

to the Planning Commission.

Mr. Anzek said that because they were matching what they had, he did not feel there was a big enough issue to bring it to the Planning Commission. The additional square-footage was way below the amount that would trigger that threshold. They were adding 3,000 feet to the back of the building, as well, but it was still below the requirement for Planning Commission review. Mr. Anzek said that it would be an upgrade; a lot of Krogers were investing in their stores. Mr. Kaltsounis said that he was not questioning the size, it was just the façade. He wondered, with regards to minor modifications and the look of the building, how they decided if something should go to the Planning Commission. Mr. Anzek said that it was a subjective call. If he thought something was offensive, it would go to the Planning Commission. Mr. Kaltsounis agreed that it was subjective, but he did not see any guidelines regarding the design or changing a façade under minor modifications.

Mr. Breuckman responded that specific to design, when there was a flat roof, the height was actually the roof surface. The parapets could change, and it would not be an increase in height by Ordinance definition. The parapets in the Target center had gotten taller as the tenants got bigger. When that came through, Staff went through a whole process of working it out with the property owner. Mr. Kaltsounis wondered if they should outline that in the Ordinance. Mr. Anzek did not think they should tie Staff's hands. Mr. Kaltsounis wondered about saying "no" to someone but giving it to someone else. Mr. Breuckman explained that it was incumbent on Staff to be able to reason why they made a decision. If they started becoming arbitrary and capricious, it would be a problem, but he felt they had been very even-handed and reasoned in the way they enforced things. He felt that putting more specificity in the Ordinance, particularly now that they had adopted architectural design guidelines, was not really a path they wanted to go down.

2014-0098

Introduction of a zoning amendment for the Commercial Improvement (C-I) district, James Breuckman, Manager of Planning

(Reference: Memo prepared by James Breuckman, dated April 10, 2014 and proposed ordinance amendment had been placed on file and by reference became part of the record thereof).

Mr. Breuckman explained that the proposed amendments to the C-I district were spurred by recent events. The proposed changes were basically for the Olde Towne area along Auburn Rd. between John R and

Dequindre. The list of uses permitted was tied to the B-2 district, which were predominately retail and some office. The C-1 district was created in 1996, and that was the best option at the time. The City now had the FB-2 districts, which permitted a range of uses. Olde Towne was an existing part of town that could really be in conformance with FB-2, in terms of bringing buildings closer to the street and with a little more of a traditional building pattern, albeit with lots of room for improvement. Most significantly, the FB-2 district did not permit used car lots. There were some structures that could be suitable for residential and had been used for residential occupancy, but that was not permitted currently in the C-1 district. Adding the FB-2 district would solve a couple of issues. The rest of the changes proposed were to bring the standards up-to-date with a reference to FB-2 instead of B-2. He asked if there were any questions or comments.

Mr. Hooper agreed that they needed to do it. He brought up the applicant that precipitated it, and said that the applicant had completely lied to the Planning Commission on his intentions and how he would operate his business.

Mr. Breuckman said that the owner had recently purchased the lot next door to him, and he wanted to do a revised plan for that block on the north side of Auburn. He applied for a Variance to reduce the rear yard setback, which was denied. The Planning Commission might have to see another site plan from the owner. Mr. Hooper stated that if the owner did come back, the Planning Commission would need to see some significant improvements. Mr. Hooper said that he was willing to give anyone a chance, but when someone flat out misrepresented himself, that was crossing the line.

Mr. Anzek said that Mr. Hooper's comments were well taken. The surprises started happening four weeks after approval. Code Enforcement had seen a bunch of Toyotas show up on the lot next door. Mr. Anzek agreed that it appeared to be deceptive.

Mr. Kaltsounis said that a concerned citizen approached him (today), and said that it appeared that the owner cut a deal with the coin guy next door, and there were about 20 vehicles parked on the grass. Mr. Kaltsounis concluded that he wondered where the oil went that dripped on the grass.

Mr. Anzek said that the Olde Towne area had always been a targeted redevelopment corridor in need of help. He recalled that Staff had talked with the Planning Commission about an area development plan and

looking at walkability issues and streetscapes. Although the City did not have standards in place for that, he felt that they needed to think about those things. If the applicant who sold used cars came forward and made a significant investment in the area, they wanted to make sure it was done right. They did not want it to be the sore thumb that stuck out when that corridor was redeveloped.

Ms. Brnabic agreed that the gentleman had not honored any of the conditions under the Conditional Land Use. One condition was that no cars could be parked on the east side of the building, and within weeks there were. He put signs on his building about parking there, and she noted that Ordinance did take care of that. He has had up to 14 cars parked on the lot when he was allowed five. When he requested a Variance from the ZBA, Ms. Brnabic went to and looked at the site twice, and there was a vehicle parked on the grass. The only thing he had honored was putting up a fence. She also had the opportunity to mention the violations to him at the ZBA meeting, and she reminded him that he told the Planning Commission that he did most of his business through the internet. He told them if he bid on cars at the auction, that they would be kept at the auction house for up to nine months, and she asked him if something had changed. He answered that it had not changed, and that he had always done retail. He told her that he was advised that the City could not tell him how many cars could be parked on his lot. Ms. Brnabic told him that whoever advised him was misinformed. She told him that part of being a successful businessman was also being a good neighbor in the community. Since the meeting, she had not seen more than five or six cars parked on the approved lot, however, he did have 25 or 30 parked next door. She asked if he had submitted a new site plan.

Mr. Breuckman said that he had not been in, but his architect had been in a couple of times with some preliminary plans, but nothing formal had been submitted. The owner was issued a violation notice, and he was given time to bring the site into compliance, and Mr. Breuckman felt it was getting to the end of that grace period. The City would probably send him a letter asking for the plans, or he could be given another notice.

Mr. Breuckman said that if the Commissioners were comfortable with the proposed changes, that it would be scheduled for a Public Hearing.

ANY OTHER BUSINESS

Ms. Brnabic asked about the property at Avon and John R. There was a