

## **CITY OF ZEELAND**

### **Planning Commission Electronic (Virtual) Meeting Notice**

PLEASE TAKE NOTICE that the Planning Commission of the City of Zeeland whose chambers are in the Zeeland City Hall at 21 South Elm Street, Zeeland, Michigan, and whose telephone number is 616-772-0872 will hold an electronic/virtual meeting on:

**Thursday, April 16, 2020  
at 5:45 P.M.**

Some members of the Planning Commission will be meeting in the Zeeland City Hall at 21 S. Elm Street, Zeeland, Michigan during such meeting time while other Planning Commission Members will be participating electronically in the said meeting. Members of the public will only be permitted to attend the meeting electronically.

#### **PUBLIC PARTICIPATION NOTICE**

**If you want to electronically attend the above meeting, if you want to ask questions or if you wish to provide input to the Zeeland Planning Commission, you should call:**

**Telephone number: 1-408-418-9388  
Access code: 717 662 288**

Input will be accepted during the public comment section of the said meeting. Your phone should be muted except for during the public comment portion of the meeting when you desire to provide input. Members of the public are not required to register or otherwise provide information to attend.

If possible, please email your comments or questions to the City of Zeeland or to members of the Planning Commission by sending an email to either: [assessor@cityofzeeland.com](mailto:assessor@cityofzeeland.com) or to [clerk@cityofzeeland.com](mailto:clerk@cityofzeeland.com) prior to 5:00 p.m. on Thursday, April 16, 2020. The Planning Commission Agenda and the Planning Commission Packet will be available via the links in the Calendar Section on the front page of the City's Website.

#### **REASON FOR ELECTRONIC MEETING**

It is necessary to hold an electronic meeting because of the presence of the novel coronavirus (COVID-19) which is a respiratory disease and pursuant to Governor Gretchen Whitmer's Executive Order, No. 2020-42 which provides that activities should be suspended that are not necessary to sustain or protect life. These electronic meetings are being held in accordance with Governor Gretchen Whitmer's Executive Order 2020-48 which provides temporary authorization of remote participation in public meetings.

#### **DISABILITY NOTICE**

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Zeeland City Clerk at (616) 772-6400 or should email the City Clerk at: [Clerk@cityofzeeland.com](mailto:Clerk@cityofzeeland.com).

Dated: April 15, 2020

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Pamela Holmes, City Clerk

**CITY OF ZEELAND  
PLANNING COMMISSION  
AGENDA  
APRIL 16, 2020  
CITY HALL – COUNCIL CHAMBERS**

**5:45PM**

- Meeting called to order
- Roll Call
- Excuse absent members
- Additional agenda items

**VISITORS/PUBLIC COMMENT:**

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**COMMUNICATIONS/REPORTS:**

- Memo – Andrew Boatright – Request to amend Section 4.127 of Volume II of the Zeeland City Code

**PUBLIC HEARINGS:**

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**ACTION:**

- Resolution to approve rezoning multiple parcels out of Alcohol Sales Overlay District
- Resolution to approve Zoning Ordinance Amendment - Section 3.1304 –Special Land Use criteria for alcohol sales requests
- Planning Commission Regular Meeting Minutes of March 5, 2020

**UNFINISHED BUSINESS:**

- Resolution recommending not to rezone the property at 136 E Cherry Avenue from R-2, Single and Two Family Residential District to R-1, Single Family Residential District and instead rezone the property to PF, Public Facilities District. – *Tabled*

**NEW BUSINESS:**

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**OTHER:**

- Consider any other business which may lawfully come before the Planning Commission

TO: Bill Elhart, Chair, City of Zeeland Planning Commission  
FROM: Andrew Boatright, General Manager  
SUBJECT: Underground Requirement for Electric Services  
DATE: April 10, 2020  
CC: Tracey DeKraker, Electric T&D Manager

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For the last several years it has been a goal of the City and of the Zeeland Board of Public Works to put electrical distribution lines and electrical service lines underground. In the City, we have a number of instances in which the electrical distribution lines are underground but electrical service lines remain above ground.

In order to meet the City's and the BPW's undergrounding goal, please consider amending the Zeeland Zoning Ordinance Section 4.127 to provide in part as follows:

"In all districts, electrical services lines must comply with the following regulations, as applicable:

(1) The electrical service to a new structure shall be an underground electrical service.

(2) Existing structures with an overhead electrical service shall have the electrical service to the structure placed underground within a 30-day period which is specified by the city in conjunction with either a municipal construction project which results in the electrical distribution service for the property being placed underground **or for a mill and resurface project if the electrical distribution system is already underground.** The city shall give not less than a 30-day notice as to the time period during which the property owner must change and convert their electrical service to an underground electrical service....."

Thank you for your consideration of this request. If more information is needed in regard to this request, please feel free to contact me.

**RESOLUTION**

*(To Recommend the Removal of Certain Parcels from the Alcohol Sales Overlay District)*

**City of Zeeland  
County of Ottawa, Michigan**

Portions of minutes of a Regular Meeting of the Planning Commission of April 16, 2020, at 5:45 o'clock p.m., Local Time.

PRESENT: Commissioners \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_  
\_\_\_\_\_

The following preamble and resolution were offered by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.

WHEREAS, the Planning Commission has requested that certain parcels be removed from the Alcohol Sales Overlay District for the reasons that are stated in this resolution;

AND WHEREAS, a public hearing was held on the removal of the said parcels from the Alcohol Sales Overlay District on March 5, 2020;

AND WHEREAS, it is necessary to remove the said parcels from the Alcohol Sales Overlay District since the sale of alcohol from the parcels to be removed from the Alcohol Sales District would not promote the vision of a vibrant downtown and strong central business district;

AND WHEREAS, the removal of the said parcels from the Alcohol Sales Overlay District will not adversely affect the property interests of the adjacent property owners;

AND WHEREAS, the removal of the said parcels has been reviewed by and recommended by the Planning Consultant for the City of Zeeland;

AND WHEREAS, the removal of such parcels from the Alcohol Sales Overlay District will not harm the public health, safety or welfare and the opportunity to purchase alcohol is readily available from other locations both within and outside of the City of Zeeland and it is believed that the said rezoning will promote the economic vitality of a substantial majority of the downtown retail businesses.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Planning Commission hereby recommends that the following described parcels within the City of Zeeland, County of Ottawa, and State of Michigan be removed from the Alcohol Sales Overlay District:

<b>PPN</b>	<b>Address</b>	<b>Owner</b>	<b>Tax Description</b>
70-16-13-460-001	252 W WASHINGTON AVE	BREUKER REAL ESTATE LLC	PART OF SW 1/4 OF SE 1/4 BEG ON S LINE OF WASHINGTON ST 25 FT E OF CEN OF JEFFERSON ST TH S 75 FT E 120 FT N 75 FT W 120 FT TO BEG. SEC 13 T5N R15W
70-16-13-481-012	18 W WASHINGTON AVE	JTH PROPERTY HOLDINGS LLC	W 52 FT OF E 142 FT OF LOT 34 ROOSENRAAD SUP PLAT NO 3
70-16-13-481-013	2 W WASHINGTON AVE	JTH PROPERTY HOLDINGS LLC	E 142 FT OF LOTS 32 & 33 AND ALSO THE E 90 FT LOT 34 ROOSENRAAD SUP PLAT NO 3
70-17-18-355-028	221 E WASHINGTON AVE	CENTENNIAL CROSSING LLC	SPLIT/COMBINED ON 03/04/2013 FROM 70-17-18-355-009, 70-17-18-355-027 THAT PART OF LOTS 11 & 12 ALINGS ADDITION TO THE CITY OF ZEELAND DESC AS COM N 89D 30M 39S W 690.05 FT ALG S SEC LI, N 0D 32M 16S E 578.19 FT ALG CEN LI CENTENNIAL ST, N 0D 30M 18S E 24.65 FT ALG SD CEN LI, & N 88D 53M 35S W 56.5 FT ALG S LI SD LOT 11 AND ITS EXTENSION FROM S 1/4 COR, TH N 88D 53M 35S W 273.5 FT ALG S LI SD LOT 11, N 0D 26M 8S E 210.92 FT PAR TO W LI SD LOTS 11 & 12, E'LY 273.91 FT ALG A 5727.17 FT RAD CURVE TO LEFT (CHD BEARS N 88D 37M 9S E 273.89 FT), S 0D 30M 18S W 222.81 FT PAR TO E LI SD LOTS 11 & 12 TO BEG. SEC 18 T5N R14W
70-17-18-397-013	347 E WASHINGTON AVE	ZEELAND BOARD OF PUBLIC WORKS	LOTS 13, 14 & 15, EXC S 57 FT OF W 115 FT LOT 15, ALSO LOTS 22 & 23 EXC RR SPUR TRACK. ALSO A STRIP IN SE 1/4 OF SW 1/4 SEC 18 T5N R14W 13 FT E&W & ADJ TO E LI OF LOTS 22 & 23. ALINGS'S ADD & SEC 18 T5N R14W SPLIT ON 02/10/09 FROM 70-17-18-397-001, 70-17-18-397-002, 70-17-18-397-003, 70-17-18-397-005, 70-17-18-397-006, 70-17-18-397-007, 70-17-18-397-008, 70-18-397-009, 70-17-18-397-010, 70-17-18-397-011, 70-17-18-397-012 INTO 70-17-18-397-013;
70-17-18-398-015	30 N CENTENNIAL ST	LONG TIFFANY	N 45 FT LOT 7 ALING'S ADD
70-17-18-398-016	24 N CENTENNIAL ST	BOK JOHN E	S 1/2 OF N 90 FT LOT 7 ALING'S ADD
70-17-18-398-024	18 N CENTENNIAL ST	UTTER MIRANDA	S 70 FT OF N 160 FT LOT 7 ALING'S ADD
70-17-18-399-004	326 E WASHINGTON AVE	ZEELAND BOARD OF PUBLIC WORKS	E 50 FT OF W 286 FT OF LOTS 16 & 17 ALING'S ADD
70-17-18-399-005	330 E WASHINGTON AVE	ZEELAND BOARD OF PUBLIC WORKS	LOTS 16 & 17 EX W 286 FT ALING'S ADD

70-17-18-399-006	334 E WASHINGTON AVE	ZEELAND BOARD OF PUBLIC WORKS	W 77 FT OF LOTS 19-20-21 EX S 60 FT OF LOT 19 ALING'S ADD  LOTS 19, 20, 21 EXC W 223 FT, ALSO EXC S 60 FT OF LOT 19, ALSO A STRIP IN SE 1/4 OF SW FRL 1/4 13 FT E & W BY 146.25 FT N & S LYING E OF & ADJ TO ABOVE PARCEL. ALING'S ADD & SEC 18 T5N R14W
70-17-18-399-009	352 E WASHINGTON AVE	ZEELAND BOARD OF PUBLIC WORKS	LOTS 1 & 2 & A STRIP IN SE 1/4 OF SW FRL 1/4 SEC 18 T5 R14, 13 FT E & W BY 297 FT N & S E OF & ADJ TO E LI OF LOTS 1 & 2 OWNED AS 1 PARCEL EXC COM SW COR LOT 2, TH N TO NW COR OF LOT, TH E .5 FT, TH S'LY TO PT ON S LOT LINE, .2 FT E OF BEG, TH W .2 FT TO BEG. ALING'S ADD & SEC 18 T5 R14
70-17-18-399-018	349 E MAIN AVE	WEST MICHIGAN OFFICE INTERIORS	E 146 FT OF W 223 FT LOTS 19- 20-21 EXC S 60 FT LOT 19 ALINGS ADD
70-17-18-399-024	350 E WASHINGTON AVE	ZEELAND BOARD OF PUBLIC WORKS	S 60 FT OF LOT 19, ALSO PART OF SW 1/4, BEING A STRIP 13 FT E&W ADJ TO SD S 60 FT OF LOT 19 ON E. ALING'S ADD
70-17-18-399-030	20 S MAPLE ST	ZEELAND BOARD OF PUBLIC WORKS	PART SE 1/4 COM 30 FT E OF SW COR, TH E 112 FT, N 330 FT, W 112 FT, TH S 330 FT TO BEG. SEC 18 T5 R14
70-17-18-460-016	405 E MAIN AVE	EXECUTIVE PROPERTIES AND CONST.	S 159 FT OF FOLLOWING: COM 401 FT S OF NW COR OF NW 1/4 OF SW 1/4 OF NW 1/4, TH E 192 FT, S TO S LI SD NW 1/4 OF SW 1/4 OF NW 1/4, TH W TO W SEC LI, TH N TO BEG. SEC 19 T5N R14W
70-17-19-151-026	241 S STATE ST	TYCH PROPERTIES LLC	PART OF SW FRL 1/4 OF NW FRL 1/4 COM N 0D 36M 57S W 512.09 FT FROM W 1/4 COR, TH N 0D 36M 57S W 136.5 FT, S 89D 46M 06S E 586.25 FT, S 0D 1M 12S W 204 FT N 89D 46M 06S W 418.22 FT, TH N 67D 38M 31S W 179.26 FT TO BEG. SEC 19 T5N R14W FROM 17-19-151-022 12/88
70-17-19-151-030	251 S STATE ST	LANGSTER LAND COMPANY L L C	PART OF SW FRL 1/4 OF NW FRL 1/4 COM N 0D 36M 57S W 355.3 FT FROM W 1/4 COR, TH N 0D 36M 57S W 156.82 FT, S 67D 38M 31S E 178.94 FT, TH S 89D 49M 06S E 198.51 FT, S 0D 13M 12S W 220.51 FT, N 89D 37M W 165.09 FT, TH N 56D 14M 10S W 236.22 FT TO BEG. SEC 19 T5N R14W 1.66A FROM 17-19-151-031 10/91
70-17-19-151-032	261 S STATE ST	BURGER KING	THAT PART OF SW FRL 1/4 OF NW FRL 1/4 COM W 1/4 COR, TH N 0D 36M 57S W 355.3 FT, TH ALG N LI OF I-196 S 56D 14M 10S E 236.22 FT & S 89D 37M E 165.09 FT TO BEG, TH N 0D 13M 12S E 220.51 FT, S 89D 49M 06S E 220 FT, S 0D 13M 12S W 221.28 FT, TH N 89D 37M W 220 FT ALG N LI I-196 TO BEG. SEC 19 T5N R14W FROM 17-19-151-031 10/91 DESC CORRECTION 06/94
70-17-19-151-033	271 S STATE ST	BURGER KING	

Section 2. The Planning Commission hereby adopted the recitals of this Resolution as it findings.

Section 3. This resolution and the attached comments, if any, from the public hearing on this rezoning constitute the final report of the Planning Commission.

Section 4. All Ordinances or parts thereof in conflict with the provisions of this recommended Ordinance should be repealed to the extent of such conflict.

Section 5. This Ordinance should take effect immediately and should be declared to be an Emergency Ordinance.

This Resolution is hereby adopted on the 16th day of April, 2020, at a Regular Meeting of the Zeeland Planning Commission, with the following votes:

AYES: Commissioners \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: Commissioners \_\_\_\_\_

ABSTENTION: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

CITY OF ZEELAND

By: \_\_\_\_\_  
William Elhart, its Chairman

By: \_\_\_\_\_  
Amy LeVesque, its Clerk

**RESOLUTION**

*(To Approve and Recommend  
the Amendment of Section 3.1304 of the Zoning Ordinance)*

**City of Zeeland  
County of Ottawa, Michigan**

Portions of minutes of a Regular Meeting of the Planning Commission of the City of Zeeland,  
County of Ottawa, Michigan, held in the City Hall in said City on April 16, 2020, at 5:45 o'clock p.m.,  
Local Time.

PRESENT: Commissioners \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_  
\_\_\_\_\_

The following preamble and resolution were offered by Commissioner \_\_\_\_\_ and  
supported by Commissioner \_\_\_\_\_.

WHEREAS, the Planning Commission has determined that the Zeeland Zoning Ordinance should  
be amended;

AND WHEREAS, it is the opinion of the Planning Commission that Section 3.1304 of the  
Zoning Ordinance should be amended so as to establish special land use standards for parcels for which  
on-premises and off-premises alcohol sales licenses have been requested;

AND WHEREAS, the Planning Commission has received and reviewed the recommendations of  
its Planning Consultant regarding the adoption of special use standards;

AND WHEREAS, the Planning Commission wants to promote a downtown and central business  
district which is walkable and which will attract pedestrians to walk from store-to-store;



AND WHEREAS, it is believed that the proposed special use standards will strengthen local businesses and will promote the public welfare by encouraging shopping in local businesses;

AND WHEREAS, such amendments are found to be in the interest of the public;

AND WHEREAS, a public hearing was held regarding such amendments on March 5, 2020, and the input regarding the proposed amendments has been documented and recorded in the minutes of the Planning Commission;

AND WHEREAS, this resolution and the minutes of the public hearing and the deliberations of the Planning Commission shall be considered to be the final report of the Planning Commission;

AND WHEREAS, after considering input from the public and the lack of any public objections, the Planning Commission approves and recommends the adoption of an amendment to the Zoning Ordinance in accordance with this resolution.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That Section 3.1304 to the Zoning Ordinance be amended so as to read in its entirety as follows:

**“Sec. 3.1304. - Special land use and site plan review hearing.**

Prior to any alcohol sales being permitted from a parcel, a site plan review hearing shall be conducted in accordance with the site plan review provisions of this ordinance. No property owner shall operate an establishment which sells alcohol unless the site plan for such sales operation has been approved by the planning commission. The planning commission shall have the right to establish conditions for the operation of a facility which sells alcohol in accordance with the discretion which is given to it under this ordinance and state law for the approval of site plans and special land uses. Such conditions shall govern such items which include, but which are not limited to, the following items: building exteriors, parking, signs, lighting, internal facility displays-layouts, and landscaping.

In addition to the site plan requirement of the preceding paragraph, a request for the sale of alcohol for off-premise consumption shall also be subject to special land use approval in accordance with all procedures and applicable requirements of Article IX of this ordinance. In its consideration of a request for special approval for off-premise consumption of alcohol, the Planning Commission shall approve such request if it finds that the proposed use meets all the general standards of Section 9.102 and the following specific special use standards:

- 1) The subject property shall be located within an area of the overlay district specifically designated for both on-premises and off-premise consumption of alcohol.
- 2) The subject property shall be zoned C-1, C-2, C-3, or WMU (Washington Avenue Mixed-Use).
- 3) If a parcel is licensed for on-premises alcohol sales, the property owner may apply for and be granted a special land use permit for the off-premise consumption of alcohol; provided, the on-premises alcohol license is in effect and remains in effect at all times.
- 4) The subject property and any other uses on the property shall comply with all requirements of the zoning district in which it is located and all other applicable requirements of the Zoning Ordinance and Zeeland City Code.
- 5) If located within the downtown (depicted in the 2018 Downtown Vision Plan as the East Zone, West Zone, and Commons), the proposed use shall be determined to contribute in a meaningful way to the walkability and vitality of the downtown by: attracting pedestrians, providing significant employment, offering goods or services likely to promote interaction with other downtown businesses and activities, and/or being of such uniqueness as to be an attraction. The use shall not be one whose primary purpose is devoted to serving customers in motor vehicles.

Section 2. All other provisions of said Zoning Ordinance, as hereinbefore amended or as herein amended shall remain in full force and effect.

Section 3. All Ordinances or parts thereof in conflict with the provisions of this recommended Ordinance should be repealed to the extent of such conflict.

Section 4. This Ordinance should take effect immediately and should be declared to be an Emergency Ordinance.

This Resolution is hereby adopted on the 16th day of April, 2020, at a Regular Meeting of the Zeeland Planning Commission, with the following votes:

AYES: Commissioners \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

CITY OF ZEELAND

By: \_\_\_\_\_  
William Elhart, its Chairman

By: \_\_\_\_\_  
Amy Levesque, its Clerk



**CITY OF ZEELAND  
PLANNING COMMISSION MEETING MINUTES  
CITY HALL – 21 SOUTH ELM STREET  
MARCH 5, 2020  
5:45PM**

Vice Chairman Klompmaker called the meeting to order at 5:48PM and requested a roll call.

Present: Commissioners, Amanda Cooper, Glenn Kass, Dan Klompmaker, Tim Klunder, Kevin Klynstra, and Jeremy vanEyck

Absent: Commissioners Doug Barensen, Robert Blanton and Bill Elhart

Also Present: City Attorney Jim Donkersloot, Zoning Administrator Timothy Maday, and Recording Secretary Amy LeVesque

-Moved by Klunder to excuse absent members Barensen, Blanton and Elhart because they had given prior notice that they would be unable to attend this meeting. Supported by Cooper. All voted aye.

425 N Fairview Street – Adam Townsend – Site Plan Review Extension Request

Maday reported that he had received a letter from Adam Townsend of Consumers Energy Co requesting a one year extension of site plan approval for a warehouse/office building at 425 N Fairview Road. He explained that the Planning Commission approved the site plan at their April 11, 2019 meeting and that approval would expire after one year. He also explained that Consumers' delayed constructing the 6,000 square foot building due to higher than expected bids. He went on to explain that Consumers has made only a few minor changes to the design, has increased their budget, and intends to begin construction by September 2020. He commented that he expects a building permit application to be submitted in June 2020.

**Motion 2020.7**

**Moved by Klynstra to extend Site Plan Approval granted April 11, 2019 for the construction of a 100 foot long by 60 foot wide 6,000 square foot warehouse and office building with loading dock and ramp at 425 N Fairview Street, parcel number 70-17-17-101-025, for one year, until April 11, 2021.**

**Supported by: vanEyck**

**Ayes: Cooper, Kass, Klompmaker, Klunder, Klynstra and vanEyck**

**Nays: None**

**Absent: Barensen, Blanton, Elhart**

**Motion Passes.**

455 W Washington Avenue – Justin Cullin – Site Plan Review Application

-Vice Chairman Klompmaker opened the public hearing at 5:51PM.

Kendall Beck of Rowe Professional Services Co stated that the Office Outlet is proposing a 10,000 square foot expansion to their existing warehouse/office facility at 455 W Washington Avenue. He explained that the Zoning Ordinance requires a 10 foot setback between the railroad track to the north and the building, but that 50% of the setback or 5 feet is allowed for the addition since the existing building has a 5 foot setback. He stated that brick used on the east and south elevations of the addition will match brick on the existing building. He explained that there are currently 2 driveways and that no new curb cuts are proposed. He stated that no additional parking spaces are planned. He explained that landscaping was recently redone during the reconstruction of W Washington Avenue in 2019. He explained that no new utilities or waste water provisions will be needed and that any grease or oil trap requirements would be addressed during the building permit process. He reported that the addition will result in an approximate 1% increase in stormwater and that the addition's roof runoff will be directed to a French drain which runs along the north side of the building and ends in an existing pond also on the north.

Maday reported just one Staff Comment:

Clean Water	"If there are no floor drains connected to sewer, I have no concerns. If floor drains are going to be installed and connected to sewer, oil and degrease separator and monitoring manhole will be required."
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Maday commented that the sewer plan would be reviewed during the building permit process. He agreed that the required rear yard setback has not been met but that a 5 foot setback is permitted since the addition would be contiguous with the existing structure. He commented that landscaping, screening and parking requirements have been met and that the south portion of the parking lot is in the right of way. He stated that he is waiting for final approval of the stormwater management plan from the City's consulting engineers.

-6:57PM moved by Cooper to close the public hearing. Supported by vanEyck. All voted aye.

**Motion 2020.8**

**Moved by Klunder to approve the site plan for the construction of a 10,000 square foot addition to the existing 32,700 square foot retail with warehouse facility with alterations to the vehicle parking area on the east at 455 W Washington Avenue, parcel number 70-16-13-398-008, as presented, with stipulations that the stormwater management plan be approved by the City's consulting engineer and the sanitary sewer plan be approved by City staff.**

**Supported by: vanEyck**

**Ayes: Cooper, Kass, Klompmaker, Klunder, Klynstra and vanEyck**

**Nays: None**

**Absent: Barens, Blanton, Elhart**  
**Motion Passes.**

-Moved by Klynstra to approve the minutes of the February 6, 2020 Regular Planning Commission meeting. Supported by Klunder. All voted aye

#### Unfinished Business

Maday reported no new developments regarding 136 E Cherry Avenue. Commissioners agreed that this agenda item remain tabled.

#### Multiple Parcels – Rezoning – Remove from Alcohol Sales Overlay District

-Vice Chairman Klompaker opened the public hearing at 6:00PM.

Maday explained that the City wishes to make sure that all properties in the Alcohol Overlay District are consistent with Zoning Ordinance requirements. He stated that 20 properties in the Alcohol Overlay District have been identified as being inconsistent. He explained that several parcels are not consistent due to not being contiguous with the downtown Alcohol Overlay District. He also explained that other properties' base zoning is inconsistent since a zoning of C-1 Neighborhood Shopping, C-2 Central Business District or C-3 Highway Commercial, or WMU Washington Avenue Mixed Use is required. He commented that there are even properties with residential zoning among the inconsistent parcels. He explained that one of the properties, the Sligh building at 349 E Main Avenue, should be removed from the Alcohol Overlay District since it has an industrial zoning. He stated that notices were mailed to property owners and residents within 300 feet of all 20 of these inconsistent parcels regarding tonight's public hearing about removing them from the Alcohol Overlay District.

Cooper commented that she supports 'cleaning up' and removing inconsistent properties from the Alcohol Overlay District.

Kass asked if any property owners had commented or requested that their properties remain in the Alcohol Overlay District. Maday stated that the owner of Woody's Small Engine Repair at 252 W Washington Avenue had called with questions. Klunder stated that he had received a call from an agent of the owner of Rustiek at 405 E Main Avenue expressing that he would prefer that the property remain in the Alcohol Overlay District.

Isaac Koert of Executive Properties and Construction, LLC which owns 405 E Main Avenue stated that he is not sure what the proposed rezoning would mean. He explained that he does not wish to limit future uses of the property. He commented that a possible future use might be a restaurant with a tavern license for on premises sales of beer and wine. He commented that the property is zoned C-3 Highway Commercial which is consistent with zoning ordinance requirements and asked that the property not be removed from the Alcohol Overlay District.

Klunder asked about the process for rezoning a property into the Alcohol Overlay District. Maday explained that the zoning of the property first must meet Zoning Ordinance requirements in order to be considered for rezoning into the Alcohol Overlay District. He

also explained that a rezoning request application must be filed with the Community Development Department, then a public hearing would be held by the Planning Commission. If approved by the Planning Commission, a resolution would be prepared for Planning Commission consideration, then the request would go to the City Council for the potential adoption process.

Maday commented that 405 E Main Avenue is not contiguous with the downtown businesses in the Alcohol Overlay District and is isolated from other properties that are in the Alcohol Overlay District.

Cooper commented that 405 E Main Avenue is located near the Central Business District.

Donkersloot commented that the property is also near a school and churches, which would be factors that the State would consider when reviewing a liquor license application.

Paul LeBlanc, City Planning Consultant, explained that it makes sense to rezone these properties that are inconsistent with Zoning Ordinance requirements due to zoning or their location being out of the Central Business District. He encouraged Commissioners to be cautious when rezoning properties into the Alcohol Overlay District. He commented that an Alcohol Overlay District zoning does not a guarantee a liquor license.

Cooper commented that she likes the idea of a tavern-type restaurant at 405 E Main Avenue. She agreed that properties must be consistent with zoning ordinance requirements to be included in the Alcohol Overlay District and noted that there is a break between the property and others in the Alcohol Overlay District. She stated that it makes sense to rezone the property at the current time. Klynstra agreed.

-6:15PM moved by Klynstra to close the public hearing. Supported by Cooper. All voted aye.

#### **Motion 2020.9**

**Moved by Klunder to recommend that the 20 parcels listed in the notice dated February 10, 2020 be removed from the Alcohol Sales Overlay District, for the on-premises and for the off-premises consumption of alcohol.**

**Supported by: Kass**

**Ayes: Cooper, Kass, Klompmaker, Klunder, Klynstra and vanEyck**

**Nays: None**

**Absent: Barense, Blanton, Elhart**

**Motion Passes.**

**Zoning Ordinance Amendment - Section 3.1304 – Establish Special Land Use Requirement & Criteria for Alcohol Sales**

-Vice Chairman Klompmaker opened the public hearing at 6:16PM.

LeBlanc explained that the proposed amendment to Section 3.1304 of the Zoning Ordinance would add a Special Land Use requirement to alcohol sales requests. He also explained that the amendment provides 5 criteria for Planning Commission consideration in granting a Special Land Use, which complies with Michigan Planning Enabling Act directives. He commented that amendment language would relate alcohol sales more closely to the Central Business District.

LeBlanc reviewed the 5 criteria for Special Land Use consideration in the proposed amendment.

vanEyck commented that he supports the addition of the Special Land Use requirement and likes the added criteria.

Maday stated that there were no Staff comments regarding the proposed amendment.

-6:19PM moved by Klynstra to close the public hearing. Supported by Cooper. All voted aye.

**Motion 2020.10**

**Moved by Cooper to approve the amendment to Section 3.1304 of the zoning ordinance to add a requirement of Special Land Use permission and establish Special Land Use criteria for approval of alcohol sales.**

**Supported by: Kass**

**Ayes: Cooper, Kass, Klompmaker, Klunder, Klynstra and vanEyck**

**Nays: None**

**Absent: Barense, Blanton, Elhart**

**Motion Passes.**

Maday thanked Commissioners for their participation in recent Planning Commissioner training sessions and promised to keep them informed about opportunities for continued education.

-6:20PM moved by Klynstra to adjourn. Supported by Kass. All voted aye.

Submitted by,

Amy LeVesque  
Recording Secretary