

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
October 16, 2014

Chairperson Walstrom called the Planning Commission Meeting to order at 6:00 p.m. in the City Council Chambers of City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

1. Roll Call and Verification of a Quorum

Present: Jeanne Benjamin, Andrew Bowman, Jack Deegan, Jeff Ford, Lee Kramer, Sara Smith, Fred Walstrom and Carrie Wiggins

Absent: John Cupps

Also Present: City Manager Thomas C. Richards, City Planner Larry Nix, City Attorney James T. Ramer and City Clerk Ronald B. McRae

City Clerk McRae acknowledged that a quorum was present.

2. Approval of Minutes

Motion by Bowman, second by Smith, to approve the minutes of the September 18, 2014 Planning Commission Meeting as read.

Ayes – 8

Nays – 0

Motion carried.

3. Public Comments and Correspondence

None

4. Public Hearings on the Planned Unit Development, Special Land Use and Conditional Rezoning for the Hotel Janelle at 266 East Main Street

A. Conflict of Interest

Commissioner Bowman stated that he has business dealings with Rob Mossburg, who represents the owner of 266 East Main Street. However, Commissioner Bowman stated that he has no financial interest in, and will not, to the best of his knowledge, receive any financial benefit from, the proposed Hotel Janelle and Residences Project (the “Project”).

City Attorney Ramer stated that subject to objections or additional information from the other Planning Commissioners, he did not believe that Commissioner Bowman had a conflict of interest that would require him to recuse himself from the consideration of the proposed Project approvals of the Planned Unit Development (the "PUD") request, the Special Land Use (the "SLU") request and the Conditional Rezoning (the "CR") request.

There were no objections from or additional information provided by the other Planning Commissioners.

B. Presentation of the Proposed Hotel Janelle Project

Chairman Walstrom introduced Rob Mossburg, on behalf of HJ Development Partners, representing MRJ, LLC, the owner of the Hotel Janelle, and asked if Mossburg would like to make a presentation. Mossburg stated that he would like to discuss the project and have Mike Corby, representing Integrated Architecture, the Project Architect, address the architecture of the proposed Project. Chairman Walstrom stated that the presentation of the Project may help to address questions and concerns before receiving comments and questions from the public.

Mossburg commented on the background of the original project.

Mossburg stated that when the Project Plans of the new Project were submitted, they were reviewed by the City Planner, Larry Nix, and the City Staff. Nix responded to the application and plans. Nix raised issues that should be addressed by the Planning Commission that were not addressed in the Project application and plans.

Mossburg discussed his written responses to the issues raised by the City Planner. The summary of his responses are:

Missing Items:

- a. Size of Trees – The intent would be to accept the recommendations of the City's Arborist and Tree Board as to the size and species of trees along Main and Bay Streets and to consult with the adjacent property owner on the west side as to the type and location of trees and other plantings on the southwest corner of the Property.
- b. Signage Details – The branding and imagery for the Project has not been fully developed, and therefore, the signage package in the application should be considered preliminary. The intent would be to provide a full signage package for Planning Commission approval prior to obtaining a building permit. It is understood that any approvals would include a stipulation for further review of this item.

Review Criteria:

- a. Nuisances -

1. Screening – The underground garage results in the total screening of parked cars.
2. Litter – The collection of litter and location of the recycling station in the parking structure will not be visible to the neighbors or public.
3. Noise – The underground parking area will virtually eliminate automobile noise and headlight glare; landscaping, glass railings and the positioning of active roof areas away from roof edges and adjacent neighbors will help to reduce the noise pollution; building setbacks similar to the TR-Transitional Zoning District will help to reduce noise pollution; and, providing a drive area from East Main Street to deliver food and beverages to help reduce noise from back-up alarms from delivery vehicles.
4. Lighting – Use of lighting which meets the requirements for USBG LEED certification and common sense safety practices will help to reduce light pollution.
5. Snow – The snow will be easily removed on and around the structure, and will be done in conjunction with the ongoing operation of a commercial hotel.

CBD Requirements:

- a. Building Height – Mr. Mossburg presented a revised site plan for the roof-top deck and new elevation drawings showing an increase in the building height from thirty-five (35) feet to thirty-nine (39) feet, which is in accordance with the Planned Development Overlay (the “Overlay”).
- b. Enclosed Areas on the Roof – In addition to the roof top elements, such as elevators, stairs and air conditioners, enclosed areas are requested for restrooms, a preparation kitchen, storage and support area. Further, approval for a covered, but open-air bar area is requested. Mr. Mossburg stated that these elements were designed and located so as to not impact the apparent height of the building. By locating the enclosed areas away from the roof edges the intent was to give a traditional sight line and a perception that the building is a three-story building.
- c. Tandem Parking Spaces – Eight (8) tandem parking spaces are to be provided for the use of the condo owners and six (6) tandem parking spaces are to be provided for the use of valet parking. A tandem parking space is slightly smaller than a traditional parking space, however, Mr. Mossburg contends that the spaces work well for the proposed purposes.
- d. Terrace Areas – There are four terrace areas proposed. The first Terrace or “Main Terrace” would be located on the outside of conference / banquet and Bistro Dining area at the first floor elevation. The Main Terrace would accommodate seventy-five (75) seats for normal dining or up to two hundred (200) people for special receptions. The other three terraces are on the roof. They are proposed to function as follows:

1. Roof Top Terraces 1 & 2 – These terraces are for public use. A bar / café is planned with seating for seventy-five (75) people. The second terrace will have seating for two-hundred (200) people.
 2. Roof Top Terrace 3 – This terrace is for private use of the condo owners and will accommodate fifty (50) people.
- c. Inside Eateries and Areas – The first floor of the Project will have two (2) main dining areas. They are:
1. Bistro / Bar / Private Dining – This area is basically a restaurant for the public off the street and for the guests to dine. There are one hundred twenty-five (125) seats planned for this area.
 2. Conference and Banquet Space – This area will accommodate two hundred fifty (250) auditorium style seats. If a banquet was planned, this area would accommodate tables and chairs for one hundred fifty (150) people.

General Comments:

- a. Roof Decks and/or Terraces – Mossburg discussed some general items concerning the roof decks and terraces and clarified their proposed uses, which were:
 1. Access to the public terraces will be by stairs or elevators. The access to the private terrace will be by the stairs and elevator to the condos.
 2. Uses of the public terraces will be for seasonal food and beverage service, sunning and lounging, and events such as wedding receptions, fundraisers and cocktail parties.
 3. Hours of use would be seasonal and consistent with a commercial hotel operation. The hours of operation are proposed to be 7:00 a.m. to 11:00 p.m. It is hoped that these hours could be flexible for such events as the Fourth of July.
- b. Hotel Hours of Operation – The Hotel will be staffed twenty-four (24) hours per day, three hundred sixty-five (365) days per year.
- c. Security – All patrons will be required to check in at the lobby reception desk and only those patrons will be able to access the hotel from the parking structure or other secured areas.

After Mossburg completed his presentation, he introduced Mike Corby, Integrated Architecture, architect for the Project. Corby presented the layout of the proposed Project and the proposed design of the building. Corby noted that many of the conditions which were stipulated in the 2008 approvals were included in this design.

C. Comments from the Public

After Corby's presentation, Chairman Walstrom discussed the three public hearings for this evening and the approvals requested. After his presentation, Chairman Walstrom opened the Public Hearings at 6:46 p.m. for public comment.

City Manager Richards reviewed the public comments he received in writing from David DeWindt, Executive Director of the Harbor Springs Area Chamber of Commerce and Jeff James, a principal in the Lyric Theater Development. Both comments were favorable for the Project.

David Wood, 263 East Bay Street, stated that he and his wife have withdrawn their original letter of objections to the project.

Tim Brown, owner of the Colonial Inn, stated that he believed more hotel rooms in Harbor Springs is a good thing. He would like zoning changed so that he could increase the number of rooms at the Colonial Inn.

Cynthia Shafer, Glenn Drive, asked when the Hotel would open. Mossburg stated that he hoped in the spring of 2016. He believes that the construction will take approximately a year. He would like to begin construction in the spring of 2015.

Michael Sherman, investor in the previous hotel project, commented on the claim of lost monies due to the failure of the original project.

Pete Wallin, representing Richard and Millie Wallin, his parents, expressed concerns about the increased use of Gardner Street. Wallin also had noise concerns over the intensified use of the proposed roof top terraces. In Wallin's opinion, Gardner Street should be one way with no parking on the east side of the street.

Melissa Adeline-Spence, 7052 Hughston Road, stated that she is excited about the proposed Project and its favorable economic effect on Harbor Springs.

Chairman asked if there were any further comments. Hearing none, he asked for a motion to close the Public Hearings.

Motion by Bowman, second by Deegan, to close the PUD, the SLU and the CR Public Hearings on the proposed Project.

Ayes – 8

Nays – 0

Motion carried.

Chairman Walstrom closed the Public Hearings at 7:55 p.m.

5. Consideration of the Approval of the Planned Unit Development, Special Land Use and Conditional Rezoning Agreement for the Hotel Janelle Project at 266 East Main Street

Chairman Walstrom asked City Planner Nix to comment on the proposed Project. City Planner Nix stated that the responses to his concerns were addressed in the letter from

Mossburg to City Manager Richards. However, the Planning Commission cannot approve the enclosed restrooms and roofed open air bar, preparation kitchen and storage areas proposed for the roof top public terraces.

City Planner Nix stated the Project owners have three options to gain approval for the proposed enclosed areas for the roof top public terraces. They are:

- A. Obtain a variance from the Zoning Board of Appeals;
- B. Request a Zoning Code amendment. The Zoning Code amendment could be to the Planned Development Ordinance for the height of the buildings or the Zoning Code amendment could change the height requirement in the CBD and TR Zoning Districts; or,
- C. The Applicant submits an alternative design for the roof deck that is acceptable to the Planning Commission.

The Planning Commission discussed these options. It was a consensus from the discussion that the Planning Commission preferred that the height limits in the Planned Development Ordinance be reconsidered, on a limited basis, with consideration being given as to specific setback from roof lines, limitations on the extent of roof top coverage, and approvals being driven in part by the necessity of the proposed structures.

City Planner Nix stated that the approvals for items not yet addressed can be noted as requirements that must be resolved and approved at a future meeting of the Planning Commission as a condition to the PUD, SLU and or CR approvals given this evening.

City Planner Nix stated that the City's Zoning Code does not define or mention "Tandem Parking". City Planner Nix did acknowledge that there are currently four parking spaces proposed more than the thirty-six (36) parking spaces required under the City Zoning Code. Planner Nix also stated that a "Tandem Parking Space" is seven feet by eighteen feet, and a normal parking space, as defined in the City's Zoning Code is nine feet by twenty feet. Commissioners expressed their views that the fourteen proposed "Tandem Spaces" could be reduced and space for the required thirty-six parking spaces, as defined in the City's Zoning Code, could be satisfied.

Planner Nix observed that noise is a concern for the neighbors as expressed by Mr. Wallin. He noted that noise may spread to the east toward the Ohmart and the Wallin residences. This may be an issue that the Planning Commission will want to address in their approval process, possibly by placing noise restrictions as a condition of the PD approval.

City Planner Nix stated that in his professional opinion, the Project meets the seven standards specified in the City Zoning Code for approval of a SLU Permit. He further stated that in his professional opinion, the proposed Project is in conformance with the City's Master Plan. Nix stated that in his professional opinion, the Project is consistent with development trends in the City's downtown district.

Planner Nix stated that the majority of the public comments were favorable for the Project. He also indicated that Mr. Sherman's comment on the investment results of the original project are a personal matter between Mr. Sherman and Mr. Mossburg and not a matter for the Commission to consider.

Planner Nix stated that the Planning Commission may want to consider Mr. Wallin's comments on the roof top use and hours of operation. The issue of the safety of Gardner Street is an item City Council may address. However, the Planning Commission may make a recommendation to City Council relative to the safety issue raised about Gardner Street.

Commissioner Wiggins asked if the Planning Commission could approve a temporary roof, such as a canopy, for the open air bar. She acknowledged that this could be in a "gray area" under the City Zoning Code. Other Planning Commissioners responded that a temporary canopy could be subject to damage by the winds. In discussion that followed, it was proposed that one of the three options suggested by City Attorney Ramer and Planner Nix should be considered.

Planner Nix stated that signage concerns will need to be addressed by the Planning Commission. As a condition of the approvals this evening, the developers can be required to return for those approvals. Planner Nix stated that the developers wish to have the "Tree Board" recommend which trees should be planted. Again, as a condition of the approvals, the Planning Commission can require the developers to return for approval, after the developers receive the Tree Board's recommendations.

Chairman Walstrom stated that he believed that public safety on Gardner Street is an issue now and perhaps a recommendation should be made to City Council in the near future.

Commissioner Bowman asked Mr. Corby for an explanation as to why the proposed building height exceeds the height restrictions in the PD Ordinance. Corby responded the height is a necessary for the utilities and HVAC system for the building, and enclosed space would make use of the roof top deck safer for public use and as to the enclosed bathrooms, would be necessary under the Health Code.

Commissioner Bowman observed that the proposed use intensity of the outdoor space is about nine hundred (900) people at the Hotel's busiest time. Commissioner Bowman did state that the proposed design for the Hotel was moving in the right direction in his opinion.

Commissioner Smith asked if the condos would be rented. Mossburg stated that is up to the owners. The condos are residences and are not proposed to be restricted.

Commissioner Wiggins asked if the public roof top terraces could be operational from dawn to dusk, rather than specific hours. Around the Fourth of July it is still light out at 10:00 p.m.

Commissioner Smith asked how high the glass railings would be on the terraces. Corby stated they are proposed to be forty-two (42) inches.

Commissioner Bowman believed that noise would be an issue for the third floor guests of the Hotel. Pringle Pfeifer, 437 East Bluff Drive, stated that the Community Band concerts that are held on Monday evenings at the waterfront can be heard quite clearly on East Bluff Drive.

Planner Nix and City Manager Richards reviewed the noise restrictions that had been approved in 2008 for the project. Planner Nix noted that expanded hours of operation had been approved for the Fourth of July.

Chairman Walstrom discussed the use of a canopy on the public roof terraces. It was his opinion that a canopy would be shredded by the winds. He favored the Planning Commission having more discussion in the future about the rooftop structures to be covered.

City Attorney Ramer stated that the Planned Development ordinance in the City Zoning Code could be amended to address the building height restrictions on a limited basis.

Commissioner Ford stated that he believed that noise is an issue for the neighbors. Even though the noise may not be immediately heard on the lower levels of the proposed Hotel, it will be an issue for the neighbors immediately to the east.

Commissioner Wiggins asked if the only areas on the proposed Project that were to be covered by a roof were the stairs, elevators and mechanical equipment, would there be approval issues? Planner Nix stated that those are allowed by the Code. However, the open air bar, restrooms and storage structures cannot be permitted unless there is a variance granted or the Zoning Code is amended to allow those amenities.

Commissioner Ford also stated that the proposed roofed open air bar, enclosed restrooms, preparation kitchen and storage areas are common sense engineering to him. There should be a way to have the approvals allowed. He believes that the developers should request that approval by the use of one of the three proposed options.

Commissioner Ford expressed concern about the intensity of use of the roof top public terraces. He believed that the number of seats for the public terraces should be reduced. He believes the reduction in the intense use may help noise issues. Commissioner Ford also stated that he may not be in favor of the "Tandem Parking Spaces". Commissioner Ford stated that he did like the overall layout of the proposed Project.

Chairman Walstrom stated that the Planning Commission needed to consider separately the PD application, the SLU application and the conditional rezoning request. Planner Nix stated that City Attorney Ramer had drafted resolutions to help the Planning Commissioners understand the approvals necessary. Chairman Walstrom discussed the approvals necessary. Planner Nix then explained each of the resolutions as drafted.

During the discussion, several changes to the draft “Resolution for Approval of the Project as a Planned Development (PD Resolution)” were considered and noted.

After the above discussion, the following motion was offered:

Motion by Bowman, second by Smith, to recommend to City Council the approval of a planned development for the Hotel Janelle Project, in the form attached to these minutes, subject to the following conditions, containing the following conditions:

- A. The existing Planned Development Agreement and Conditional Rezoning Agreement between MRJ Development, LLC, must be terminated;
- B. MRJ Harbor Springs, LLC, the owner of the Property, must approve all representations and commitments and submittals made by the Applicant and must agree to a Planned Development Agreement and Conditional Rezoning Agreement, to be prepared and proposed by City Council, if the Conditional Rezoning and Planned Development application are approved by the City Council;
- C. The Special Land Use for the Property as applied for by the Applicant must be approved by the Planning Commission;
- D. The conditional rezoning of the Property must be approved by the City Council (as set forth in and subject to the conditions of any Resolution of the Planning Commission recommending such Conditional Rezoning);
- E. A variance has been granted by the Zoning Board of Appeals or an amendment to the Planned Development Ordinance for the height of the buildings has been adopted or the Applicant submits an alternative design for the roof deck that is acceptable to the Planning Commission, as determined by the Planning Commission at a subsequent meeting;
- F. A formal written agreement, as required by the Zoning Code, as written by the City Attorney in accordance with the Zoning Code, and approved by the City Council, must be signed by the Applicant and MRJ, which agreement shall include provisions that:
 - 1. The Applicant must begin construction of the Project in a timely fashion;
 - 2. The Applicant must post a surety bond, proof of pledge of developer funds, or an unconditional mortgage commitment from a bank or other financial institution in form and substance acceptable to the City Manager and the City Attorney, in the full amount of the anticipated construction cost, to insure that sufficient funds are committed to complete the development of the Project once construction has begun.

Ayes: Ford, Smith, Walstrom, Wiggins, Benjamin, Bowman, and Deegan

Nays: Kramer

Absent: Cupps

Motion carried.

Planner Nix then reviewed the draft “Resolution Approving Special Land Use for a Hotel and Condominiums” (the SLU Resolution”). As Planner Nix went through the proposed SLU Resolution, the Planning Commission discussed and debated certain points. Relative to those points, the City Attorney amended the draft of the SLU Resolution to reflect the consensus of the Planning Commissioners. After the review of the SLU Resolution, the following motion was offered:

Motion by Deegan, second by Smith, to approve the “Resolution Approving Special Land Use for a Hotel and Condominiums”, in the form attached to these minutes, which approves a forty (40) room hotel and five condominiums on the site of 266 East Main Street, known as the Hotel Janelle and Condominiums, parcel numbers 24-51-15-13-187-001 thru 24-51-15-13-187-119 (the “Property”), as discussed by the Planning Commission and with the following conditions:

- A. The owner shall comply with all applicable provisions of the City of Harbor Springs Zoning Code and the terms and conditions of the “Resolution Recommending Approval of the Conditional Rezoning Offer to Rezone Property from TR-Transitional Residential District to CBD-Central Business District” and the “Resolution for Approval of the Project as a Planned Development” status as of this date;
- B. The owner shall construct the Project in accordance with the site plan package dated September 24, 2014 with sheet revisions dated October 16, 2014;
- C. The owner shall comply or construct the Project with the various supplements and written and drawn materials supporting the site plan package submitted as of October 16, 2014;
- D. The Zoning Board of Appeals must approve a variance for the height of thirty-nine (39) feet and or three (3) stories under the Planned Development Ordinance; or the Ordinance limiting height in the Planned Development District must be amended to permit a building having a height of that contained in the site plan package; or the Applicant has submitted an alternative design for the roof deck that is acceptable to the Planning Commission, as determined by the Planning Commission at a subsequent Planning Commission meeting;
- E. The Approval of the Special Land Use shall not be effective until each of the following conditions has been satisfied as determined by the City Manager, the City Planner and the City Attorney:
 1. The existing Planned Development Agreement and the Conditional Rezoning Agreement between the City Council and MRJ Development, LLC, has been terminated;
 2. MRJ Harbor Springs, LLC, the owner of the Property, has approved all representations and commitments and submittals made by the Applicant and has agreed to a Planned Development Agreement and a Conditional Rezoning Agreement, to be proposed by the City

- Council, if the Conditional Rezoning and the Planned Development applications are approved by the City Council;
3. The Conditional Rezoning of the Property is approved by the City Council (as set forth in and subject to the conditions of the CR Resolution of the Planning Commission recommending such conditional rezoning);
 4. The development of the Property is approved as a Planned Development by the City Council (as set forth in and subject to the conditions of the PD Resolution of the Planning Commission recommending such Planned Development);
 5. The Zoning Board of Appeals must approve a variance for the height of thirty-nine (39) feet and or three (3) stories under the Planned Development Ordinance; or the Ordinance limiting height in the Planned Development District must be amended to permit a building having a height of that contained in the site plan package; or the Applicant has submitted an alternative design for the roof deck that is acceptable to the Planning Commission, as determined by the Planning Commission at a subsequent Planning Commission meeting;
 6. The architectural details shown within the site plan package dated September 24, 2014 with sheet revisions dated October 16, 2014 and all architectural details shown on the elevation drawings submitted as part of the aforesaid packages shall be adhered to. Articulation, modulation, window placement, roof lines, building color and any other features shall be consistent with the most recent illustrations submitted to the City by the applicant.
 7. Exterior construction materials shall be natural, including asphalt roof shingles; composite wood appearance siding, stone and brick;
 8. All exterior illumination, including any signage illumination, shall consist of low intensity white light, and fixtures shall be fully shielded and downward facing. Further, the applicant shall receive approval from the City Manager and City Planner prior to light fixture installation; and, after installation;
 9. The Applicant shall prepare final signage plans and submit them to the City. Signage shall comport to the Zoning Code. The City Manager and City Planner shall approve any signage prior to installation;
 10. The Applicant shall develop a detailed landscape plan for approval by the City Manager and the City Planner. The City Manager and the City Planner may forward the landscape plan to the Planning Commission for approval;
 11. Refuse collection and permitted associated activities shall take place indoors;
 12. The Applicant shall address the following parking requirements:

- a. Forty (40) on-site parking spaces shall be provided on the Bay Level and all parking spaces shall comply with the Zoning Code, provide that the proposed designation of two (2) parking spaces specifically for compact motor vehicles is approved, and further, the Planning commission reserves the issue of tandem parking for designated residential units for a decision at a subsequent meeting of the Planning Commission;
 - b. Parking spaces shall be open to the guests of the Hotel facility and no assigned parking shall be permitted, except for the parking spaces assigned to the residential condominium units;
 - c. Access to the parking area shall be provided by an electronic keypad, access card or other similar means approved by the City Manager; and,
 - d. The design, layout, number and location of on-street parking spaces on Main Street shall be coordinated and approved by the City Manager and the Police Chief, subject to City Council approval.
13. The City Manager and the Police Chief shall investigate the elimination of parking along the east side of the subject property on Gardner Street because of the narrow street configuration and potential of increased vehicular traffic associated with the usage of the Hotel; and, making Gardner Street one-way south from East Main Street to East Bay Street, subject to City Council approval;
 14. The roof deck usage and operational elements will be considered and determined by the Planning Commission at a subsequent meeting of the Planning Commission;
 15. The Applicant shall coordinate water, storm sewer, sanitary sewer and electric services to the Hotel with the City Engineer and the City Manager;
 16. All aspects of the SLU shall continue to be subject to the terms and conditions of this SLU Resolution, the Zoning Code and any subsequent amending resolutions; and,
 17. Ingress and egress to the hotel rooms shall be made only through an inside office or lobby supervised at all hours of the day or night by an employee of the owner or operator of the hotel.

Ayes: Kramer, Smith, Walstrom, Wiggins, Benjamin, Bowman, Deegan and Ford
Nays: None
Absent: Cupps

Motion carried.

Chairman Walstrom stated that it was now time to review and consider whether the Planning Commission should recommend conditional rezoning of the TR District to CBD.

Planner Nix reviewed the proposed Conditional Rezoning Resolution with the Planning Commission. After the review of the CR Resolution, the following motion was offered:

Motion by Smith, second by Deegan, to approve the “Resolution to Recommend Conditional Rezoning”, in the form attached to these minutes, which approves a recommendation to the City Council to rezone the parking lot area of 266 East Main Street, known as the former parcel No. 24-51-15-13-176-123, TR-Transitional Residential to CBD-Central Business District, with the following conditions:

- A. The existing Planned Development Agreement and the Conditional Rezoning Agreement between the City Council and MRJ Development, LLC, has been terminated;
- B. MRJ Harbor Springs, LLC, the owner of the Property, has approved all representations, commitments and submittals made by the Applicant and has agreed to a Planned Development Agreement and Conditional Rezoning Agreement, to be proposed by the City Council, if the Conditional Rezoning and Planned Development applications are approved by City Council;
- C. The SLU for the Property as applied for by the Applicant is approved by the Planning Commission;
- D. The development of the Property is approved as a Planned Development by the City Council (as set forth in and subject to the conditions of the PUD Resolution of the Planning Commission recommending such Planned Development); and,
- E. A variance has been granted by the Zoning Board of Appeals or an amendment to the Planned Development Ordinance for the height of the buildings has been adopted, or the Applicant submits an alternative design for the roof deck that is acceptable to the Planning Commission, as determined by the Planning Commission at a subsequent meeting.

Ayes: Smith, Walstrom, Wiggins, Benjamin, Bowman, Deegan, Ford and Kramer

Nays: None

Absent: Cupps

Motion carried.

Planner Nix stated that the City Council would now consider the Planned Development application and the Conditional Rezoning request giving consideration to the recommendations by the Planning Commission. As noted, the Planning Commission recommends that the City Council approve the Planned Development application and the Conditional Rezoning request.

6. Member Comments

None

7. Next Meeting

City Manager Richards stated that the next Planning Commission Meeting is scheduled for November 20, 2014.

8. Adjournment

With no further business, Chairperson Walstrom adjourned the meeting at 8:50 p.m.

Ronald B. McRae, City Clerk