

CITY OF HASTINGS
DRAFT PLANNING COMMISSION MEETING MINUTES
September 5, 2017

Members present: Brehm, McLean, Benner, Tossava, Mansfield, Cusack, Maurer, Bowers, Hatfield.

Members absent: None.

Other staff present: Czarnecki

The meeting was called to order at 7:00 p.m. by Chairman Hatfield.

Roll call was taken by Hatfield.

Those present recited the Pledge of Allegiance.

Hatfield asked for comments regarding the draft agenda for tonight's meeting. No comments were forwarded. Motion by Bowers, second by Benner to approve the agenda as submitted.

Motion carried.

Hatfield asked for comment regarding the draft minutes of the August 7, 2017 meeting of the Hastings Planning Commission, the draft minutes of the August 2, 2017 meeting of the Rutland Township Planning Commission, the notice of the cancellation of the August 15, 2017 meeting of the Zoning Board of Appeals, the draft minutes of the August 17, 2017 meeting of the Downtown Development Authority, the draft minutes of the August 24, 2017 meeting of the Local Development Finance Authority, the draft minutes of the August 16, 2017 meeting of the Joint Planning Alliance, and the draft minutes of the August 21, 2017 meeting of the Joint Planning Committee. No comment was forwarded.

Motion by Tossava, second by Maurer to approve the minutes of the August 7, 2017 meeting of the Hastings Planning Commission and place on file the draft minutes of the August 2, 2017 meeting of the Rutland Township Planning Commission, the notice of the cancellation of the August 15, 2017 meeting of the Zoning Board of Appeals, the draft minutes of the August 17, 2017 meeting of the Downtown Development Authority, the draft minutes of the August 24, 2017 meeting of the Local Development Finance Authority, the draft minutes of the August 16, 2017 meeting of the Joint Planning Alliance, and the draft minutes of the August 21, 2017 meeting of the Joint Planning Committee.

Motion carried.

Hatfield asked for an introduction of the Planning Commission's recently retained Planning Consultant. Rebecca Harvey of McKenna Associates introduced herself. Czarnecki stated that Harvey would be meeting with the City staff in the coming days to tour the City and be introduced to the issues currently before the Planning Commission.

Hatfield noted that the Planning Commission had three public hearings scheduled for tonight's meeting. Hatfield thanked those present in the audience for attending tonight's meeting and participating in the planning process.

Hatfield introduced discussion regarding the draft ordinance to amend the noticing and publication requirements for public hearings for certain matters coming before the Planning Commission. Hatfield asked Czarnecki to explain the proposed ordinance. Czarnecki explained that the ordinance would bring the noticing and publication requirements into line with the requirements contained in the State law pertaining to such notices. Czarnecki stated that the current City ordinance required that all property owners within the City of Hastings be notified by mail of public hearings to solicit comment regarding proposed changes to the Code where those changes impacted general regulations within the Code. Czarnecki noted that under the State law, if the proposed changes to the Code impacted more than 11 properties, the notice of the public hearing could be placed in the newspaper, and the distribution of notices by mail to all property owners within (and within 300 feet) of the City was not required.

Hatfield opened the public hearing to solicit comment regarding the draft ordinance to amend the noticing and publication requirements for public hearings for certain matters coming before the Planning Commission, and asked for comment from the public.

Fred Swinkunas, 1611 North Broadway, stated that the proposed change to the ordinance would mean that the Planning Commission would only be meeting the minimum requirements established by the State for noticing public hearings. Swinkunas questioned if the City shouldn't go above what was required by the State. Swinkunas stated that material on the City's website was not up to date. Swinkunas stated that the latest minutes of the City Council meetings accessible via the website were from May. Swinkunas thanked the members of the Planning Commission for volunteering to serve the community, and thanked them for their service on the Planning Commission. Swinkunas asked that the ordinance be left as-is.

Nelson Replogle, 918 North Glenwood Drive, stated that he was not opposed to the proposed change in the ordinance. Replogle suggested that the Planning Commission consider methods other than mail to inform property owners of public hearings. Replogle suggested the use of e-mail for distribution of notices. Replogle stated that a request could be included in the City's water bills asking those interested in receiving notices via e-mail to supply their e-mail addresses to the City. Replogle stated that he understood and

supported the City's desire to save money by eliminating the requirement for mailing notices to all property owners.

George Becker, 803 Indian Hills Drive, questioned what form of mail the City used for distribution of notices. Becker noted that first class mail did not always get delivered properly to the intended recipients. Becker suggested that certified mail would be more likely to be delivered.

Hatfield questioned how much it cost to send notices out for tonight's public hearing to solicit comment on the ordinance regulating the noticing requirements. Czarnecki stated that notices for tonight's public hearing had been mailed to approximately 3,500 property owners at a cost of approximately \$1,200.00 for postage alone.

Swinkunas questioned how often notices of public hearings had been sent to all property owners in the City in the past. Mansfield stated that in the past, the City had followed the requirements in the State law for distribution of notices. Mansfield stated that during the recent transition in Planning Consultants, a consultant had noted that the requirements under the City Code exceeded those contained in State law. Mansfield stated that the Planning Commission had subsequently delayed further consideration of possible amendments to the Code due to the large cost associated the mailing the notices for the public hearings as required under the City's current Code. Mansfield stated that in the past few months, only one such notice had been sent out. Mansfield noted that the Planning Commission had a number of other potential amendments to the Code that they wished to consider, but that they were delaying such consideration until the Code could potentially be amended to reflect State law. Swinkunas stated that the cost associated with mailing notices of only one public hearing in the past year should not be sufficient reason to change the Code.

Hatfield asked for additional comments from the public. No further comments were forwarded. Hatfield closed the public hearing.

Hatfield asked for comments from the Planning Commission. Maurer noted that the current notice requirements applied even in situations where the proposed ordinance change amended the text in the general sections of the Code only. McLean stated that she supported the amendments to the Code being considered by the Planning Commission tonight, but that she also supported looking for additional methods to make the public aware of potential changes to the Code being considered by the Planning Commission. Hatfield stated that he agreed that the Planning Commission needed to inform the public of potential changes to the Code.

Motion by Mansfield, second by Maurer to forward the draft ordinance amending the noticing and publication requirements for public hearings for certain matters coming before the Planning

Commission to the Hastings City Council with the recommendation that the draft ordinance be adopted. Hatfield suggested that the staff and Planning Commission research additional methods to inform the public of public hearings related to potential ordinance amendments.

In favor: Brehm, McLean, Benner, Tossava, Mansfield, Cusack, Maurer, Bowers, Hatfield.

Opposed: None.

Absent: None.

Motion carried.

Hatfield introduced discussion regarding a request from BCN Technical Services for a special use permit to allow construction of a building exceeding the standard height limits in the D-2 Zoning District. Hatfield asked Czarnecki to explain the request. Czarnecki stated that the Bliss wished to construct a building that exceeded the height limit of 40 feet in the D-2 Zone. Czarnecki noted that Hays had prepared a staff report related to this request which was included in the packet of information for tonight's meeting. Czarnecki stated that the request from BCN for a special use permit met the requirements in the Code necessary for the Planning Commission to grant such a permit.

Hatfield opened the public hearing to solicit comment regarding the request from BCN Technical Services for a special use permit to allow construction of a building exceeding the standard height limits in the D-2 Zoning District, and asked the representatives from BCN to further explain the request.

Brandon Simon of Nederveld, the engineer for the project, stated that special use permit allowing for the additional height is critical for the project to allow for the installation of the necessary equipment within the building. Simon stated that the building that had recently been demolished on this same site also exceeded the 40 foot limit for building height in the Code. Simon stated that BCN had begun relocation of the fence at the corner of State Street and Star School Road as discussed at the August meeting of the Planning Commission.

Hatfield asked for comments from the public regarding BCN's request for a special use permit.

Fred Swinkunas stated that he agreed that the City needed to make accommodations for certain business needs, but that he feared what would left should a business fail. Swinkunas suggested that the Planning Commission require that BCN restore the site to its current condition should their business fail. Hatfield noted that if BCN failed, there would likely be no resources available to restore the site to its original condition. Hatfield stated that such a requirement would also make BCN's site in Hastings more costly to develop

than sites elsewhere. Hatfield noted that the facility being proposed for construction by BCN is much more attractive than the building that was previously on the site.

Hatfield asked for additional comment from the public. No additional comment was forwarded. Hatfield closed the public hearing.

Mansfield noted that there were three outstanding issues from Hays' prior staff report on the site plan submitted by BCN for approval at the August meeting of the Planning Commission. Mansfield noted that BCN had requested that the requirement for construction of the sidewalk along State Street and the installation of landscaping along State Street be delayed until the addition of the building addition along State Street (Phase II of the project be constructed). Mansfield also noted that BCN had requested that the Planning Commission deem the existing trees along the south and west side of the site adjacent to the residential areas be deemed to provide sufficient screening for these areas.

Maurer questioned if the existing sidewalk along State Street would remain continuous. Simon stated that the sidewalk would be repaired as necessary during the course of the project to ensure that it remained continuous to its current easterly terminus.

Motion by Cusack, second by Tossava, to grant the request from BCN Technical Services for a special use permit to allow a building higher than would normally be allowed in the D-2 Zoning District, and to approve the site plan dated 24 August 2017 for the project, with the landscaping and sidewalks along State Street to be provided with Phase II of the project, and finding that the existing trees along the south and west sides of the site provide sufficient screening for the adjacent residential areas. Mansfield asked if the various drive openings on Clinton Street would be closed and improved as requested by Hays. Simon stated that they would be.

In favor: Brehm, McLean, Benner, Tossava, Mansfield, Cusack, Maurer, Bowers, Hatfield.

Opposed: None.

Absent: None.

Motion carried.

Hatfield introduced discussion regarding a request from Silver Cloud Management for a special use permit to allow a foster care home for 7 or more adults to be located at 315 North Taffee Drive. Czarnecki explained that the facility located at this address had previously been used as a foster care facility for up to 6 residents. Czarnecki explained that the current owner wished to be allowed to use the facility to house up to 12 adult foster care residents. Czarnecki stated that the request from Silver Cloud Management for a special use permit to allow the facility located at 315 North Taffee Drive for foster care for up to 12 adults appeared to satisfy all of the requirements in the

Code for granting such a permit with the exception of provision of the required number of parking spaces.

Hatfield opened the public hearing to solicit comment regarding the request from Silver Cloud Management for a special use permit to allow the facility located at 315 North Taffee Drive to be used as a foster care home for 7 or more adults. Hatfield asked for comments from the public.

Dorothy Shaffer, 310 North Taffee Drive, stated that she was concerned about parking at the facility. Shaffer stated that she was not in favor of the proposal to allow additional residents at the facility. Shaffer stated that the proposed use would change the composition of the neighborhood.

Charles Shaffer, 310 North Taffee Drive, questioned if the proposed use of the property was related to House for Hope. Shaffer stated that he was 88 years old, and that he did not wish to live by a "halfway house." Mansfield stated that there was a project being considered in the community known as Hope House. Mansfield stated that that project was to provide temporary transitional housing for individuals being released from the Barry County jail. Mansfield stated that he had been in contact with the group pursuing funding for "Hope House" to discuss zoning concerns, but that the special use permit being considered tonight was not related to the Hope House project. Hatfield stated that requests related to the Hope House project may come before the Planning Commission in the future.

York Adams stated that he was the owner of the business located at 315 North Taffee Drive. Adams stated that the proposed use of the facility was not for a halfway house and was not for transitional housing for people coming out of jail. Adams stated that the facility included over 4,000 sft of floor space, with room under the State regulations to house up to 13 adult foster care residents. Adams stated that he was asking for permission to house up to 12 residents. Adams stated that he understood that there was a severe lack of adult foster care facilities in the Hastings community. Adams stated that there was sufficient demand in the community to fill up to an additional 100 beds, but that he was only seeking permission to add an additional 6 beds at his facility. Adams stated that he had been in business since 1980, and in that time had only housed two individuals that drove automobiles. Adams stated that adult foster care residents did not bring vehicles to a facility. Adams stated that his planned improvements to the facility were a huge project, and that he would invest \$25 to \$30,000 for a fire protection system.

Maurer questioned if the bedrooms in the existing facility had previously been used by only one occupant. Adams stated that the bedrooms had previously been used by only one occupant, but that the bedrooms in the future would be a mix of private, one person rooms, and semi-private, two person rooms.

Bowers questioned if an elevator would be installed in the facility. Adams stated that an elevator was not to be installed. Adams stated that all rooms were barrier free and could be accessed by those in wheelchairs.

Tossava questioned where visitors to the facility currently parked. Adams stated that he did not expect that visitors for all 12 residents would be present at the same time. Adams stated that residents did not have as many visitors as he would like. Maurer questioned how many parking spots were currently provided on the site. Adams stated that there were 5 or 6 parking spots on the site currently. Adams stated that one employee would be at the site full time, and that an additional employees would be present occasionally and on weekends. Adams stated that his business was completely separate from the entity that formerly owned the facility.

Hatfield asked for additional comments from the public regarding the request for a special use permit for the facility located at 315 North Taffee Drive.

Mary Ann Nini stated that she owned property on North Taffee Drive. Nini asked if Adams owned or leased the property at 315 North Taffee Drive. Adams stated that he currently leased the property, but had a binding offer to purchase the property and should own the property by November 1st. Nini asked if Adams would operate the business at the property for only one year. Adams stated that he was in Hastings "for the duration". Nini asked if someone would be living at the facility all the time. Adams stated that there would be someone living at the facility at all times. Nini asked if there was any difference between an adult foster care facility and an assisted living facility. Adams stated that there was not. Hatfield stated that the overriding regulation for the facility was done by the State. Nini stated that she was concerned with parking, visitors and deliveries to the facility, and that 12 residents was too many for the area.

Winifred Foote stated that she lived next door to the facility at 315 North Taffee Drive. Foote stated that the lot owned by Adams was 92.5 feet wide. Foote stated that there was one paved parking stall on the site, a double wide drive to the garage, and a single wide drive to the walk-out for the living residence below the upper floor. Foote stated that the rooms in the existing facility were small. Foote stated that she was not against a foster care home. Foote stated that she questioned the location (at 315 North Taffee) for such a facility due to its proximity to the riverwalk and the park.

Maurer questioned if a site plan had been provided for the facility including all the required information. Czarnecki stated that the only plans provided for the project were included in the packet. Mansfield stated that he did not believe the Planning Commission could approve the special use permit for the project due to the lack of a site plan including all of the required information, and specifically due to the lack of a site plan demonstrating

compliance with the parking requirements in the Code. Mansfield stated that the Code did provide the Planning Commission with some flexibility in establishing the required number of parking spaces for a facility, but only when the applicant supplied the documents necessary for establishing the basis for the variance from the Code. Mansfield stated that such documents had not been provided at this time by the applicant. Mansfield suggested that the Planning Commission may wish to table further consideration of the special use permit until the necessary documents were supplied by the applicant.

Hatfield asked if Mansfield wished to make a motion to that effect. Motion by Mansfield, second by Maurer to table further consideration of the request by Silver Cloud Management for a special use permit to allow 7 or more residents at an adult foster care facility located at 315 North Taffee Drive to allow the applicant to submit a site plan containing the required information and documentation establishing the need for fewer parking spaces at the facility than required under the Code. Tossava stated that he would like to see documents providing the dimensions of the rooms in the facility. Tossava questioned the security provisions to ensure the safety of patients at the facility with dementia. Adams stated that such safety measures were required by the State. Bowers questioned if those living in the downstairs would share a bathroom. Bowers stated that one bathroom for six adults did not seem sufficient. Adams stated that the patients could also use the bathrooms located in other parts of the facility if they chose to do so. Foote stated that a patient in one of the rooms at the front of the facility had needed be carried out in the past by emergency services providers. Hatfield asked if there were any more comments from the public. No comments were forwarded.

In favor: Brehm, McLean, Benner, Tossava, Mansfield, Cusack, Maurer, Bowers, Hatfield.

Opposed: None.

Absent: None.

Motion carried.

Hatfield asked Mansfield to provide a report on the recent activities of the JPC and JPA. Mansfield stated that there was not much new activity at the JPC or JPA. Mansfield stated that minutes from the most recent JPA and JPC meetings were included in the packet. Hatfield noted that the new Hastings Fiberglass Products facility was coming along well.

Hatfield introduced discussion regarding the list of work tasks to be accomplished by the Planning Commission in 2017. Czarnecki stated that there were no additions or changes to the work tasks.

Hatfield asked for a report regarding the status of the update to the City's Comprehensive Community Plan (CCP). Czarnecki stated that work on the update could not recommence since McKenna had been retained to assist the Planning Commission with planning services. Czarnecki

stated that he would work with Harvey to identify the next steps in this process, and reconvene the subcommittee working on the Plan update.

Hatfield introduced discussion regarding possible amendment to the ordinances regulating parking in the City. Czarnecki noted that consideration of these amendments had been delayed to allow time for the Planning Commission and City Council to consider amending the notice requirements in the Code related to public hearings. Czarnecki stated that the Planning Commission could consider setting a public hearing for their October meeting to solicit comments on the draft ordinance to amend the parking requirements. Mansfield suggested that the Planning Commission may wish to ask Chief Pratt to present and explain the draft changes to the parking ordinance at the next Planning Commission, and to make sure that all of the near-term proposed amendments to the parking Codes were included in the draft ordinance. Pratt to present accordingly at the October meeting of the Planning Commission.

Hatfield introduced discussion regarding the list of suggestions for amendments to the Code as developed by the City's Code Compliance Officer. Mansfield suggested that the Code Compliance Officer and the Police Department could work with the City's new planning consultant to develop draft amendments to the Code as suggested by the Code Compliance Officer. Czarnecki reminded those present that the Planning Commission would only consider amendments to regulations contained in Chapter 90 of the Code.

Hatfield asked for comments from the public.

Tia Patten, 223 West Amy Street, requested that the Planning Commission consider changing the regulations in the Code applying to pets to allow her to keep her daughter's miniature Juliana pig at her residence in the City. Patten stated that the pig had escaped its pen on occasion in the past, and had been returned by the City's police officers. Patten stated that the pig was now confined. Patten stated that the pig was friendly, and much like a dog. Consensus of the Planning Commission was to have the staff research the keeping of miniature pigs and report back at the next meeting.

Joan Van Houten stated that she was with J-Ad Graphics. Van Houten asked the Planning Commission to consider asking those making public comments at a meeting to state and spell their last names. Van Houten stated that it was difficult for her to get the correct name and spelling for individuals making comments at a meeting

~~Maurer~~ **Hatfield** asked for additional comments from the public. No comments were forwarded.

~~Maurer~~ **Hatfield** asked for additional comments from the members of the Planning Commission. No comments were forwarded.

Motion by Bowers, second by McLean to adjourn at 8:34 p.m.

Motion carried.

Submitted by:

Jeff Mansfield
Secretary