

CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES

August 13, 2019



A regular meeting of the Grand Haven Planning Commission was called to order by Chair Erin Von Tom at 7:00 p.m. in the Grand Haven City Hall Council Chambers. On roll call, the following members were:

Present: Ryan Cummins, Tim Deiters, Mike Dora, Bill Ellingboe, Robert Grimes, Mike Westbrook, Chair Erin Von Tom.

Absent: Kirsten Runschke.

Also present were Jennifer Howland, Community Development Manager and MaryAnn Poel, Administrative Assistant.

Motion by Dora, seconded by Grimes, to approve the July 09, 2019 regular minutes was unanimously approved.

Call to Audience

1. Eric Sobczak, 212 N Harbor, wanted to encourage the Commission to consider lighting pollution in the city and specifically in the upcoming Stanco development. Lighting that was shrouded or designed to shine in a downward direction enhanced safety and visibility but lighting that shined outward did the opposite and basically blinded the viewer. He would appreciate it if that was considered when approving this project and others in the city.

Riverwatch Project Overview – Derek Gajdos, Public Works Director

Derek Gajdos gave an overview of the proposed Riverwatch plan. He stated an MEDC (Michigan Economic Development Corporation) grant would be pursued along with some funds from the BLP to bury the electric lines on Harbor Drive and to make some improvements to the 1 S. Harbor parking lot and right-of-way area. They had also had several requests to remove the tall pine trees just south of the building along the sidewalk that blocked the view and to replace them with something lower. They hoped to improve the access, add some picnic tables, lights, benches, and a stairwell to get down to the 1 S. Harbor parking lot. They also planned on changing the fencing around the 1 S. Harbor building to black aluminum fence with brick pillars and the landscaping would be inside that fence. He stated Bicentennial Park would get new ADA sidewalks, more benches and garbage cans. The temporary power poles that were used for vendor power during Coast Guard would go away since the lines were getting buried so some permanent electric plugs would be added. The city sidewalk along Harbor would be widened to be 10 foot wide in that area.

Deiters asked if the 1 S. Harbor parking lot was private or public. Gajdos stated it was owned by the Community Foundation but there was an agreement in place between the Community Foundation and the city that after business hours the lot could be used by the public.

Ellingboe asked if others would be allowed to use the power. Gajdos stated that was the intention and there would be an electrical rate structure put in place for that use. Gajdos stated they hoped to begin this project by October and be done by Memorial Day next year.

Dora asked that the area where the walkways met the boardwalk be reviewed to see if the angle of that connection could be made easier for wheelchair access and Gajdos stated they would take a look at that.

Cummins stated he liked the proposed design. He clarified that the 1 S Harbor parking lot was privately owned but there was an agreement with the city for public use. He stated he had no concerns and would be supportive of deferring the site plan review to city staff.

Chair Von Tom asked about the width of sidewalks and the ADA walkways. Gajdos stated along Harbor Drive they would become 10 feet wide. Howland added that the ADA walkways looked like they were either 5 or 6 feet wide.

Deiters asked if any drinking fountains or possibly spigots for water for dogs would be added and Gajdos stated none were planned at this time.

Motion by Cummins, seconded by Dora, to defer the site plan review to city staff passed on the following roll call vote: Ayes: Deiters, Dora, Ellingboe, Grimes, Westbrook, Cummins, Chair Von Tom. Nays: None.

Case 19-20: A Public Hearing for a request for a Special Use Permit to operate a short-term rental located at 225 Jackson Avenue (parcel #70-03-20-281-006).

Howland stated this was a single family home in the OT district and it was currently a certified Long Term rental with a three person occupancy which required 2 parking spaces. The property had an existing driveway off Jackson Street that would accommodate at least 2 vehicles. The outdoor congregating areas were a front porch and a patio in the backyard. She explained the lot was only about half the size of a normal lot, but that was not out of character in this area.

Chair Von Tom opened the Public Hearing for the case.

Public Comment:

None

Correspondence:

1. Arlene Esch, 220 Jackson, was concerned about the amount of time the garbage can was sitting out during the week at the rental property.

Motion by Dora, seconded by Ellingboe, to close the public portion of the hearing carried by voice vote.

Howland stated there was an ordinance that governed when garbage cans could be set out and when they had to be brought back from the curb.

Deiters and Westbrook had no concerns.

Ellingboe asked if there would be a property manager and owner Leia Strong stated yes. Ellingboe asked her to make sure she relayed the garbage can complaint to her property manager.

Dora stated at the worksession he brought up the screening issue and asked if they had considered that. Strong stated they would put up a live wall if needed.

Chair Von Tom asked who her management company was and Strong replied it was Maria from Quick & Clean Services LLC and that Maria would be the first contact if there were any complaints. Von Tom stated she shared the concern about the small lot and asked Strong to be prepared to buffer that congregating area for her tenant's enjoyment and privacy as well as the neighbors.

Motion by Ellingboe, seconded by Deiters, to approve the a request by Leia & Scott Strong for a Special Use Permit to operate a short-term rental located at 225 Jackson Avenue (parcel #70-03-20-281-006) based on the information submitted for review and conformance with Section 40-513 of the Zoning Ordinance. Further:

1. A total of 2 parking spaces must be maintained for the short-term rental dwelling unit based on sleeping occupancy of 3 people.
2. The special use permit holder shall secure, maintain, and furnish proof of all required federal, state and local permits.

The motion passed on the following roll call vote: Ayes: Cummins, Dora, Grimes, Westbrook, Deiters, Ellingboe, Chair Von Tom. Nays: None.

Case 19-21: A Public Hearing for the request for a Special Use Permit for a Major Home Occupation located at 1644 Franklin Avenue (parcel #70-03-22-354-035).

Howland stated this was a single family home in the MDR district, it was waterfront property, and it was located at 1644 Franklin. Owners Rebecca and Todd Neil currently had a minor home occupation for a massage therapy business but now wished to request a major home occupation. Rebecca Neil operated Paradigm Wellness from this location and she wished to expand to be able to have 5 treatment rooms. Part of this plan would be to convert their current garage into client room space. There had been discussion about adding a detached 2-story garage in back yard with an associated driveway, but that wasn't part of this request at this time.

As stated last month at the worksession, the intent of a minor home occupation was that it would be fairly unnoticeable to the neighborhood and would generate no more than 10 trips a day. Howland explained the applicant's request as proposed could not be considered a minor home occupation due to the following:

1. Proposing to have two or more nonresidents employed by the home occupation rather than one.
2. The proposed area of the business would be 34% of the dwelling (1,032 sq ft of 3,060 sq ft) and the maximum for a minor was 25% of a dwelling.
3. Parking demand may exceed 2 spaces.
4. Expected to generate 25 visits per day and the maximum for a minor was 10 trips per day.
5. Proposing 5 treatments rooms, which may lead to having 5 or more customers on the premises and the maximum for a minor was 2.

Howland pointed out the applicant stated in her narrative that she had looked for commercial space to operate the business but couldn't find anything suitable. Howland stated because of the number

of deviations from what the minor home occupation would allow, she was concerned that during business hours the home occupation may change the character of the property to be more commercial than residential. She also stated that on-street parking was not encouraged at this location because the dead end nature of Franklin made it difficult for vehicles to turn around without using private property.

She explained that signage for a minor home occupation was prohibited, but a major home occupation was permitted to have a 6 sq ft wall sign that could have downward facing external illumination.

Chair Von Tom opened the Public Hearing for the case.

Public Comment:

None

Correspondence:

1. Jordan Price by email, 3750 Fern Hills Dr in Muskegon, was in favor of the request to allow more people to experience this holistic outlet.
2. Barbara Lee by email, 19 Lafayette, was in favor of the request. She stated this would provide much needed health alternatives to the community.
3. Ian Tschirhart by email, 1622 Franklin, was in favor of the request and had no complaints for the last 5 years that this business had been in operation.

Motion by Dora, seconded by Grimes, to close the public portion of the hearing carried by voice vote.

Deiters stated he still had concerns about parking and snow removal. He didn't feel there was enough parking area. He asked how many cars they personally had. Neil stated they had 2 cars and she felt they had space for 5 vehicles to park. She stated about 50 feet from their driveway was a piece of city property that she felt they could use to make up the 5 spaces.

Westbrook stated they were proposing to have a total of 5 treatment rooms and about 25 trips per day. He shared the same parking concerns since that would mean their own two cars, cars for two employees and up to 5 patient cars at a time which was certainly more than 5 parking spaces.

Ellingboe also felt there wasn't enough space to park plus have the cars be able to turn around. He asked that the applicant state the hours of operation. He was concerned there would be some overlap of cars with the people showing up for the next appointments before the current clients left.

Neil stated the hours were listed in the narrative of the application.

Grimes was also concerned about the parking and asked if there was a way to add more parking. Todd Neil stated not really, but he stated employees could have the option to park in the back of the house.

Howland pointed out that per the ordinance they were not allowed to have more than 2 spaces more than what they originally had when they received the minor home occupation.

Dora asked what services were currently provided at the location. Neil stated she did massage therapy, flotation therapy, and also did consulting work. Dora asked if they did acupuncture and she stated not now but that was a goal. Dora advised her there was a section of the ordinance that addressed the disposal of any bio-hazardous waste material so any needles or cotton swabs would fall under that. He also had concerns about the parking situation. He stated he was afraid that they were already at their maximum capacity at this location and felt that if she wanted to grow that she might be better off looking for a larger place.

Cummins stated that the cut out area Neil spoke about was city property so they wouldn't really be able to use that and they wouldn't be able to use on-street parking at this location due to the need for the turn around.

Chair Von Tom stated most of her concerns had been talked about. She stated she loved what they were trying to do, but she didn't feel this was the right spot for their growing business.

Howland asked if there was a reduction in anything that was being proposed that may help the request.

Chair Von Tom stated the proposed model was based on 5 treatment rooms which would be 3 more than they currently had. There was potential for there to be 13 cars on site at one time, but she was not sure if reducing the request to only one additional room (total of 3 rooms) was going to work for what the Neil's wanted to do.

Neil asked what kind of parking requirement they were thinking was needed for 5 rooms and Chair Von Tom stated she would be looking at 13 spaces. The Commission had to review the request using the maximum that could be on site at one time and that would be 13.

Todd Neil stated he knew of party stores that had less parking than that.

Cummins stated at the very least there needed to be 8 spaces available.

Dora stated there could still be 8 to 10 cars there at any given time.

Chair Von Tom pointed out that a party store would be located in a commercial area not a residential area so that was a different situation.

Ellingboe wanted to clarify if this request got denied if the Neil's would have to wait a year to come back to the commission. Howland stated they would have to wait a year in order to ask the exact same request. If they changed their application to be fewer rooms, less hours, or less employees they could make a new request.

Cummins asked if there was a reduction of anything in this plan that she could see working and Neil stated she really wanted the 5 rooms as requested.

Dora pointed out to her that it didn't seem like the proposed request had enough support to pass. He stated he could be agreeable to 3 treatment rooms but not 5.

Deiters asked if they would be allowed to add the driveway without the future detached garage and Howland stated no extra driveway could be permitted until the future garage was built.

Chair Von Tom stated she would rather see this stay a minor home occupation.

Howland stated a minor home occupation would only allow use of 25% of the dwelling, 1 nonresident employee, no more than 10 visits a day, and no more than 2 customers on premise at any given time.

Todd Neil stated he didn't know why they were concerned about extra traffic on a dead end road.

Chair Von Tom stated again that she liked their business idea but didn't feel this was the right place for it.

Deiters explained that the Commission had to look at the highest potential amount of customers and vehicles that could be at the location based on their proposal. He also pointed out that if they were successful in their proposed venture it would only get busier so parking was important.

Grimes stated this apparently was the first major home occupation request and he was concerned about setting a precedent so he wanted to be careful.

Dora stated their location was great for the minor occupation they already had, but it seemed like they had outgrown the limits of this residential location for the business that they wanted to become. He felt they really needed to find a commercial space so that they could grow their business in the way they envisioned.

Neil stated she really wanted this location for her business adding that her customers loved it.

Chair Von Tom stated again that the Commission had to look at the highest use when reviewing a proposal. She stated the Commission could vote on this proposal or the applicant could opt to postpone and reevaluate their proposal and come back with a different plan.

Cummins stated the Commission would need to take some kind of action at this meeting so it would either be a vote on this as proposed, or to postpone, or they could opt to withdraw their request.

Neil stated she would prefer to postpone the case.

Motion by Cummins, seconded by Dora, to postpone the request from Rebecca and Todd Neil for a Special Use Permit for a Major Home Occupation located at 1644 Franklin Avenue (parcel #70-03-22-354-035) to the September meeting carried by voice vote.

Case 19-22: A public hearing for a zoning change request from OT, Old Town District to PD, Planned Development District and associated Preliminary Development Plan for Peerless Fiats located on what is commonly referred to as the Stanco property (parcel #70-03-20-279-008, -017, -019, -020, -023, and -025; and 70-03-20-278-005, -006, and -015).

Howland explained that last year a different plan for this property was proposed and was recommended to City Council. That proposal included the vacation of Elliott Street and some other conditions, but that previous proposal was now off the table. This was a new case and shorter buildings were being proposed, there would be a common area in the center, they had added street parking, and it also included a public parking lot. This proposal would start the process all over with

a new public hearing at the Planning Commission level with the neighbors getting a public hearing notice, and then a recommendation to City Council. The street vacation was already at the Council level ready for a hearing, but was on hold waiting for this project to move forward. If Council approved the vacation and the new preliminary plan, then the case would come back to the Planning Commission for a final development approval review. Howland put the site plan on the overhead.

Howland explained that the developer was proposing to construct 8 buildings and to provide 200 private off-street parking spaces, a separate 24 space public lot in the SE corner of the development, 84 on-street parking spaces of which 78 would be public and they were requesting that 6 be for their private use, and several bicycle racks for the residents. She stated of those 200 private off-street spaces for the development, 22 spaces were in private garages and 22 spaces were provided in front of the private garages as tandem spaces to serve the townhomes and also the 4 condos on the top level of Building C. She stated the remaining 156 spaces would be shared among 120 units which worked out to a ratio of 1.3 spaces per unit. There were 6 parking spaces on 1st Street at the northwest corner of the site that the developer was asking to be dedicated for the private use of the development. The developer was proposing to dedicate land around the perimeter of the site for a public sidewalk, which would then allow more width in the city right-of-way for perpendicular public on-street parking spaces instead of having parallel parking spaces. She stated she was going to turn it over to the River Caddis team to give the specifics of their proposal.

John McGraw of River Caddis Development was presenting along with his father Kevin McGraw, brother Jake McGraw, and Peter Lazdins of Progressive AE. McGraw stated in regards to the staff report they had two changes. They wanted to have the option to have one additional sign on 1st Street and they would also like to have only 10 units be at 50% AMI (Average Median Income) or lower (instead of 13 units noted in the staff report) and the other 3 units to be at 60% AMI or lower. He explained for the audience this was a 4 acre site and they were proposing 8 separate buildings with a total of 133 units. Buildings A & B would be the affordable units (units using the AMI) and those would be 3 stories high. Buildings C & D would be market rate and would be 4 stories high. Then there would be the townhomes on the east side and there would also be a clubhouse in the middle for all units to have access to. They had 200 interior parking spaces for the development and there were 78 additional public street parking spaces plus a 24 space public city lot. They were requesting that the first 6 spaces on 1st Street closest to Jackson Street be dedicated private for the use of the development.

Chair Von Tom opened the Public Hearing for the case.

Public Comment:

1. Dave Dornbos, 116 N Harbor, explained that 36 of their 200 spaces were dedicated to just 9 of their units. There were also 4 single stall garages adjacent to the clubhouse with a single parking spot in front of each garage that would be dedicated to specific units. So there were only 156 parking spaces left for 120 units which worked out to be 1.3 parking spots for the rest of the development. Out of those 120 units, 36 units would be able to have 2 parking spots and 84 units would only have one parking space. He explained that currently there were 14 efficiency units, 48 one bedroom units and 22 two bedroom units. He found it hard to believe that those 22 two bedroom unit tenants were only going to have one car. He also had an issue with the six 1st Street parking spaces being dedicated as private since they were the closest spaces to the farmers market. He would like to recommend that the 78 parking spaces in the r-o-w and the 24 space public lot be limited to 3 hour parking with no

overnight parking because otherwise those were going to be utilized by people from the development and then there wouldn't be any parking left for the public.

Correspondence:

1. Nelson Miller, operations director of Covenant Life Church, stated they had a long standing relationship with the Slagel family and had benefitted from their generous sharing. They did have a concern about the proposed new street parking. The church's 19 staff members, several hundred members and many guests currently used the parking along Fulton Street. While this revised plan was offering street parking, unless the city prohibited overnight parking the development's residents would fill these public parking areas preventing use by church staff, members and guests. If the city did not enforce an overnight parking restriction, the church may have to restrict the use it allows of their private parking lot on Harbor Drive.
2. Dave Dornbos, 116 N Harbor, wondered where on this development would snow be plowed or stored in the winter as well as the parking concerns mentioned in his public comments.
3. Bruce Stanton, owner of 205-211 Fulton, noticed that the proposed elevations of the Peerless project showed buildings that were 4 stories high plus gazebos. He was concerned that the current view of green trees and the sand dunes when coming over the draw bridge was going to be blocked by these tall buildings. He was in favor of the development just not such tall buildings.

Motion by Ellingboe, seconded by Dora, to close the public portion of the hearing carried by voice vote.

Westbrook thought this would be a great improvement and was a good use of the lot but he agreed the parking concerns needed to be addressed.

Ellingboe wanted to ensure that the "street" parking in the right-of-way and the public lot were actually going to be for the public and not just additional parking for the development. He felt the overnight parking needed to be addressed and he would like to make sure the improvements to the cross walk on Jackson Street stayed in the proposal.

Grimes asked if the outer parking spaces were really considered street parking since they were not really in the street.

Howland explained that off-street parking was on private property and on-street parking was on city property. Although the spaces were not in the travel path, they were still on city property.

Dora liked the new layout and felt this design would be good for the area.

Cummins asked for an explanation on why they wanted to drop the number of units for the affordable housing. McGraw stated it was because they were juggling a lot of financing options from several entities so that gave them more flexibility.

Cummins asked what the AMI was for this area. McGraw stated it went by bedrooms in Ottawa County so 50% AMI for 1 bedroom was \$29,400 and for 2 bedrooms it was \$33,600. 60% AMI for 1 bedroom was \$35,280 and 2 bedrooms was \$40,320. Therefore the request to only have 10 units at the 50% gave them flexibility on 3 more units to help other people get into the building.

Cummins stated in the narrative it spoke about 35 workforce units which would be 80-120% AMI so were those also included in the funding? McGraw stated those were through the MSHDA funding.

Howland clarified that what they were proposing for Buildings A & B was that 10 units would be at 50% AMI, 3 units would be at 60% AMI and 35 units would be at 80-120% AMI. McGraw stated that was correct. Howland explained that part of the OT district requirements were that 10% of the development be affordable so that's what the city was using as a benchmark.

Cummins asked that he speak to the market rate and the square footages since they had recently done a market study. McGraw stated there were several different factors when determining the price points. He stated they had multiple layouts that were between 500 square foot units and 1,000 square foot units.

Cummins agreed with the parking concerns that had been raised and felt some signage was needed to make sure it was not taken up all day long by residents of the development and was not used as overnight parking. He stated one of the community benefits was that a contaminated site was being cleaned up. He asked McGraw to speak about some of the environmental work that was going to be done on the site. McGraw stated they were working with both EGLE and the Brownfield Redevelopment Program to make sure they were meeting all of the requirements to make it a safe environment in order to build homes on the site. There were dewatering issues, soil handling of the contaminated soil, preconstruction testing, and post construction management procedures.

Cummins pointed out that cleaning up a contaminated site was a huge benefit but this project was also meeting the master plan goals of offering mixed housing options, it had mixed density, a variety of price points, was providing housing for the central business district, and was providing public parking. He stated he realized from the worksession last month that there would be some units available for short term renting, but he hoped there would not be too many as the year round housing to help support the business area was a very important element. He also liked the redesign of townhomes being the transition area between the homes on 2nd Street and the rest of the development.

Deiters stated as long as there was still public parking on the west side of 1st Street he didn't have any issue with the request for the 6 spaces on the east side of the street being dedicated to the development.

Chair Von Tom stated she had liked the previous design and also liked this new design. She felt that Council may want to clarify who will be responsible for maintaining the street parking and the 24 space public lot. She would also like Council to review and consider the issue of overnight parking in those same spaces. She stated as long as the additional signage was on 1st Street and not Jackson she was agreeable to the extra sign. Condition #6 may need to be amended so it was consistent with what was discussed at this meeting. It was also discussed that short term rentals would only be allowed in Buildings C & D. She understood that they were still negotiating the upgrades to the cross walk on Jackson, but she would really like to see that be included in the proposal. She didn't have any issue with the heights as proposed and she felt the buildings blended with the other buildings in the area.

Ellingboe stated the narrative included mention of 4% payment in lieu of taxes and he asked McGraw to explain what that meant. Kevin McGraw stated the reason they included that was that they would receive tax credits if they did that. He stated it was a PILOT (Payment In Lieu of Taxes)

program which had to be negotiated with the city but MSHDA required it.

Ellingboe had some concern that there was going to be issues with the street parking in the wintertime when the snowplows went through. He was concerned this was going to result in cars getting plowed in and wondered if winter parking restrictions would apply to these spaces.

Howland stated there was also some concern that the parking spaces may result in vehicles overhanging the public sidewalk area.

Kevin McGraw explained that there may not be grass in the space by the sidewalk since that would be difficult to maintain and mow.

Cummins wanted to verify where the affordable units would be and John McGraw stated they would be located in Buildings A & B.

Chair Von Tom summarized some of the conditions for moving forward:

1. The vacation of Elliott Street
2. The dedicated 24 space city public parking lot
3. The lot split and combination of the parcels
4. The perpendicular on street parking spaces being constructed
5. The sidewalks being installed
6. The minimum number of reduced rate units in both A & B
7. The short term rentals being allowed in only C & D
8. The bike racks and where shown on the plan
9. The request to allow a 2nd sign on 1st Street

Motion by Dora, seconded by Ellingboe Motion to recommend approval to City Council for a zoning change request from OT, Old Town District to PD, Planned Development District and associated Preliminary Development Plan for Peerless Flats located on what is commonly referred to as the Stanco property (parcel #70-03-20-279-008, -017, -019, -020, -023, and -025; and 70-03-20-278-005, -006, and -015), based on the information submitted for review and subject to the following conditions:

1. The Elliott Street right-of-way will be vacated between First Street and Second Street.
2. The 24-space parking lot in the southeast corner will be dedicated to public parking.
3. A lot split and combination application will be submitted with the Final Development Plan application that includes all applicable easements. The application must be approved prior to issuance of any construction permits.
4. The developer will construct perpendicular on-street parking spaces per the plan.
5. A public sidewalk will be constructed around the site at the developer's expense and will be located in a public easement.
6. A minimum of 10 residential units in Building A & B will be offered at affordable rates (50% AMi) and 3 units in building A & B at 60% AMi.
7. Short-term renting will be a permitted use in Buildings C and D only.
8. The site will provide bicycle parking facilities for residents.
9. One additional sign shall be allowed at the First Street entrance.

The motion passed on the following roll call vote: Ayes: Cummins, Deiters, Grimes, Westbrook, Dora, Ellingboe, Chair Von Tom. Nays: None.

Howland stated a Public Hearing notice for this case would have to be published before it could move forward to Council so she would contact their team with the available Council dates.

Case 19-23: A request from Abby Selby for a Site Plan Review for a proposed building and parking lot expansion located at 841 and 845 Slayton Avenue (parcel #70-03-28-104-017 and 70-03-28-104-016).

Howland stated this project involved 2 separate parcels and was for a 1,079 sq ft office expansion to the north of the existing building along with an expansion of the existing parking lot. The applicant was providing a landscape buffer, expanding a curb cut off Slayton, and adding a required bike rack. The 2 parcels would be combined into one parcel and the applicant had a purchase agreement with John Steinbach for the 845 Slayton property. Howland pointed out the applicant's parking lot also provided some parking for the Steinbach property across the street at 836 Slayton through a parking agreement. Some existing trees had already been removed so she was recommending that a couple of trees be added to the screening on the east and the screening on the west should either be increased or waived since there was no change in use.

Ellingboe stated he was comfortable with the existing fence for screening.

Dora asked if there would be a dumpster and Howland stated no.

Howland advised the Commission she had already received the lot combination application so that could be removed from the stipulations.

Deiters asked if only 1 handicap space was sufficient since she was providing parking for the business across the street and Howland stated 836 Slayton already had a handicap space behind their own business.

Motion by Ellingboe, seconded by Cummins, to approve the site plan from Abby Selby for 841 & 845 Slayton Avenue (parcel #70-03-28-104-017 and 70-03-28-104-016) subject to the following condition(s):

1. The parking lot landscape screen along the east property line as shown on the plans must have two deciduous trees installed.
2. The landscape buffer requirement along the west property line has been waived
3. A total of four (4) parking spaces will be maintained in the southeast corner of the site for use by the office building at 836 Slayton Avenue

The motion passed on the following roll call vote: Ayes: Deiters, Dora, Grimes, Westbook, Ellingboe, Cummins, Chair Von Tom. Nays: None.

Case 19-24: A work session to determine whether the application from Steve Prelesnik for a Special Use Permit for a Mixed Use Development located at 400 North Ferry Street (parcel #70-03-21-415-026) is complete and ready to schedule a public hearing. This project will also require a Site Plan Review.

Howland stated this was parcel with a single family home, a vet clinic, and the owner's mechanical business. The vet hospital had been there since 2000 and there was a SLU in place for that

business. The owners would like to redevelop the property into a Mixed Use Development. The proposed mix of uses would include the veterinary hospital, animal grooming, warehouse, contractor's establishment, and office. The existing house would be demolished and a multi-tenant building would be constructed to provide space for the proposed uses which would become a condo type ownership. The vet office/hospital would remain and the site would share parking and access from Ferry Street. The applicants were currently working with the Fire Marshall to resolve some issues.

Westbrook asked what the intended use of the building would be and Steve Prelesnik replied in addition to his heating and cooling business and the vet hospital they were anticipating an animal grooming business, some contractor storage and possibly a designer business. He explained that the house and a shed would be torn down. The vet hospital would remain but become part of the condominium.

Dora wanted to make sure it wasn't intended to be a store & lock and Prelesnik stated it was not.

Chair Von Tom asked if there would be any changes to the existing vet building and Prelesnik stated there would not be.

Motion by Dora, seconded by Ellingboe, to set the public hearing for September 10th was carried by voice vote.

Case 19-13: Continuing discussion to develop proposed regulations governing medical marijuana facilities.

Howland stated this was a continuing discussion from the last several meetings. At the last worksession there was support for remaining open to all 5 uses, to have them be a Special Land Use, and to not allow them in residential areas. The objective for this meeting would be to discuss zoning districts for each use and what types of buffering should be required.

She stated at the last meeting it was discussed that a Provisioning Center would be similar to retail which was a permitted use in 7 districts. Parking would be a concern for this use, so she felt it would be important to select zoning districts that did not rely on public parking to support the business. She therefore suggested eliminating the NMU, CB and WF districts which would leave the C, B, WF-2 and TI districts. Processor would be similar to manufacturing so that would be the T and TI districts. Grower would be similar to a greenhouse or a manufacturing facility so that would also be the T and TI districts. Secure Transporter may need loading docks and may need to store product so that would be B, T, and TI districts. Safety Compliance Facility was a similar operation to a research & development facility which would be the TI and I districts.

Howland stated the Drug Free School Zone law required medical marijuana facilities be constrained to commercial or industrial zone districts further than 1,000 feet from any school. The city of Grand Rapids also added a 1,000 foot buffer from childcare centers, other marijuana facilities, and residentially zoned properties along the same street. Their ordinance included a Planning Commission waivable 1,000 foot from parks and playgrounds, religious institutions, and substance abuse programs. They had also added a 2,000 foot separation between commercially zoned Provisioning Centers.

Howland had created a map based on the Grand Rapids criteria just as a starting point. The green on the map was the allowable parcels based on previous discussions, the blue was known sensitive land uses within 1,000 feet of those parcels, and the red would be all the parcels taken out due to the buffers. The WF-2 district was taken out due to the 1,000 foot buffer for park land.

Westbrook felt the Grand Rapids ordinance was reasonable and that the map presented looked reasonable so far.

Ellingboe asked what areas didn't rely on public parking. Howland explained those would be properties that had their own private parking lots. Otherwise Council would have to grant a waiver each time a business located in an area that used public parking lots.

Chair Von Tom thought that was the whole point of having the parking district. She felt the downtown area already had retail stores, there already was a 3 hour parking limit in place, and for the most part people would be in and out with this type of business so why wouldn't it be allowed there.

Howland explained it was anticipated that there would be a high parking demand for the Provisioning Center and the ordinance required a fairly high transparency for buildings fronting Washington so it may not be appropriate there.

Chair Von Tom agreed it could generate a lot of parking, but she didn't feel this use would create a parking burden because based on the Provisioning Center they visited in Muskegon, this was more of an in and out situation not a long shopping experience.

Ellingboe would like to see a map that just showed the drug free zones because there might be an instance where a location might not meet these other 1,000 foot buffers but would be a reasonable place for a Provisioning Center to be located.

Grimes suggested the possibility of adopting the Grand Rapids model but also just allowing the medical use on Beacon Blvd, Beechtree and Robbins Road.

Howland pointed out that the problem with that was that there were 4 separate zoning districts along Beacon.

Grimes explained what he was trying to suggest was there would be the underlying Grand Rapids type ordinance but with the ability for the Planning Commission to waive the buffer if it was on one of those streets. For example the old Wendy's property may be close to a church but because it was located on Beacon it would be allowed. He realized the Drug Free School Zone could not be waived but they could opt make the others waivable on those more commercial streets.

Dora stated from the information they had received so far, it seemed like the Grow may not be in high demand here because of the cost of the land. The Provisioning Center would probably have the highest parking need and also generate a lot of traffic and congestion so he agreed this might not be a good fit for the downtown area. He thought it might be best to allow fewer locations to begin with and see how that went since they could always open it up more later. If they allowed too much to begin with it could be very difficult to try to scale it back later.

Cummins agreed he was not sure the Grower was going to fit in the city. He agreed with Von Tom and Ellingboe related to concerns about not allowing another use downtown just because it would use a lot of parking. He wondered if there was any instance in the past of denying a downtown business because it would use a lot of parking. For example if a really popular restaurant wanted to locate downtown would that business would be treated this same way and be turned away. So he struggled with the parking rationale being the reason to deny having this use in the downtown area. He understood that the state Drug Free School Zone law required a 1,000 feet buffer but he wondered if the other buffers being considered really needed to be 1,000 feet or could that be less. He was not sure that we needed 1,000 feet from all that were on this list. He would like the Commission to have some flexibility to evaluate the appropriateness of a site. Another example would be the gas station/party store on Beechtree and Waverly which sold alcohol and was directly adjacent to Sluka field which was a park and had a play area. He understood that Grand Rapids was having a public hearing tonight on whether or not to keep the parks and playgrounds in their buffering. He liked Grimes suggestion because there were certain pockets in the city where this would work.

Chair Von Tom stated perhaps if parking was going to be used to eliminate the use then the opposite might be true that if there was a place that had plenty of parking area and could support that use then it would be allowed. One example of that would be the current Panera Bread building which would soon be vacant. Or any of the strip mall type developments with their own parking lots.

Deiters asked to have Howland create a map that would include just the buffers that the state required. He wanted that basic map to see what that would look like. He felt the Provision Center needed to stay in a retail type area. He agreed that the clients would be in and out of the business just like you would if you went to a pharmacy in Walmart or Pfaff's.

Chair Von Tom stated the other uses were all in the T & TI except the Secure Transporter could also be in the B district. She asked Howland to create a map of just the B, T, and TI districts with just the state required buffering. And also a map with all the non-residential districts that would allow retail with just the state required buffering.

Grimes wondered if they were making this more difficult than it needed to be. He thought it should be allowed anywhere a pharmacy would be allowed as long as the state buffering was being followed.

Chair Von Tom questioned if this was strictly retail or if it was just medical. Was it restricted because it required a prescription.

Ellingboe stated he didn't believe it was strictly retail at this point. He was comfortable keeping it fairly loose, but knew that other people did not view it this way. He felt they should try to get something basic on the books that would be acceptable to everyone as a beginning point and the ordinance could be revised over time.

Dora stated he didn't view this as quite the same as the "normal" retail because the client would have to have a prescription to be able to purchase.

Howland stated at some point they were going to need to establish some Special Land Use criteria including parking requirements.

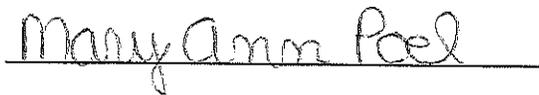
Consensus was to have Howland create the requested maps for the next meeting.

B. ZBA Liaison Report – Cummins stated the ZBA heard an appeal of the Buzurk Brewing site plan approval for 1442 Washington and the ZBA upheld the Commission's decision but added a condition that the parking lot had to be paved.

Howland gave a very brief summary of her yearly Manager's report and stated that she was in the process of scheduling some public meetings for the zoning ordinance update.

Adjournment:

Motion by Ellingboe, seconded by Cummins, to adjourn was unanimously approved by voice vote. The meeting adjourned at 10:36 p.m.



MaryAnn Poel
Administrative Assistant
Community Development Department