

CITY OF IONIA
Planning Commission
April 13, 2022
Regular Meeting Minutes

CALL TO ORDER

Chairperson Hoppough called the Regular Meeting of the City of Ionia Planning Commission for April 13, 2022 to order at 4:30 PM.

ROLL CALL

Present: Commissioners Logan Bailey, Ryan Gregory, Boomer Hoppough, Tim Lee, Judy Swartz (4:34), and Ryan Videtich (4:46).

Absent: Commissioner Mike Donaldson

Also Present: Planning Consultant Brad Kotrba, City Manager Precia Garland, Assistant to the City Manager Jonathan Bowman, DDA Director Linda Curtis, and several members of the public.

APPROVAL OF AGENDA

Chairperson Hoppough introduced the agenda and asked if there were any requested changes. No changes were requested. It was moved by Commissioner Lee and seconded by Commissioner Bailey to approve the agenda as presented. MOTION CARRIED.

APPROVAL OF MINUTES

Minutes from the regular meeting of March 9 were reviewed. It was moved by Gregory, seconded by Lee to approve the minutes from March 9. MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

Public Hearing to receive comments on requests for both site plan and special land use permit approval, submitted by HQ Ventures, LLC for permission to operate an adult use marihuana retailer establishment at 420 S. Steele St and comments on the requested amendment to the previously approved site plan for a Medical Marijuana Provisioning Center at the same location.

Chairperson Hoppough opened the floor to receive comments on the Public Hearing at 4:32 PM and closed the Public Hearing at 4:33 PM following no public comments.

Consultant Kotrba described updates made by the applicant since the preliminary review at the last meeting. The main question from the Commission was if a shared use agreement would be necessary with 401 S. Steele Street for the driveway on the west side of the property. Kotrba referenced the site plan highlighting that bollards will be in place on this side of the property to prevent regular use of this driveway. It will remain accessible for emergency personnel. Commissioner Lee noted that communication with the adjoining property owner is important.

The Commission reviewed the medical marijuana facility requirements of Chapter 1289, the site plan approval standards of Chapter 1276, the special land use standards of Chapter 1274, and the adult-use marijuana establishment requirements and standards of Chapter 1290.

It was moved by Commissioner Lee and seconded by Commissioner Bailey to approve the site plan and special land use permit for an adult use marijuana retailer establishment and the amended medical marijuana facility site plan located at 420 S. Steele Street. This decision was based on the findings that the proposed plan complies with the Site Plan Approval Standards of Chapter 1276, the Special Land Use Standards of Chapter 1274, the medical marijuana facility requirements of Chapter 1289, and the adult use marijuana establishment standards and requirements of Chapter 1290 of the Code of Ordinances, as detailed and discussed above, subject to the approval by staff of the resolution of remaining site plan and binder issues as noted in the staff conditions listed below. MOTION CARRIED.

Staff Listed Conditions

Medical Marijuana Provisioning Center Preliminary Review Conditions:

1. Before issuing any City permits, the applicant shall have paid all applications, permits, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, Drain Commissioner, Public Safety Department, or other approval from City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all appropriate permits shall be submitted to the City.
4. The applicant shall obtain approval before reaching out to the County for any building permits and before the occupancy of the building. No occupancy permit shall be issued from the County until the City approves all plans.
5. In the event of any conflict, the terms of this approval are preempted by, and the controlling authority shall be the statutory regulations set forth by the MMFLA, MRTMA, or the adopted Rules for Adult Use Marijuana Establishments, as amended, promulgated by LARA.

Adult Use Marijuana Retailer Establishment Conditions:

1. Before issuing any City permits, the applicant shall have paid all applications, permits, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, County Drain Commissioner, Public Safety Department, or other approval from City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all appropriate permits shall be submitted to the City.
4. The applicant shall obtain approval before reaching out to the County for any building permits and before the occupancy of the building. No occupancy permit shall be issued from the County until the City approves all plans.
5. In the event of any conflict, the terms of this approval are preempted by, and the controlling authority shall be the statutory regulations set forth by the MMFLA,

MRTMA, or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

6. Any other reasonable conditions that the Planning Commission may feel necessary to protect the health, safety, and welfare of the City of Ionia and maintain the integrity of the City of Ionia Zoning Ordinance.

Public Hearing to receive comments on the rezoning request for 715 W. Lincoln Ave. from R-1, One-Family Residential District to B-3, General Business District enacted through proposed Ordinance No. 563.

Chairperson Hoppough opened the floor to receive comments on the Public Hearing at 4:41 PM.

Liz Blankenship of 728 W. Lincoln Avenue submitted a written comment that was read into the record by Chairperson Hoppough. She cited concerns with the rezoning and proposed expansion of the existing gas station. Her concerns were that there is already noise brought to the neighborhood from cars at the gas station. She believed the expansion would bring more noise and traffic closer to her residence.

Following no additional comments Chairperson Hoppough closed the Public Hearing at 4:43 PM.

Assistant to the City Manager Bowman introduced the request informing the Commission that a site plan would be submitted for expanding the gas station if the rezoning and a lot combination were approved. There were commissioner concerns about unresolved site plan issues from the last expansion of the gas station, but it was noted that this would be more relevant during the review of any future site plans. The applicant was made aware of this concern and will be working to resolve the identified issues. A representative of the applicant was present to answer questions and provide copies of the site plan that will be used for the gas station expansion.

The Commission discussed the public comment and determined that complaints of this nature should be handled by Public Safety and code enforcement officers. It was also mentioned that because the use is already present there is no way to remove the existing noise. Commissioners concluded that the expansion would reduce traffic issues because of the proposed adjustment in driveways along Lincoln Avenue. The building would also be set back further from the street and buffering could be used to prevent additional noise. The precedence set by the last expansion and rezoning was an important factor.

It was moved by Bailey and seconded by Swartz to recommend to City Council the approval of Ordinance No. 563 that amends the Zoning Chapter of the City Code by rezoning 715 W. Lincoln Avenue from R-1, One-Family Residential District to B-3, General Business District. MOTION CARRIED.

Public Hearing to receive comments on the request from The Machine Three, LLC. to amend the previously approved site plan for a marijuana facility at 29 Beardsley Rd.

Chairperson Hoppough opened the floor to receive comments on the Public Hearing at 4:59 PM.

David Bye from Arcanna located at 29 Beardsley Road was present and addressed the Commission on the reason for the zoning violation. He explained that there was no intent to violate City zoning. Mr. Bye described how Arcanna has been growing quickly in the challenging marijuana market and needs additional storage and office space. He intends on expanding the building in the future when his company is financially able.

Chairperson Hoppough closed the Public Hearing at 5:02 PM following no additional comments.

Consultant Kotrba provided an overview of the staff report related to the amended site plan. He noted the location of the new accessory structures and described how the setbacks and total square footage comply with the zoning ordinance. Assistant to the City Manager Bowman explained that confusion between the County and City requirements was a factor in the zoning violation. The County considered the structures to be temporary, but City Code would only allow them as accessory structures that were affixed to the ground in a permanent manner.

The Commission asked questions to the applicant related to parking and the timeline for future expansion of the building. The Commission then reviewed the site plan approval standards of Chapter 1276, the special land use standards of Chapter 1274, and the accessory building requirements of Chapter 1286.

It was moved by Lee and seconded by Swartz to approve the amended site plan permit for the marijuana facility located at 29 Beardsley Road. This decision was based on the findings that the proposed plan complies with the Site Plan Approval Standards of Chapter 1276, the Special Land Use Standards of Chapter 1274, and the Accessory Building Requirements of Chapter 1286 of the Code of Ordinances, as detailed and discussed above, subject to the approval by staff of the resolution of remaining site plan and issues as noted in the staff conditions listed below. MOTION CARRIED.

Staff Listed Conditions:

1. Clarification from the applicant about the processes and operations taking place in the processing annex and any reasonable conditions the Commission deems reasonably necessary to ensure compliance with the ordinances of the City of Ionia.
2. Relocation of the small storage container (8 ft. x 20 ft.) proposed in front of the access gate for the dumpster enclosure on the original site plan, as approved in 2021. If this enclosure has not been completed to date, that it is completed as approved by the Planning Commission on the original site plan documents.
3. Any installation of additional landscaped screening elements along the south and west side of the property to screen the accessory storage structures as determined by the Planning Commission to ensure reasonable compliance with the intent of the ordinances of the City of Ionia.

4. No occupancy permits shall be received from Ionia County until approval is granted and all required submission items from this and any prior applications regarding this project are provided to the City of Ionia.
5. Any requirements that may be deemed reasonable or necessary by the Fire Marshal and the City of Ionia Department of Public Safety.
6. All local, state, and federal requirements shall be met according to any applicable statutes and regulatory measures for the management and administration of the established land use.

OLD BUSINESS

RT Two-Family Residential District and Future Land

City Manager Garland introduced the agenda item and Assistant to the City Manager Bowman described the additional research and data that were compiled to help the Commission reach a decision.

Commissioners discussed the number of properties that would be affected by this change and how it could fulfill a housing need in the community. The number of nonconformities that could be brought into compliance with the Zoning Code was highlighted.

It was moved by Commissioner Videtich and seconded by Commissioner Gregory to have staff draft an ordinance rezoning the identified portion of properties from the R-1, One-Family Residential District to the RT, Two-Family Residential District. MOTION CARRIED.

NEW BUSINESS

Food Trucks in the City

City Manager Garland informed the Commission on recent inquiries into food trucks in the City. She explained that there are no regulations currently in place and that it is time to discuss how the City of Ionia wants to tackle this issue. DDA Director Curtis pointed out that food trucks are increasingly popular and used for many special events in the downtown.

Consultant Kortba shared two example ordinances on food trucks that are being considered in South Haven. He described the locations vendors are allowed to operate and the process required for operation.

The Commission agreed that food trucks can add value to the City but need to be regulated for fairness to the other businesses in the community. Further research and example ordinance language was requested in order to move forward.

COMMISSIONER COMMENTS

None.

ADJOURNMENT

It was moved by Commissioner Lee and seconded by Commissioner Swartz to adjourn the meeting at 6:02 PM. MOTION CARRIED

Respectfully Submitted,

Precia Garland, Recording Secretary,
for Judy Swartz, Secretary