffic on both roads? Lastly, why does the City require a Noise Impact Statement? There is no residential component around any of these locations. There is more background noise from Grand River Avenue and Novi Road traffic as well as train noise than would be generated by this site. Panera's lease is coming up, so the owners would like it to move forward for economic reasons. But these few changes can make it work.

No one else wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Chair Pehrson asked if the noise impact statement is a typical requirement.

Planner Kapelanski responded that it's required for most of the special land uses. The ordinance was amended a few years ago to remove that requirement for uses that would clearly not be generating any noise outside of the building but for all other drive-through uses, it's required.

Chair Pehrson said in regard to the Traffic Impact Statement he can understand Mr. Quinn's statements but could also understand why that study would be helpful. Making a left hand turn going west on Grand River Avenue and trying to cut across five lanes seems problematic and the traffic study would include analysis of those types of issues.

Planner Kapelanski said that's correct. The Site Plan Manual also lists thresholds for a traffic study and it's based on the number of trips generated in an hour or the number of trips added to a roadway. Generally, drive-through restaurants that have been proposed have all met the thresholds requiring to require a traffic study.

Chair Pehrson said relative item F, the drive-through lanes being screened. Relative to the screening, does this particular text amendment include more screening than would typically be proposed?

Planner Kapelanski responded that we would typically expect to see landscaping around the entire perimeter of the property but in this case staff just wanted to highlight that the drive-through lane especially should be buffered by landscaping.

Chair Pehrson replied back that if it's typical around the surrounding area of drive-through's, is the City hoping to have more detailed language that says this should go above and beyond typical requirements?

Planner Kapelanski said staff could add something to this ordinance dealing with opacity to make it a little more specific. Dave Beschke's concept plan did a good job of highlighting where that landscaping would be around the perimeter of the property.

Chair Pehrson said he liked what was done on the drawing because it provides a good look at the future of drive-through's and he likes the idea of opacity requirements to move the landscape requirements up a notch. Relative to the other comments, perhaps there is a way to ensure the collector road access is the primary access but a secondary access point could be provided on the arterial.

Member Baratta asked if any of the properties in the area meet the 300 foot requirement.

Planner Kapelanski answered that hasn't been confirmed. The idea is that parcels could potentially be combined. It's something that staff could look at and perhaps the ordinance could be amended to have a frontage requirement that's more representative of what the parcels currently are.

Member Baratta asked if the concept provided by staff shows more landscaping than what would usually be required.

Planner Kapelanski replied that there might be a little more landscaping. The landscape ordinance would require something similar. Some of the differences are the location of the access point, the additional pedestrian features and a specialty pavement for the crosswalks. So in terms of landscaping, it would probably be similar but it does include some of these other features that wouldn't necessarily be required for other Town Center properties.

Member Baratta said although he would like to see additional landscaping added, a business still needs to be seen from the roadway. If the frontage requirement were reduced, could an average size drive-through still fit on a smaller parcel?

Planner Kapelanski answered in order to determine that, staff would have to get out some truck turning templates and see how that would fit. The biggest concern would be if a fire truck could get around this site.

Motion made by Member Baratta, seconded by Member Gutman:

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.256 MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GUTMAN:

Motion to direct staff to amend the proposed ordinance to address the items highlighted by the Planning Commission. *Motion carried 5-0.*

5. ZONING ORDINANCE TEXT AMENDMENT 18.259 FOR AUTOMOTIVE SERVICE ESTABLISHMENT PARKING REQUIREMENTS

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2505.14(e)3 Automotive Service Establishment, Public Garage: in order to update the formula for calculating parking requirements for this use.

Planner Fleming said staff is currently conducting a study of off-street parking standards in order to better understand how the City's current requirements compare to peer communities, identify any issues and make changes if needed. The first land use reviewed in this study is that of the Automotive Service Establishment, Public Garage. In order to generate parking calculations for comparison, staff utilized an existing proposed site plan for this use that was recently submitted. This plan proposed the expansion of an existing auto body collision shop with the following specifications: the building size was 27,956 square feet, the employees were 20 and the service space was 33. Staff generated calculations for this project first as if it were located in Novi and then as if this project was proposed in each location utilizing the off-

street parking requirements outlined in the Zoning Ordinance of each municipality.

After review and comparison of each of the municipalities included in the study, staff found that the average requirement of all 16 municipalities is 106 spaces. At 300 spaces, the City requires almost triple this average. Detailed information on these findings is outlined on the provided spread sheet. The City of Novi currently bases off-street parking calculations for Automotive Services Establishment uses on building square footage. In comparison, the majority of municipalities reviewed base their same calculations on the number of service days at the location and on the number of staff that will be on site. Due to the nature of these types of businesses, highly space intensive without necessarily generating large amounts of traffic, staff believes that the City of Novi ordinance as written requires more off-street parking than is necessary for the orderly and sensible operation of this particular land use. Additionally, in recent years that has been a series of requests for variances pertaining to this parking requirement. If not addressed, staff anticipates continued variance requests moving forward.

Planner Fleming noted for this reason, staff recommends the modification of parking requirements for Automotive Service Establishment uses public garage. If calculated using the proposed modified method, the off-street parking spaces required for the proposed project used in this review will drop from 300 to 86. This change is in line with the variance granted at the April 2012 Zoning Board of Appeals meeting which reduced the requirement for this project from 300 to 140 spaces. This was more than a 50% reduction in required parking spaces for that project. Approval of this change to Section 2505 of the Zoning Ordinance would remove an undue burden on future applicants and bring the City's parking requirements for this use more in line with peer communities. Staff requests that the Planning Commission hold the required public hearing and recommend approval of this proposed ordinance amendment.

Chair Pehrson asked if the definition of the Auto Service Establishment Public Garage fits the criteria of the existing auto repair establishments.

Planner Fleming answered currently that definition encompasses both major and minor repair.

Motion made by Member Gutman, seconded by Member Lynch:.

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.259 MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to recommend approval of Text Amendment 18.259. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. SET PUBLIC HEARING FOR JULY 11, 2012 FOR ZONING ORDINANCE TEXT AMENDMENT 18.257 TO PROVIDE REGULATIONS FOR TEMPORARY SPECIAL EXCEPTIONS

Planner Kapelanski stated the City has received questions regarding the use of tents, specifically at outdoor recreation facilities and the Ordinance Review Committee examined the current provisions and suggested some modifications. A new section to address temporary tents used in conjunction with outdoor recreation uses would be created and tents would be permitted on such sites for up to four days after review by the Community Development Department. The amendment also requires all applications for any temporary special exceptions be submitted at least five days prior to the actual event. The Planning Commission is asked to set the public hearing for July 11th.

Motion made by Member Lynch, seconded by Member Baratta:

ROLL CALL VOTE ON ZONING ORDINANCE TEXT AMENDMENT 18.257 MOTION TO SET THE PUBLIC HEARING

MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:

Motion to set a public hearing for Text Amendment 18.257 for July 11th. *Motion carried 5-0.*

2. SET PUBLIC HEARING FOR JULY 11, 2012 FOR ZONING ORDINANCE TEXT AMENDMENT 18.260 AND SIGN ORDINANCE AMENDMENT 12-100.42 TO UPDATE THE DEFINITIONS, STANDARDS AND SIGN REGULATIONS FOR AUTOMOTIVE MAINTENANCE AND REPAIR SERVICE USES

Planner Fleming stated in an effort to ensure clarity, effectiveness and consistency, in interpretation of the Zoning Ordinance, the staff has undertaken an extensive review of ordinance text related to automotive maintenance and repair service uses. Staff has determined the following: the definition is in some instances unclear when pertaining to auto maintenance and repair related uses and does not include many important auto maintenance and repair related use definitions which are referenced in other sections of the ordinance. Additionally, in some instances the defining language for certain uses is found in sections other than Section 201 including chapters of the Code of Ordinances not pertaining to zoning. Planning staff recommends the clarification of existing definitions within the Zoning Ordinance related to automotive maintenance and repair service uses and that each use definition is located in the Zoning Ordinance Section 201 and the remainder of the Code of Ordinances is updated accordingly. Staff requests that Planning Commission set a public hearing for these proposed ordinance amendments on July 11th.

Member Baratta said asked if the definition of motor fuels includes electric motors which are becoming more popular.

Planner Fleming said she doesn't think there's a definition for motor fuel in the ordinance but staff is looking at changing the term gasoline throughout the ordinance to fueling to address the alternative fuels that are currently out there or may be coming down the line.

Motion made by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON ZONING ORDINANCE TEXT AMENDMENT 18.260 MOTION TO SET THE PUBLIC HEARING MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to set a public hearing for Text Amendment 18.260 and Sign Ordinance Amendment 12-100.42 for July 11th. *Motion carried 5-0.*

3. APPROVAL OF THE MAY 9, 2012 PLANNING COMMISSION MINUTES

Motion made by Member Lynch, seconded by Member Baratta:

VOICE VOTE ON APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to approve the May 9, 2012 Planning Commission Minutes. *Motion carried 5-0.*

4. APPROVAL OF THE MAY 23, 2012 PLANNING COMMISSION MINUTES

Motion made by Member Lynch, seconded by Member Baratta:

VOICE VOTE ON APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to approve the May 23, 2012 Planning Commission Minutes. *Motion carried 5-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda Removals.

MATTERS FOR DISCUSSION

There were no Matters of Discussion.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch, seconded by Member Baratta:

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

Motion to adjourn the June 13, 2012 Planning Commission meeting. *Motion carried 5-0.*

The meeting adjourned at 8:17 PM.

Transcribed by Valentina Nuculaj

June, 2012

Date Approved:

Richelle Leskun, Planning Assistant