



February 27, 2020

Public Hearing Room, 2nd Floor

**I. 12:00 p.m. - 12:30 p.m. - Lunch - Conference Room 303, 3rd Floor**

**II. Call to Order**

The meeting was called to order at 12:30 PM by Chairperson Kyle Van Strien

PRESENT: Rozeboom, Davis, Joseph, Greenwald, Verhulst, Van Strien, Brame, Treur

ABSENT: Behler

STAFF PRESENT: Landon Bartley, Elizabeth Zeller, Nick Cicero, and Assistant City Attorney Amber Beebe

**III. Approval of Minutes**

A. Approval of Minutes from February 13, 2020

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Davis, Secretary
<b>SECONDER:</b>	Paul Greenwald, Board Member
<b>YEAS:</b>	Rozeboom, Davis, Joseph, Greenwald, Verhulst, Van Strien, Brame, Treur
<b>ABSENT:</b>	Stacie Behler

**IV. Business**

**A. Planning Director's Report**

- Mr. Van Strien related that counsel brought up the suggestion of combining the public hearings for separation distance waiver requests and making separate motions. He noted that there are a number of waiver requests related to today's cases but he doesn't anticipate them being too time consuming. For the sake of being consistent, he suggested that they should be addressed separately.

Ms. Zeller agreed that it would also be staff's preference that they be kept separate. There has been an observation that the meetings are running long and there is a general desire to shorten them. Ms. Zeller related that she and Mr. Bartley have one idea to assist in reducing the length of the meetings.

Mr. Van Strien asked if that observation was made by the City Commission.

Ms. Zeller replied that it wasn't directly expressed but that was likely the implication.

Mr. Van Strien recalled that their meetings weren't over at 2 p.m. prior to adding marijuana cases. They've added 2-3 marijuana cases to each agenda. There is a reason the meetings are running longer; they have a similar amount of development cases plus a new set of

considerations. While he supports exploring all options for reducing the length of the meetings, at the same time it's the nature of the work currently.

- Ms. Zeller referred to the resolution packets noting that staff has grouped all of the standard conditions into one item that the Planning Commission would read into the record; one set of standard conditions directly relate to general approvals and the second set are specific to marijuana cases. The last slide of staff's presentation will include a slide of the standard conditions to be displayed for the public. That will result in the Planning Commission only reading a few conditions of approval.

Mr. Bartley recommended that prior to offering a motion that the Commission briefly review the standard conditions to make sure they apply. If one or more of the standard conditions don't apply to a particular request, the base condition could be amended to exclude or amend those.

Mr. Bartley reminded Planning Commissioners that it isn't necessary to read every standard either. The intent is to provide a strong basis for the decision being made.

- Marijuana Ordinance - Mr. Bartley provided an update. He recalled that the Planning Commission forwarded a recommended ordinance to the City Commission. It was anticipated that they would set a public hearing. Rather than set a public hearing, a moratorium was introduced that would have lasted six months, and would have included all pending cases, including those on today's agenda. The moratorium passed in the morning meeting but not unanimously and therefore could not be part of the consent agenda. By the time of the evening meeting some Commissioners changed their vote and the moratorium did not pass. There were several motions made during the evening but no action was ultimately taken, including no public hearing being set for the ordinance amendments. Therefore, there will likely be some form of delay for adoption of the marijuana ordinance. The original plan was to begin accepting recreational applications on 4/20/20 and that doesn't seem likely at this point.

Planning aide Nick Cicero related that he performed an inventory of the previous action of the Planning Commission related to marijuana cases and created a summary of whether it passed and rationale for approval or denial, input from the community, and how long each case took to review.

Mr. Bartley added that he found that interesting because there has been a claim by the City Commission that the Planning Commission meetings are so long. He feels there is a direct correlation to the number of waivers that are being requested.

Mr. Cicero added that there was one comment about the Planning Commission meetings going 8 hours and he found only two occurrences of that in the last year. In one case there were four other cases prior to the marijuana cases on that agenda. The other instance was in August and the Planning Commission considered 5 marijuana cases. He feels that should be brought up and some context provided.

- Agenda items were briefly reviewed.

## **B. Conflict of Interest**

Mr. Van Strien recognized that there are three alcohol related items on this afternoon’s agenda. He is in the industry and is acquainted with some of the applicants. None of the cases have any business or financial impact on his life and he doesn’t feel there is a conflict.

Mr. Rozeboom asked if the relationships he has with the applicants would have given him any additional information that wouldn’t otherwise be available to the remainder of the Commission.

Mr. Van Strien replied no.

**Motion by Mr. Rozeboom, supported by Ms. Joseph, finding that Mr. Van Strien does not have a conflict with respect to the alcohol related agenda items. Motion carried unanimously.**

**V. Public Hearings beginning 1:00 p.m. or soon thereafter in the Public Hearing Room, 2nd Floor**

**A. 1539 Kendall SE-Two Family**

**Address:** 1539 Kendall St SE  
**Applicant:** Grandview Ventures, LLC (Dan Burrill)  
**Requesting:** Approval to construct a new two-family dwelling.  
**Zoning:** TN-LDR Traditional Neighborhoods – Low-Density Residential  
**Requirements:** Article 5 Residential Zone Districts  
5.9.06. Attached Single-Family and Two-Family Dwellings  
5.12.08.E. Standards for Site Plan Review  
5.12.09. Special Land Uses  
**Case Number:** PC-SLU-2020-0008  
**Staff Assigned:** Elizabeth Zeller  
**Type of Case:** Special Land Use  
**Effective Date:** March 14, 2020

<b>RESULT:</b> WITHDRAWN
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**B. 146 Monroe Center NW - Distillery Tasting Room**

**Address:** 146 Monroe Center NW  
**Applicant:** Wise Men Distillery, LLC  
(Tom Borisch)  
**Requesting:** Approval to establish a distillery tasting room, with alcohol sales for off-site consumption.  
**Zoning:** TN-CC Traditional Neighborhoods – City Center  
**Requirements:** Article 6 Mixed-Use Commercial Zone Districts  
5.9.05. Alcohol Sales  
5.9.24. Outdoor Seating

5.12.08. Standards for Site Plan Review  
5.12.09. Special Land Use  
**Case Number:** PC-SLU-2019-0203  
**Staff Assigned:** Elizabeth Zeller [ezeller@grcity.us](mailto:ezeller@grcity.us)  
**Type of Case:** Special Land Use  
**Effective Date:** March 14, 2020

Ms. Zeller introduced the request for approval to establish a tasting room/cocktail lounge associated with an off-site distilled spirits production facility. The sale of distilled spirits for off-site consumption, in package form, is also requested. Both the on-site consumption and the sale of alcohol for off-site consumption require Special Land Use approval in the TN-CC Zone District.

Ms. Zeller identified the location of the site within McKay Tower near Rosa Parks Circle. The tasting room will be approximately 640 sq. ft. in area. A floor plan has not been provided. The tasting room will have an occupancy of approximately 30 people. No outdoor seating or live entertainment is proposed. Hours of operation will be noon to 10 p.m. Monday - Thursday and noon to midnight Friday and Saturday. Package alcohol for sale will be displayed on four four-shelf units as shown in the photo included in the packet.

Given the downtown location, there are numerous uses in the vicinity that serve alcohol for on-site consumption. Business within 1,000 ft. that sell alcohol for off-site consumption are Zeller Party Store and Grand Central Market and Deli.

Ms. Zeller recalled that parking is not required for downtown locations. She related that she has received no correspondence related to this request.

Mr. Davis asked if staff found the application complete and thorough noting that there are a number of “not applicable” responses in the application.

Ms. Zeller related that she has had a number of conversations with the applicant. She suggested that his expertise lies in other areas; the creation of distilled spirits. Based on their conversations, verbally and through email, she felt she had a good understanding of this application to be able to proceed. One of the conditions of approval recommends a more detailed alcohol operations plan.

Tom Borisch, Wise Men Distillery, was present and invited questions from the Planning Commission. He explained to Mr. Davis that he was having a hard time determining how to answer many of the questions because it seemed that a number of them related to landscaping and how their construction would have a negative or positive effect on the surrounding area. They don't have landscaping and aren't constructing a new building. He tried to answer all of the questions that he felt applied but if there is something that he missed he would be happy to address it.

Mr. Davis understood how the physical aspects of construction aren't relevant. The Commission will discuss any potential negative impacts on neighboring businesses or pedestrian traffic. They will consider hours of operation and the way this particular use will impact other businesses.

Mr. Borisch indicated that he believes he answered those questions. With respect to hours of operation, the reason they close at midnight on Friday and Saturday at their current tasting room and this proposed location is that they are a tasting room and cocktail lounge. They aren't looking to have those that have been out drinking all night come through the door at midnight and keep going. Their goal is to market their product and give people a good example of what it is they are getting and to give people a nice place to relax.

Mr. Van Strien opened the public hearing and invited public comment. There being no comments, the public hearing was closed.

Ms. Joseph related that she was also concerned about the number of absent responses on the application. Fortunately, the applicant has been able to fill some of that in for them today. The operations management plan also seemed very light and the lack of a floor plan was also concerning.

Mr. Van Strien recognized the size of the space and the location on Monroe Center. It isn't a 200-seat restaurant so even a management plan will be succinct just based on the size of the operation. Since a more detailed management plan is a recommended condition of approval, he is not concerned.

Mr. Treur agreed with Mr. Van Strien. The use fits the area. It is an appropriate location for the use and it's nice to have an active use on Monroe Mall.

Mr. Rozeboom feels a lot of the negative secondary effects they see with alcohol establishments are mitigated because of the small size of the space and the fact that there will be tenders overseeing what's going on, as well as transparency at the front.

Mr. Treur **MOVED, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Special Land Use request of Wise Men Distillery, LLC (Tom Borisch) to establish a distillery tasting room, with alcohol sales for off-site consumption, at 146 Monroe Center St. NW, for the following reasons:**

- 1. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the Zone District, because the proposed use will support the vitality of the local economy by encouraging investment, diversifying the economic base, expanding employment opportunities and will provide a mix of uses in a commercial area.**
- 2. The proposed use will meet the Site Plan Review Standards of Section 5.12.08.E because the site is already improved and meets the Site Plan Review requirements.**
- 3. The proposed use will be compatible, harmonious and appropriate with the character and uses of the neighborhood, adjacent properties, and the natural environment because the proposed use will support the desired mixed-use character of the neighborhood and the tasting room will be limited in size and occupancy.**

4. **The proposed use will not be detrimental, hazardous, or disturbing to existing or future uses or to the public welfare by reason of excessive traffic or noise because the business will be open no later than midnight.**
5. **Adequate public or private infrastructure and services do already exist or would be provided at no additional cost, and will safeguard the health, safety, and general welfare of the public because the site is currently improved with public infrastructure and reliance on additional public services are not anticipated.**
6. **The proposed use will not be detrimental to the financial stability or economic welfare of the City because the use is not anticipated to result in nuisances that require excessive code enforcement actions, given the proposed scale, hours, and location.**
7. **The use or change in use as constructed and operated by the applicant is compatible with the neighborhood because the limited scale and hours of the operation will inherently limit the intensity and impact of the use.**
8. **Adjacent or nearby parks, playgrounds, religious institutions, or schools will not be adversely affected because sale of package alcohol is anticipated to be purchased by patrons visiting the taproom, and not generally by walk-in visitors.**
9. **The use as proposed to be operated by the applicant will not have any, or minimal, negative secondary effects on the neighborhood because the use will be small in scale and the hours will be limited.**

**BE IT FURTHER RESOLVED that the following conditions of approval shall apply to this project:**

**1. Standard Condition Set A. Approvals:**

- i. **That the application and plans submitted by the applicant and signed, dated and stamped by the Planning Director, shall constitute the approved plans, except if plan elements do not meet ordinance requirements and/or as amended in this resolution.**
  - ii. **That the use shall operate according to the application and per testimony as recorded in the Planning Commission minutes.**
  - iii. **That this approval does not include any proposed signs, and any future signs shall be subject to the requirements of Article 15 of the ordinance and permits received prior to installation.**
  - iv. **That a Land Use development Services (LUDS) permit, building permit, and all other required permits be obtained from the City of Grand Rapids prior to construction, demolition, or operation.**
  - v. **That any expansion of the approved Special Land Use requires an additional Special Land Use review and approval by the Planning Commission.**
  - vi. **That the proposed use will comply with all other applicable City ordinances and policies and all State laws.**
  - vii. **That this approval shall take effect 16 calendar days after the date of the Planning Commission's decision.**
- 2. That hours for package alcohol sales associated with the primary tasting room use shall be consistent with the general operating hours of the business, being noon to 10:00 p.m. Monday-Thursday, and noon to midnight, Friday-Saturday.**

3. That the area of package alcohol display shall be consistent with the submitted floor plan and testimony, specifically four four-shelf units (68” H x 36” W x 12” D).
4. That the applicant’s crime deterrence and safety training plan, and policies and employee training plans for alcohol sales shall be submitted for review and approval by the Police Department prior to commencement of the use.

**SUPPORTED** by Mr. Rozeboom. **MOTION CARRIED UNANIMOUSLY.**

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>
<b>MOVER:</b>	Rick Treur, Board Member
<b>SECONDER:</b>	Paul Rozeboom, Vice Chairperson
<b>YEAS:</b>	Rozeboom, Davis, Joseph, Greenwald, Verhulst, Van Strien, Brame, Treur
<b>ABSENT:</b>	Stacie Behler

C. 642 Bridge St NW - Beer Production and Tasting

**Address:** 642 Bridge St NW  
**Applicant:** Cedar Springs Brewing Company  
(Dave Ringler)  
**Requesting:** Approval to establish a tasting room and beer production facility, with live entertainment, outdoor seating, and alcohol sales for off-site consumption.  
**Zoning:** TN-TCC Traditional Neighborhoods – Transitional City Center  
**Requirements:** Article 6 Mixed-Use Commercial Zone Districts  
5.9.05. Alcohol Sales  
5.9.24. Outdoor Seating  
5.12.08. Standards for Site Plan Review  
5.12.09. Special Land Use  
**Case Number:** PC-SLU-2019-0205  
**Staff Assigned:** Elizabeth Zeller [ezeller@grcity.us](mailto:ezeller@grcity.us)  
**Type of Case:** Special Land Use  
**Effective Date:** March 14, 2020

Ms. Zeller presented the request for approval to establish a beer production facility and tasting room with outdoor seating, live entertainment, and the sale of alcohol for off-site consumption. The proposed uses require Special Land Use approval in the TN-TCC Zone District.

Ms. Zeller identified the location of the property on the zoning map. She provided some history noting that until 2017 the subject area was zoned TN-TBA. In response to the recommendations of GR Forward, the area was rezoned to TCC. The property is occupied by a single-story storefront building that was most recently occupied by a church. An approval was granted for a banquet facility and studio in the space, which never came to fruition. The site is near the intersection of Bridge and Stocking, across the street from Harmony Hall, which is a brew pub. The interior floor plan is approximately 3,500 sq. ft. The applicant proposes both production and

a taproom operation. Only a small portion of the facility will be devoted to production. The capacity of the taproom will be approximately 94 people. Proposed hours of operation are most weekdays until 11 p.m. and midnight on Friday and Saturday. No outdoor seating is proposed initially but they wish to have outdoor seating eventually. Therefore, the outdoor seating was included as part of the application. The hours of operation for the outdoor seating were not specific in the application except to say they would be consistent with nearby uses. Harmony Hall, across the street, has outdoor seating weekdays until 10 p.m. and 11 p.m. on Friday and Saturday.

Ms. Zeller noted that a list of the hours for other establishments was included in the Commission's packet. However, those locations are within the CC zone district and the Harmony Hall example seemed to be most relevant.

Ms. Zeller related that occasional live music is anticipated as an amenity for patrons. They will have alcohol available for off-site consumption, available through draft container fills, and packaged product may eventually be offered. Packaged product would be located in a 36 or 40" cooler to be located adjacent to the bar in the merchandise sales section shown on the plan.

Ms. Zeller commented on parking. There are three spaces provided on site, at the rear. Those spaces are accessed via an easement through an adjacent property. Twenty-four parking spaces would be required for the 94 occupants. The previous use is estimated to have had an occupancy of approximately 100, requiring 25 parking spaces. The parking requirement has not changed between the uses. Therefore, it is staff's determination that no additional parking is required.

Ms. Zeller related receipt of letters of support from the Stockbridge Business Association, West Side CID, and West Grand Neighborhood Organization.

Mr. Greenwald asked if the Planning Commission is being asked to approve the outdoor seating with hours the same as Harmony Hall.

Ms. Zeller replied affirmatively with respect to the request for the outdoor seating. The applicant has indicated hours would be consistent with neighboring uses. She deferred to the applicant to elaborate if his request is actually different than what Harmony Hall has approval for.

Mr. Rozeboom asked if the parking calculations included the outdoor seating.

Ms. Zeller replied that they did not. The three spaces in the rear could likely address that requirement or the Planning Commission could consider a waiver. She offered to do the calculations estimating that a handful of spaces would likely be necessary for that seating.

Mr. Rozeboom counted 84 seats on the floor plan.

Mr. Van Strien indicated that the occupancy is set based on the type of use and number of restrooms typically.

Ms. Zeller agreed. The 94-person occupancy is what the architect provided. That is likely the building occupancy, which may be higher than the actual number of seats.

Mr. Rozeboom indicated it wasn't a major concern for him with the proposed use.

Dave Ringler, Cedar Springs Brewing Company, stated that their actual seating will be closer to 80. Based on the architectural renderings, they would not exceed 100. With respect to the outdoor seating, they don't have plans for that at the present time but would like the option for it in the future. Mr. Ringler stated that they have engaged the neighborhood and have been fortunate to receive support from a number of the local organizations.

Mr. Greenwald asked if the future outdoor seating would be at the front along Bridge St.

Mr. Ringler replied that that is what he envisions. There really isn't a location at the back. He added that they are working with neighboring property owners in an effort to secure some nearby parking for employees but that hasn't been finalized.

Mr. Treur asked how trash will be handled.

Mr. Ringler replied that they are anticipating placing a dumpster behind the building in the ½ parking space.

Mr. Van Strien opened the public hearing and invited public comment.

Attorney Ben Grover was present representing the neighboring property owner. He indicated that their primary concern is parking. Mr. Grover does not believe there is actually a recorded easement in place to access the three parking spaces. The property owner's main concern is having trespassers parking in his lot because it would be convenient. However, the proposed use would likely be an asset to the community. It is just that the parking is very tight and will likely continue to be. Mr. Grover asked that the Planning Commission take that into consideration.

Mr. Chhabra was present representing Aashray Inc., owner of the adjacent property. Mr. Chhabra related that the applicant has tried to reach him but he hasn't responded because he anticipates the applicant's staff will be the biggest problem. He has only three parking spaces and only 8 ft. of easement along their sidewalk, which doesn't give him the ability to access those spaces or the dumpster he plans to place at the back. Mr. Chhabra explained that he isn't willing to sign an easement agreement because he has three tenants. Mr. Ringler asked to lease 4-5 parking spaces but Mr. Chhabra is not willing to do that because he can't control which 5 cars park there or which 15 cars park there. The parking requirement is for 25 spaces but if you have 100 patrons 25 spaces is in no way sufficient. Mr. Chhabra is not ready for this nor is he ready to have to police his parking lot. He has had numerous problems with property damaged, doors broken, and physical altercations in the parking lot. He doesn't want to sit in the parking lot and argue with patrons or be physically assaulted like the person at 710 Michigan who died as a result. Mr. Chhabra stated that he is ready to install a fence if necessary. The applicant should have given more thought to locating here. He suggested the Duthler lot has ample parking. Mr. Chhabra stated that Ms. Zeller was incorrect in stating that the banquet facility and studio were

approved. That applicant was told to find parking, which is why it never came to be. When he used Mr. Chhabra's parking without permission, he didn't say anything because it happened only every few months and he let it go. Mr. Chhabra feels that if this use is approved, he will have to police his parking lot. He asked that the Commission keep that in mind.

Luis Ramirez, Maggie's Kitchen, related that they have been located here for 36 years. With the new businesses opening in the area the big concern has become parking. Mr. Ramirez stated he has nothing against new business coming to the area but parking spaces are limited. During the lunch rush they serve approximately 80 customers. They aren't open late but they always need to keep an eye on their parking lot because people park there and walk away to different businesses.

There being no additional public comment, Mr. Van Strien closed the public hearing.

Ms. Zeller responded to the applicant indicating that the survey is in the packet.

Ms. Joseph asked Mr. Ringler if he has explored a parking agreement with the Duthler property.

Mr. Ringler replied that that property is currently listed for sale. Anything they did there would be temporary obviously. As was suggested, they've made numerous attempts to reach out to neighbors. They had the same discussions in Cedar Springs six years ago. One of the things the community there has found is that they've been a very good neighbor and they've been able to work with the neighbors bringing them business. They've eased their concerns with responsible use of their property and having good clientele. They haven't found it to be a problem. Mr. Ringler stated that he has made numerous attempts to reach out to the neighbors here to establish a plan they can all work together with.

Ms. Joseph asked that Mr. Ringler expand on the live entertainment proposed.

Mr. Ringler explained that at their current location they have live entertainment, consisting of one or two individuals, once or twice a week. They use a small amp but it doesn't compare to a rock concert. It is meant to be ambient music and enhance the conversation vs. being a show or concert. It's meant to promote environment.

Ms. Zeller asked if he is amenable to outdoor seating hours of 10 p.m. during the week and 11 p.m. on weekends.

Mr. Ringler was amenable.

Mr. Rozeboom asked where he will direct patrons to park.

Mr. Ringler replied that hopefully they can have a conversation and find an amiable solution with neighbors but they are also happy to provide information on their website and in the business directing people to the public lot a block and a half away. They would also encourage public transportation. There is a DASH stop right down the street. One of the nice things in this

location is that it is very walkable and public transportation is much more available than their Cedar Springs location.

Mr. Davis stated that the concerns related to parking are fair. The letters of support even reference if parking is addressed. This is the western side of what seems to be the congested entertainment area. As you continue to move west, both along Bridge and the streets running into it, there is ample street parking. That story doesn't get told because of the distance from New Holland. As you head toward Lane all of that parking is open. While he respects the parking concerns that have been expressed, he also feels this is better than some of the other approvals that have been granted in the past because of it being on the outside of what feels like a congested district.

Ms. Joseph **MOVED, NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission approves the Special Land Use request of Cedar Springs Brewing Co. (Dave Ringler) to establish a tasting room and beer production facility, with live entertainment, outdoor seating, and alcohol sales for off-site consumption, at 642 Bridge St. NW, for the following reasons:

- 1. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the Zone District, because the proposed use will support the vitality of the local economy by encouraging investment, diversifying the economic base, expanding employment opportunities, and it will provide a mix of uses in a commercial area.**
- 2. The proposed use will meet the Site Plan Review Standards of Section 5.12.08.E because the site is already improved and meets the Site Plan Review requirements.**
- 3. The proposed use will be compatible, harmonious and appropriate with the character and uses of the neighborhood, adjacent properties, and the natural environment because the proposed use will support the desired mixed-use character of the neighborhood and the tasting room will be limited in size and occupancy.**
- 4. The proposed use will not be detrimental, hazardous, or disturbing to existing or future uses or to the public welfare by reason of excessive traffic, odor or noise because the business will be open no later than midnight and brewing activities and any associated odor will be limited in scale.**
- 5. Adequate public or private infrastructure and services do already exist or would be provided at no additional cost, and will safeguard the health, safety and general welfare of the public because the site is currently improved with public infrastructure and reliance on additional public services are not anticipated.**
- 6. The proposed use will not be detrimental to the financial stability or economic welfare of the City because the use is not anticipated to result in nuisances that require excessive code enforcement actions, given the proposed scale and hours.**
- 7. The use or change in use as constructed and operated by the applicant is compatible with the neighborhood because the limited scale and hours of the operation will inherently limit the intensity and impact of the use.**
- 8. The use as proposed to be operated by the applicant will not have any, or minimal, negative secondary effects on the neighborhood because the use will be relatively small in scale and the hours will be limited and food service will be provided.**

**BE IT FURTHER RESOLVED** that the following conditions of approval shall apply to this project:

**1. Standard Condition Set A. Approvals:**

- i. That the application and plans submitted by the applicant and signed, dated and stamped by the Planning Director, shall constitute the approved plans, except if plan elements do not meet ordinance requirements and/or as amended in this resolution.
  - ii. That the use shall operate according to the application and per testimony as recorded in the Planning Commission minutes.
  - iii. That this approval does not include any proposed signs, and any future signs shall be subject to the requirements of Article 15 of the ordinance and permits received prior to installation.
  - iv. That a Land Use development Services (LUDS) permit, building permit, and all other required permits be obtained from the City of Grand Rapids prior to construction, demolition, or operation.
  - v. That any expansion of the approved Special Land Use requires an additional Special Land Use review and approval by the Planning Commission.
  - vi. That the proposed use will comply with all other applicable City ordinances and policies and all State laws.
  - vii. That this approval shall take effect 16 calendar days after the date of the Planning Commission's decision.
2. That hours for package alcohol sales associated with the primary taproom use shall be consistent with the general operating hours of the business.
  3. That the area of package alcohol display shall be consistent with the submitted floor plan and testimony, specifically a +/-36-40" cooler to be located in the merchandise sales area.
  4. That the applicant's crime deterrence and safety training plan, and policies and employee training plans for alcohol sales shall be submitted for review and approval prior to commencement of the use.
  5. Outdoor seating hours of operation are limited to 10 p.m. Sunday - Thursday and 11 p.m. Friday and Saturday.

**SUPPORTED** by Mr. Treur. **MOTION CARRIED UNANIMOUSLY.**

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>
<b>MOVER:</b>	Laurel Joseph, Board Member
<b>SECONDER:</b>	Rick Treur, Board Member
<b>YEAS:</b>	Rozeboom, Davis, Joseph, Greenwald, Verhulst, Van Strien, Brame, Treur
<b>ABSENT:</b>	Stacie Behler

D. 442 Bridge St NW -Meadery

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**Address:** 442 Bridge St NW  
**Applicant:** Arktos LLC  
(Macej Halaczkiwicz)  
**Requesting:** **Approval to establish a tasting room and production facility for wine/mead and beer, with live entertainment, and sales for off-site consumption.**  
**Zoning:** TN-CC Traditional Neighborhoods – City Center  
**Requirements:** Article 6 Mixed-Use Commercial Zone Districts  
5.9.05. Alcohol Sales  
5.9.24. Outdoor Seating  
5.12.08. Standards for Site Plan Review  
5.12.09. Special Land Use  
**Case Number:** PC-SLU-2019-0206  
**Staff Assigned:** Elizabeth Zeller [ezeller@grcity.us](mailto:ezeller@grcity.us)  
**Type of Case:** Special Land Use  
**Effective Date:** March 14, 2020

Ms. Zeller introduced the request for approval to establish a tasting room and production facility for wine/mead and beer, with live entertainment, and sales for off-site consumption. Ms. Zeller recalled that the applicant received Special Land Use approval in 2015 for a tasting room associated with a production facility at 1251 Century Ave. As required in the IT zone district, the tasting room was considered ancillary to the primary production use and could not exceed 25% of the gross floor area of the facility. The applicant has been operating at that location since establishing his business and is now seeking approval to move to this location on Bridge. As proposed, the operation of the facility requires Special Land Use approval.

The subject property is located in the CC zone district in a Targeted Retail and Entertainment Corridor and the proposed use is supported by that plan. The property is approximately 40' x 100'. The building on site is two stories at the front. The ground floor has two storefront spaces with residential above. A warehouse addition occupies the rear half of the site. The applicant is leasing the easterly storefront and the warehouse space. The storefront would house the tasting room and the production facility would occupy the warehouse space. There is an alley to the rear of the property.

Given the nature of the production and the small scale of the operation, the applicant anticipates little to no odor. Production activities will occur during the morning between 8 a.m. and noon. The tasting room seating area is approximately 1,000 sq. ft. and can accommodate 45 patrons. No outdoor seating is proposed. Hours of operation will be Sunday, noon to 8 p.m., Monday through Thursday, noon to 10:30 p.m., and Friday - Saturday from noon to midnight. Initially food will not be served but patrons may bring food in or have it delivered. Occasional live entertainment is proposed as an amenity to the taproom. Alcohol for off-site consumption will be available by draft container fills. At this time, no packaged product will be produced. In the future, should product be packaged, sample bottles will be displayed behind the bar.

Ms. Zeller noted that there are a number of alcohol uses in the vicinity, including Bridge Street Market and Stockbridge Party Store, which are located within 1,000 ft. and sell alcohol for off-site consumption.

Parking is not required for uses in the CC zone district. To date, there has been no correspondence submitted in support or opposition.

Mr. Greenwald asked if the Century location would be closing.

Ms. Zeller replied that that is her understanding but deferred to the applicant for confirmation.

Mr. Van Strien related that Michigan law wouldn't necessarily require that that location be closed.

Macej Halaczkiwicz, Arktos Meadery, clarified that they will be relocating their production and tasting room. There is a lot going on with their current location that would make it difficult to stay, including the sale of the building.

Ms. Joseph asked for more detail on the live entertainment.

Mr. Halaczkiwicz replied that it will primarily be ambient, acoustic music. At his current location he likes the atmosphere to be sociable and for people to have the ability to talk even when music is on.

Mr. Van Strien opened the public hearing and invited public comment. There being no comments, the public hearing was closed.

Mr. Davis stated that the zone district makes this an easier request to consider.

Mr. Treur added that there aren't a lot of meaderies around.

Mr. Rozeboom recalled that when they considered the applicant's current location they asked questions related to odors and other typical adverse effects with production, which is why he didn't pose those questions this time.

Mr. Treur **MOVED, NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission approves the Special Land Use request of Arktos, LLC (Maciej Halaczkiwicz) to establish a tasting room and production facility for wine/mead and beer with live entertainment, and sales for off-site consumption, at 442 Bridge St. NW, for the following reasons:**

- 1. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the Zone District because the proposed use will support the vitality of the local economy by encouraging investment, diversifying the economic base, expanding employment opportunities, and will provide a mix of uses in a commercial area.**

2. **The proposed use will be compatible, harmonious, and appropriate with the character and uses of the neighborhood, adjacent properties, and the natural environment because the proposed use will support the desired mixed-use character of the neighborhood and the tasting room will be limited in size and occupancy.**
3. **The proposed use will not be detrimental, hazardous, or disturbing to existing or future uses or to the public welfare by reason of excessive traffic, odor or noise because the business will be open no later than midnight, no outdoor seating is proposed, and production activities are anticipated to be limited in scale.**
4. **Adequate public or private infrastructure and services already exist or would be provided at no additional cost, and will safeguard the health, safety and general welfare of the public because the site is currently improved with public infrastructure and reliance on additional public services is not anticipated.**
5. **The proposed use will not be detrimental to the financial stability or economic welfare of the City because the use is not anticipated to result in nuisances that require excessive code enforcement actions, given the proposed scale and hours.**
6. **Given the character, location, development trends and other aspects of the neighborhood, it is demonstrated that the area is underserved by the proposed use and that the proposed location for alcohol sales will demonstrably be an asset to the neighborhood because, as proposed, the use will be unique as compared to existing uses in the neighborhood as there are no other meaderies in the area.**
7. **The use or change in use as constructed and operated by the applicant is compatible with the neighborhood because the limited scale and hours of the operation will inherently limit the intensity and impact of the use and support for the proposed establishment has been expressed.**
8. **Adjacent or nearby parks, playgrounds, religious institutions, or schools will not be adversely affected because there are no such uses in the immediate vicinity and sale of package alcohol is anticipated to be purchased by patrons visiting the taproom and not generally by walk-in visitors.**
9. **The use as proposed to be operated by the applicant will not have any, or minimal, negative secondary effects on the neighborhood because the use will be small in scale and the hours will be limited.**

**BE IT FURTHER RESOLVED that the following conditions of approval shall apply to this project:**

1. **Standard Condition Set A. Approvals:**
  - i. **That the application and plans submitted by the applicant and signed, dated and stamped by the Planning Director, shall constitute the approved plans, except if plan elements do not meet ordinance requirements and/or as amended in this resolution.**
  - ii. **That the use shall operate according to the application and per testimony as recorded in the Planning Commission minutes.**
  - iii. **That this approval does not include any proposed signs, and any future signs shall be subject to the requirements of Article 15 of the ordinance and permits received prior to installation.**

- iv. That a Land Use development Services (LUDS) permit, building permit, and all other required permits be obtained from the City of Grand Rapids prior to construction, demolition, or operation.
  - v. That any expansion of the approved Special Land Use requires an additional Special Land Use review and approval by the Planning Commission.
  - vi. That the proposed use will comply with all other applicable City ordinances and policies and all State laws.
  - vii. That this approval shall take effect 16 calendar days after the date of the Planning Commission's decision.
2. That hours for package alcohol sales associated with the primary tasting room use shall be consistent with the general operating hours of the business.
  3. That sample bottles of packaged product available for off-site consumption may be displayed behind the bar.

SUPPORTED by Mr. Brame. MOTION CARRIED UNANIMOUSLY.

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>
<b>MOVER:</b>	Rick Treur, Board Member
<b>SECONDER:</b>	Walter M Brame, Board Member
<b>YEAS:</b>	Rozeboom, Davis, Joseph, Greenwald, Verhulst, Van Strien, Brame, Treur
<b>ABSENT:</b>	Stacie Behler

E. 187 Monroe Ave NW -Planned Sign Program

**Address:** 187 Monroe Ave NW  
**Applicant:** Amway Hotel Corporation  
(Rick Winn)  
**Requesting:** Approval for a Planned Sign Program for signs deviating from the standards ordinarily allowed by the Zoning Ordinance.  
**Zoning:** TN-CC Traditional Neighborhood – City Center  
**Requirements:** Article 6 Mixed-Use Commercial Zone Districts  
Article 15 Signs  
5.12.14. Optional Plan Review  
5.15.08. Planned Sign Program  
5.15.12. Signs in Mixed-Use Commercial Zone Districts  
**Case Number:** PC-OPR-2020-0009  
**Staff Assigned:** Elizabeth Zeller  
**Type of Case:** Optional Plan Review  
**Effective Date:** March 14, 2020

Ms. Zeller introduced the request of the Amway Hotel Corporation for approval of a Planned Sign Program for signs deviating from the standards ordinarily allowed by the Zoning Ordinance.

Ms. Zeller noted that the Amway Hotel complex occupies an entire city block, consists of multiple attached buildings and includes a hotel, banquet facilities, meeting facilities, shops, bars and restaurants. The tower is undergoing renovation including significant changes to the building exterior. Two upper level signs are being proposed on the tower to identify the hotel.

Ms. Zeller explained that a Planned Sign Program is being requested to allow signs deviating from the standards ordinarily allowed in the City Center Zone District. Information related to the Standards for approval and the Purpose and Intent of a Planned Sign Program have been included in the Commission's packet.

Ms. Zeller indicated that two new upper level building identification signs are proposed on the tower. A tower crown sign is to be located at the top level of the building and a podium sign is proposed to be placed at the second story. The existing signs around the complex for the bars and restaurants, and all of the flags, are intended to remain without any changes. The Planned Sign Program identified nine flags but there are actually fifteen, all of which are being incorporated into the Planned Sign Program. The Planned Sign Program proposes replacement of the existing signs with signs of the same size, type and placement and any additional signs would comply with the sign requirements of the CC zone district. Ms. Zeller related that the projecting sign for Ruth's Chris Steak House was approved by variance. They are requesting that that sign, at the existing size, be allowed to remain.

Ms. Zeller provided more specifics on the proposed upper level building identification signs. The tower crown sign is to be placed at the top level of the building. It is proposed to be 166 sq. ft. in area with a letter height of approximately 48 inches. The letter height proposed does fall within the limits; an 84-inch letter height is allowed. However, the area is only permitted to be 137.5 sq. ft. based on the building and height of the sign. What is being requested exceeds the maximum permitted area. The podium sign is proposed on the south elevation at 268 sq. ft. with 48-inch letter height. The area of the podium sign meets the requirements of the zone district. However, at this height, a maximum of 24-inch letter height is permitted; they are requesting 47-inch letter height. The podium sign is considered an upper level sign because it exceeds the placement height of 16 ft. for a wall sign. It also exceeds the wall sign maximum of 50 sq. ft.

Mr. Treur asked how much higher than 16 ft. the sign is proposed.

Mr. Van Strien replied 20 ft. 4 inches.

Ms. Zeller related that she has received no correspondence related to this request.

Mr. Van Strien asked how the permitted area of the tower crown sign is established.

Brent Geurink replied that the upper level building wall sign is calculated by the linear feet of the building façade where the sign is placed. The CC zone district permits 1.25 sq. ft. of signage for every linear foot.

Mr. Van Strien clarified that it takes into account the entire width, not just that face.

Mr. Geurink agreed.

Ms. Joseph noted from the packet that there isn't an analysis as to how existing signs fit with the zoning ordinance. She asked if they have a better understanding of that at this point.

Ms. Zeller replied that staff did review existing signs. A sign permit was located for Sign B and that sign conforms with the ordinance. Staff found no records for the majority of the existing signs. However, that doesn't mean that sign permits were not secured. Permits were pulled in 2011 for the Ruth's Chris signs and all meet the requirements except the projecting sign, which received a variance.

Mr. Van Strien recalled reviewing the Wolf Gang signs previously.

Ms. Zeller added that there are records of a sign permit for the sign on the exhibitors building. An analysis of all of the signs was requested of the applicant as part of their Planned Sign Program. They have provided the existing dimensions of all of the signage.

Sam Lampe, Sr. Principal Engineer with the Amway Hotel Corp. and the project manager for the Amway Grand re-clad project, introduced Mike Donnelly, General Manager for the Amway Hotel Corp; Aron Ebnit, Senior Project Manager with Rockford Construction; Jack Vos of Universal Sign; Tom Frey, Principal, Senior Project Manager with Progressive AE; and Mr. Sash Zeljic, Design Director of Gensler. Mr. Lampe indicated that Mr. Zeljic will present the Planned Sign Program.

Sasha Zeljic related that he is a Design Principal at Gensler and has had the privilege of working with this team over the last five years on the Amway Grand Plaza Tower re-clad project. It is a highly complex project. As a team they are very proud of how it is turning out. They feel it will position Amway, and Grand Rapids, for years to come. As part of the design process they went through it was important for them to be highly respectful to the heritage of Amway, specifically the building itself. They considered a number of design options. Understanding the overall placement of the building and understanding that when the building was originally designed there wasn't much developed, from a hospitality standpoint, around it was important. The new opportunity and rejuvenation they are seeing not only in Grand Rapids but in other midwestern cities, with people coming back to the city and it becoming more of an attraction point for local and midwestern tourists, presents an opportunity to rethink the brand of the building in a context of all of that development. Mr. Zeljic understands that Grand Rapids has gone through a process of positioning a downtown hotel district as an initiative. With all of those great opportunities, the re-clad of the building wasn't simply a technical job but an opportunity to take a brand of Amway and reestablish it in the city. Mr. Zeljic briefly explained the re-clad project and choice of materials. At the base, instead of a blank concrete wall, they've tried to break the scale down with several different types of metal panels and they've completely changed the exterior glass and added lighting. Signage came in as a reaction to so many other hotels coming in at the same time. The proposed sign plan is an effort to exemplify the look and brand presence on the street. Mr. Zeljic displayed images of what is present now and what they envision it to be in the future. He explained that they took the zoning constraints into account and also looked at the hierarchy of existing signage within close proximity. While they acknowledge that they are requesting

more square footage, they are also not taking advantage of other locations on the building. There is opportunity for signage on the north and east elevations but those didn't seem the most appropriate. What they are proposing is slightly higher and slightly larger than what is permitted. Mr. Zeljic displayed images of nearby signage. He pointed out that the JW Marriott has letter size the same, if not larger, than what is proposed. Miller Johnson and Varnum letters are all higher and larger than what they are proposing on the subject building. Mr. Zeljic identified driving factors of the proposed signage as constructability and scale. They feel that the proposed signage is appropriate given the allowable signage and the large blank wall. As they developed the concept for the building and the signage, they took care to be respectful to the building and to the neighborhood, considering the impact and effect that both the building and signage will have in the downtown district. Mr. Zeljic suggested, based on reading Downtown Grand Rapids Inc. data about the amount of expansion occurring in the City, that there may be an opportunity to reconsider some of the signage requirements. They don't feel they are requesting an excessive amount of signage, although that is for the Planning Commission to determine. From a scale and design perspective, they feel the proposed signage is appropriate. Mr. Zeljic offered to walk the Planning Commission through their cataloging of the existing signage.

Mr. Greenwald asked if there is an existing sign in the location of the proposed podium sign on the south elevation.

Mr. Zeljic replied not in that location.

Mr. Greenwald asked if the brightness of the sign is adjustable.

Mr. Zeljic replied that the intent is that it would be adjustable and with the technology today that is easy to do.

Mr. Rozeboom recalled that they have outlined how the scale of the podium sign is appropriate for the architecture of the building. He asked how that relates to the pedestrian in the public realm being that it is quite a large sign.

Mr. Zeljic replied that from the pedestrian standpoint they considered the materials and not necessarily only the signage. In his opinion the current façade is disengaging from a materiality standpoint. Given the era when the building was constructed that was likely considered appropriate. What they've tried to do was break down the scale. There are other elements at the ground level they are introducing, such as greenery. The podium sign isn't necessarily responding to the pedestrian but the rest of the materiality is. The placement of the sign is obviously higher and in alignment with the larger opening and the datum point, which is at the base. They look at it from the proximity to the closest edge as well as how it fits the tower and how it connects to the windows. When considering the size of signage that is permitted, you may as well not have a sign at all because you completely lose the presence of it.

Mr. Van Strien opened the public hearing and invited public comment.

Linda Bogin related that she and her husband are residents across the street from the Amway Hotel. She asked if the signs at the street level will be lit in any way. The building they reside in

has residents from the third to the seventh floors and lit signs may impact residents with windows on Pearl Street. They aren't concerned with the tower sign based on the height of that sign.

Mr. Van Strien closed the public hearing.

Jack Vos, Universal Sign Company, responded to the comments indicating that the podium sign will have dimmers in it so it can be dimmed appropriately to ensure it is likeable. They don't intend for it to be brighter than any other sign in the downtown area or on any other building. The intent isn't for it to be bigger and bolder but for it to be likeable. Mr. Vos also addressed the question about whether the existing signs are in compliance with the ordinance. He explained that they met with Ms. Zeller and Mr. Geurink and began to walk through each sign. As a group they all felt that the signs were generally complying. There was nothing that was in violation or that was inappropriate. There was nothing staff desired to have removed and nothing identified as a sign that shouldn't be there. They added the code to their sheet because they wanted to make sure it didn't go beyond code. They wanted it to be understood that they aren't trying to exceed something, they are just trying to maintain the rights they have, which no one felt were not what they are supposed to be.

Mr. Geurink verbalized his general agreement.

Ms. Joseph clarified with staff that at this point they are not requesting allowable signs on two of the building faces. If this Planned Sign Program is approved would they be able to add those signs because it is permitted by the ordinance.

Mr. Rozeboom replied no, once a Planned Sign Program is established that is the permitted signage.

Ms. Zeller agreed. Based on her understanding of the applicant's presentation she doesn't believe they are planning on any additional upper level signs. They would like to maintain the ability to add signs for any of the ground floor uses as may be allowed by code.

Mr. Vos agreed.

Mr. Van Strien added that a Planned Sign Program is for unusual situations, a campus, wayfinding, etc., or where there are a number of signs in excess of what is allowed by code.

Ms. Joseph stated that if they approve this Planned Sign Program with the caveat that they maintain the rights to what is otherwise permitted by code then technically they could add the other two upper level signs.

Mr. Vos clarified that part of the give and take they had with staff is that they do not expect and are not asking for four signs; they are only asking for the podium sign and the upper level sign and they are willing to forego the other two signs.

Mr. Rozeboom stated that he doesn't feel satisfied with the answer provided by staff. He used the example of CenterPoint. Every time they add a new store they amend the Planned Sign Program. Mr. Rozeboom's understanding is that once the Sign Program is adopted and approved that is what it is limited to.

Ms. Zeller replied that that is generally true. There have been some instances downtown where they know there are going to be more tenant spaces, one example being Studio Park. They didn't know the exact number of tenant spaces but the size of the sign was to be determined by code based on the width of the tenant space. However, in general, a Planned Sign Program is as stated by Mr. Rozeboom.

Mr. Davis added that when it is not known they have conceptual square footage included in the Planned Sign Program with a tenant to be determined and with Director Approval. He agreed that Studio Park was a good example. There would be a number of signs for potential tenants that would be included in the Planned Sign Program, with some wiggle room. In this case they are being presented with something that he understood would be finite once approved. However, now it would seem that the applicant's interpretation is they would be able to add things as other businesses develop internally.

Ms. Zeller indicated that that is her understanding of what they are proposing.

Mr. Van Strien indicated that was not his initial understanding. If that's the case then he believes they would have to come back. Others agreed.

Mr. Lampe added, with respect to the neighbor's concern, that instead of a dimmable front sign they could also do more of a side lit sign where the front face isn't projecting as much.

Mr. Rozeboom noted that one thing they've struggled with in the past is making sure the property qualifies for a Planned Sign Program. He would suggest that this applicant has done a very nice job outlining the purpose of deviation and uniqueness of the property.

Ms. Joseph feels the two signs proposed seem appropriate and make sense for the property. She is concerned however with the blanket approval of future signs.

Mr. Van Strien felt they could be clear in a motion that they aren't providing that blanket approval. They can give approval for existing signage and the two upper level signs proposed and require that any additional signage would have to come back as an amendment.

Mr. Brame expressed concern that the residents across the street are protected. He heard testimony that the signs could be adjusted so as not to be obtrusive. He would like assurance that will not be the case.

Mr. Verhulst asked how that is determined.

Mr. Brame explained that in residential districts there are lighting level limitations.

Mr. Vos addressed the Commission indicating that the applicant is comfortable with halo lighting the letters rather than face lighting them. Having them halo lit, the light will only shine back on the building and reflect off the building instead of a face lit letter shining onto the building next door.

Mr. Van Strien asked how reflective the metal panels are.

Mr. Vos replied that they are dark so they won't be very reflective. They would be amenable to a condition that the lighting will not shine directly onto the residences; it will shine onto the building, reflecting back.

Mr. Rozeboom pointed out that this is an existing operation that has been operating in a very neighborly fashion for many decades. There is a good history here.

Mr. Treur stated that he is generally comfortable with what is proposed as well. However, the fact that the podium sign is only a half inch shorter in letter height than the sign at the top of the building makes him wonder if it will be overly large in reality once installed. Given the size of the wall, he understands the scale.

Mr. Rozeboom related that he shared that concern but was convinced by the designers.

Mr. Verhulst suggested that if you're on the same side of the street you won't experience the sign. From the opposite side of the street it seems to be a reasonable distance that it wouldn't be overwhelming.

Ms. Joseph agreed it is clearly not for the pedestrian.

Mr. Treur **MOVED, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the request of Amway Hotel Corporation (Rick Winn) for a Planned Sign Program at 187 Monroe Ave. NW, for the following reasons:**

- 1. The applicant has demonstrated that the proposed Planned Sign Program would result in a more attractive aesthetic setting, improved safety, provide more convenient identification for planned users, or other similar purposes that would not be achievable without deviations from the specific sign requirements of the Zone District because the proposed signage will provide better identification for users of the facility and the applicant has demonstrated the complex nature of the plaza/facility.**
- 2. The applicant has demonstrated that the location and/or physical characteristics of the applicant's property or the needs for identification are unique when compared to other similarly situated parcels in the same Zone District and in the same vicinity because the development occupies an entire City block and is comprised of multiple uses and of multiple buildings.**
- 3. The applicant has demonstrated that the proposed plan substantially furthers the Purpose and Intent of Section 5.15.01. because the proposed signage takes into consideration building scale and massing and pedestrian presence so that the signs contribute to the streetscape and aid in crating a sense of place.**

4. **The applicant has demonstrated that approval of the Planned Sign Program would not create any adverse impacts on one or more properties in the vicinity because the proposed placement and size of signs reinforces the desired character of the downtown and neighbor concerns will be taken into consideration with respect to lighting of the signs.**

**BE IT FURTHER RESOLVED** that the following conditions of approval shall apply to this project:

1. **That the application and plans submitted by the applicant and signed, dated and stamped by the Planning Director, shall constitute the approved plans, except if plan elements do not meet ordinance requirements and/or as amended in this resolution.**
2. **That the Planned Sign Program as approved comprises all approved building signage, and that no additional signage may be permitted for this site unless the Planned Sign Program is amended by the Planning Commission.**
3. **That all necessary permits (including electrical and sign) shall be obtained prior to installation of the proposed signage.**
4. **That the proposed use will comply with all other applicable City ordinances and policies and all State laws.**
5. **That the lighting on the south facing podium sign shall be halo lighting and not shine directly into residences across Pearl Street.**
6. **That this approval shall take effect 16 calendar days after the date of the Planning Commission's decision.**

**SUPPORTED** by Mr. Rozeboom.

Mr. Rozeboom recognized that the applicant offered the halo lighting. He also doesn't want to limit them to that if there is a design approach that could achieve the same results.

Additional discussion took place with respect to that condition.

7. **Mr. Trear AMENDED CONDITION #5 to read: That the lighting on the south facing podium sign shall be halo lighting, or similarly appropriate dimmable lighting, to address the expressed concerns of residents on Pearl Street.**

**SUPPORTED** by Mr. Rozeboom. **MOTION CARRIED UNANIMOUSLY.**

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>
<b>MOVER:</b>	Rick Treur, Board Member
<b>SECONDER:</b>	Paul Rozeboom, Vice Chairperson
<b>YEAS:</b>	Rozeboom, Davis, Joseph, Greenwald, Verhulst, Van Strien, Brame, Treur
<b>ABSENT:</b>	Stacie Behler

*The agenda items were reorganized to hear the request at 1234 Plainfield Ave NE prior to 1970 South Division Avenue*

G. 1234 Plainfield Ave NE - Medical Marijuana Provisioning Center

**Address:** 1234 Plainfield Avenue NE  
**Applicant:** Green Skies – Healing Tree, LLC  
(Victor Kattoula)  
**Requesting:** Approval for a medical marijuana provisioning center.  
**Zoning:** TN-TBA Traditional Neighborhood –Traditional Business Area  
**Requirements:** Article 6 Mixed-Use Commercial Zone Districts  
5.9.19. Marijuana Facilities  
5.12.06. Neighborhood Meeting  
5.12.08.E. Standards for Site Plan Review  
5.12.09. Special Land Uses  
**Case Number:** PC-MSLU-2019-0137  
**Staff Assigned:** Landon Bartley [lbartley@grcity.us](mailto:lbartley@grcity.us)  
**Type of Case:** Marijuana Special Land Use and Final Site Plan Review  
**Effective Date:** March 14, 2020

Mr. Bartley introduced the Special Land Use request for a medical marijuana provisioning center. The property is located at the northeast corner of Carrier and Plainfield within a TBA zone district. To the north, south and across the street is the same TBA zoning and to the east is Mixed-Density Residential.

Mr. Bartley recalled that there is a separation distance requirement for marijuana facilities from several sensitive land uses. Some of those separation distances may be waived by the Planning Commission. This particular location is within 1,000 ft. of five different sensitive land uses, all of which must have the separation distances waived in order for the site to be eligible for the Special Land Use approval.

Mr. Bartley identified the five sensitive land uses. St. Alphonsus Parish is approximately 520 ft. to the east, on the south side of Carrier at 224 Carrier St. NE. InterAct of Michigan is a licensed substance use disorder program, located to the southwest approximately 840 ft. New City Church is to the northeast at the corner of Spencer and Plainfield, approximately 840 ft. northeast of the proposed provisioning center. Fellowship Chapel Society may actually be a vacant church no longer in operation. Mr. Bartley indicated that he has not been able to confirm that. Regardless, until the land use changes, the property would continue to have land use rights for a church so it would still be necessary to waive the separation distance in order for the subject property to be eligible for the marijuana use. That site is at 226 Leonard NE, directly across from St. Alphonsus. Finally, Creston Christian Reformed Church is approximately 870 ft. to the northeast at 1343 Buffalo Ave. NE, which is on the west side of Buffalo, just south of Spencer St.

Mr. Bartley indicated that there have been no objections submitted by these sensitive uses with respect to the waiver of the separation distance requirements.

Mr. Bartley advised that the Planning Commission will need to act on each of the five separation distance waiver requests even if one such request is denied.

Mr. Van Strien advised those present that the Planning Commission will consider each of the waiver requests separately. The applicant or applicant's representative may speak during the public comment period if they desire to do so.

Mr. Van Strien opened the public hearing for the separation distance between the subject site and 224 Carrier St., St. Alphonsus Parish.

Abbey related that she is a neighbor. As a neighbor she is concerned about crime, traffic, and investment back into the local community. This location, in addition to the others listed for special concern, is also within 2 minutes walking distance from Creston Medical, 8 minutes from the library, 12 minutes from City High School, and 15 minutes from Stepping Stones Elementary. In a study that compared crime three years pre-Colorado's legalization and three years post legalization of recreational marijuana, property crimes like burglary and theft rose 18%, drug crimes rose 28%, and disorder crimes like criminal mischief and graffiti rose 17%. As it relates to traffic concerns, she imagines it will bring a lot of traffic from outside of the community and the speed that people would drive down the street is concerning in this very pedestrian-oriented neighborhood, posing a danger to the youngest members of the community, the school children. With respect to investment into the local community, Abbey stated that she hasn't heard what the estimated yearly sales would be but her understanding is Green Skies is an out of town company and she doesn't believe they will be investing back into the community. Dispensaries are known to pay high above property value, which drives up the prices and affects renters and the amount they are charged by their landlords.

Tommy Nafso was present on behalf of the applicant. The walking distance to St. Alphonsus is 975 ft. There are trees and a slope in the road between the sites. The east side of the building is fenced in so there is no point of access at the back of the building. Mr. Nafso stated that these facilities are not the crime magnets that people once thought they were, which is supported by research. When considering the orientation and the Spirit and Intent of the ordinance as it relates to the Planning Commission's discretion and looking at the actual practical distance between locations, they respectfully ask that the Commission grant this waiver.

There being no additional public comment, Mr. Van Strien closed the public hearing.

Mr. Van Strien recalled that they have discussed the difference between as the crow flies and the practical distance. With this situation there are two fairly major streets and the primary entrances of the two uses are on different primary streets and down and around the corner. As people travel between the two sites, he doesn't recognize any negative impact from the proposed use on the property at 224 Carrier NE.

Ms. Joseph added that there has been no objection from the sensitive use that would indicate that it would have detrimental impact on their programming or members. The practical distance is nearly 1,000 ft.

Mr. Greenwald recalled that this particular land owner did not object to the last proposal related to a dispensary within 1,000 ft. either.

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Mr. Davis **MOVED, NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission waives the required separation distance between the proposed medical marijuana provisioning center at 1234 Plainfield Avenue NE and the religious institution at 224 Carrier Street NE (“St. Alphonsus Parish”), for the following reasons:

1. The applicant has provided evidence that all eligible sensitive uses within 1,000 feet of the proposed marijuana facility location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements because the applicant has contacted the sensitive land use in question on April 25, 2019.
2. One or more representatives of the sensitive land use in question have not filed a written objection to the requested waiver.
3. The proposed distance waiver, if granted, will not impair quality of life, damage neighborhood character, discourage retail viability and variety, harm the stability of industrial areas, and/or have particularly detrimental impacts on the sensitive land use at issue because the religious institution’s primary entrance is approximately 890 feet from the customer entrance of the proposed provisioning center when traveled via the public sidewalk/road network, and this distance is far enough to moderate any potential effects and driveways and/or the crossing of a street between the two properties may discourage pedestrian traffic. Per public comment, access to the marijuana facility in direct line to the sensitive use is guarded by a fence thereby extending the pedestrian distance to closer to 1,000 ft.
4. The orientation of the sensitive land use and/or location of its primary entrances is such that the practical separation distance between the proposed marijuana facility and the sensitive land use is increased because the primary entrances for both facilities face in such a way that the actual travel distance between the two facilities is increased to nearly 900 feet.

**BE IT FURTHER RESOLVED** that this decision shall take effect immediately.

**SUPPORTED** by Mr. Rozeboom. **MOTION CARRIED UNANIMOUSLY.**

Mr. Van Strien opened the public hearing and invited public comment for the separation distance between the subject site and InterAct of Michigan at 1131 Ionia NW.

Tommy Nafso stated that there are more practical barriers in this instance. One has to go south down Plainfield to Leonard and cross the street. The practical distance is nearly 1,650 ft. with more practical limitations.

Abbey asked if the use will be medicinal and recreational; does the business plan include recreational sales?

Mr. Van Strien replied that that is a hypothetical question that the applicant can address later in the hearing if they get to the Special Land Use review.

There being no additional public comment, Mr. Van Strien closed the public hearing.

Mr. Greenwald stated that the physical arrangement is such that it does increase the practical distances. Not only do you need to cross Plainfield/Division, you also need to cross Leonard St. The way the neighborhoods are laid out, the neighborhood where InterAct of Michigan is located is really quite separate from the neighborhood where the subject use is proposed.

Mr. Davis **MOVED, NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission waives the required separation distance between the proposed medical marijuana provisioning center at 1234 Plainfield Avenue NE and the State-licensed substance use disorder program at 1131 Ionia Avenue NW (“InterAct of Michigan, Inc.”), for the following reasons:

1. The applicant has provided evidence that all eligible sensitive uses within 1,000 feet of the proposed marijuana facility location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements because the applicant has demonstrated that they contacted the sensitive land use in question on April 25, 2019.
2. One or more representatives of the sensitive land use in question have not filed a written objection to the requested waiver.
3. The proposed distance waiver, if granted, will not impair quality of life, damage neighborhood character, discourage retail viability and variety, harm the stability of industrial areas, and/or have particularly detrimental impacts on the sensitive land use at issue because the substance use disorder program’s primary entrance is approximately 1,390 feet from the customer entrance of the proposed provisioning center when traveled via the public sidewalk/road network, and this distance is far enough to moderate any potential effects and driveways and/or the crossing of a street between the two properties may discourage pedestrian traffic.
4. Exceptional topographic or environmental conditions such as steep slopes, a significant amount of mature vegetation, a fixed and unmovable natural or unnatural barrier such as a river or similar environmental body, freeway or similar roadway, or extensive berm or wall that cannot be crossed and have the effect of increasing the practical separation distance between the proposed marijuana facility and the sensitive land use do exist because due to road layout and crosswalk locations, the actual travel distance between the entrances for these two uses is approximately 1,390 feet.
5. The orientation of the sensitive land use and/or location of its primary entrances is such that the practical separation distance between the proposed marijuana facility and the sensitive land use is increased because the primary entrances for both facilities face in such a way that the actual travel distance between the two facilities is increased and, as discussed, both Plainfield and Leonard are busy corridors that are not easy to cross for pedestrians.

**BE IT FURTHER RESOLVED** that this decision shall take effect immediately.

**SUPPORTED** by Mr. Rozeboom. **MOTION CARRIED UNANIMOUSLY.**

Mr. Van Strien opened the public hearing for the separation distance between the subject site and New City Church at 1364 Plainfield Ave. NE.

Tommy Nafso stated that for this location it is necessary to travel northeast down Plainfield for 1,080 ft. to Spencer St. and then east, 15 ft. to the entrance of the church. From door to door, in the most direct walking path, it is nearly 1,100 ft. The entrances don't share the same street frontage. Mr. Nafso asked that the Planning Commission grant the requested waiver.

There being no additional public comment, Mr. Van Strien closed the public hearing.

Mr. Davis indicated he would support the waiver based on distance and orientation, with the distance alleviating the concern of potential detrimental impacts.

Mr. Davis **MOVED, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission waives the required separation distance between the proposed medical marijuana provisioning center at 1234 Plainfield Avenue NE and the religious institution at 1364 Plainfield Avenue NE ("New City Church"), for the following reasons:**

- 1. The applicant has provided evidence that all eligible sensitive uses within 1,000 feet of the proposed marijuana facility location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements because the applicant has demonstrated that they contacted the sensitive land use in question on April 25, 2019.**
- 2. One or more representatives of the sensitive land use in question have not filed a written objection to the requested waiver.**
- 3. The proposed distance waiver, if granted, will not impair quality of life, damage neighborhood character, discourage retail viability and variety, harm the stability of industrial areas, and/or have particularly detrimental impacts on the sensitive land use at issue because the religious institution's primary entrance is approximately 1,150 feet from the customer entrance of the proposed provisioning center when traveled via the public sidewalk/road network, and this distance is far enough to moderate any potential effects and driveways and/or the crossing of a street between the two properties may discourage pedestrian traffic.**
- 4. The orientation of the sensitive land use and/or location of its primary entrances is such that the practical separation distance between the proposed marijuana facility and the sensitive land use is increased because the primary entrances for both facilities face in such a way that the actual travel distance between the two facilities is increased to approximately 1,150 feet.**

**BE IT FURTHER RESOLVED that this decision shall take effect immediately.**

**SUPPORTED by Mr. Rozeboom. MOTION CARRIED UNANIMOUSLY.**

Mr. Van Strien opened the public hearing for the separation distance between the subject site and Fellowship Chapel Society at 226 Leonard St. NE.

Tommy Nafso wished to incorporate his comments regarding the St. Alphonsus separation distance waiver request given that this location is directly across Leonard St. from St. Alphonsus. He added that 226 Leonard St. is an additional 700 +/- ft. beyond St. Alphonsus.

There being no additional public comment, Mr. Van Strien closed the public hearing.

Mr. Greenwald noted that not only do they have the consideration of the actual travel distance, it is also on the south side of Leonard St. which basically puts the religious institution into a separate neighborhood.

Mr. Davis **MOVED, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission waives the required separation distance between the proposed medical marijuana provisioning center at 1234 Plainfield Avenue NE and the religious institution at 226 Leonard St. NE (“Fellowship Chapel Society”), for the following reasons:**

- 1. The applicant has provided evidence that all eligible sensitive uses within 1,000 feet of the proposed marijuana facility location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements because the applicant has demonstrated that they contacted the sensitive land use in question on April 25, 2019.**
- 2. One or more representatives of the sensitive land use in question have not filed a written objection to the requested waiver.**
- 3. The proposed distance waiver, if granted, will not impair quality of life, damage neighborhood character, discourage retail viability and variety, harm the stability of industrial areas, and/or have particularly detrimental impacts on the sensitive land use at issue because the religious institution’s primary entrance is approximately 1,530 feet from the customer entrance of the proposed provisioning center when traveled via the public sidewalk/road network, and this distance is far enough to moderate any potential effects and driveways and/or the crossing of a major street between the two properties may discourage pedestrian traffic.**
- 4. The orientation of the sensitive land use and/or location of its primary entrances is such that the practical separation distance between the proposed marijuana facility and the sensitive land use is increased because the primary entrances for both facilities face in such a way that the actual travel distance between the two facilities is increased to approximately 1,530 feet.**

**BE IT FURTHER RESOLVED that this decision shall take effect immediately.**

**SUPPORTED by Mr. Rozeboom. MOTION CARRIED UNANIMOUSLY.**

Mr. Van Strien opened the public hearing for the separation distance between the subject site and Creston Christian Reformed Church at 1343 Buffalo Ave. NE.

Tommy Nafso asked that the Commission incorporate his statements related to New City Church adding that this facility is an additional 230 ft. north of that religious institution.

There being no additional public comment, Mr. Van Strien closed the public hearing.

Ms. Joseph recognized the distance and primary entrance orientation as rationale for granting the requested waiver.

Mr. Davis **MOVED, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission waives the required separation distance between the proposed medical marijuana provisioning center at 1234 Plainfield Avenue NE and the religious institution at 1343 Buffalo Avenue NE (“Creston Christian Reformed Church”), for the following reasons:**

- 1. The applicant has provided evidence that all eligible sensitive uses within 1,000 feet of the proposed marijuana facility location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements because the applicant has demonstrated that they contacted the sensitive land use in question on April 25, 2019.**
- 2. One or more representatives of the sensitive land use in question have not filed a written objection to the requested waiver.**
- 3. The proposed distance waiver, if granted, will not impair quality of life, damage neighborhood character, discourage retail viability and variety, harm the stability of industrial areas, and/or have particularly detrimental impacts on the sensitive land use at issue because the religious institution’s primary entrance is approximately 1,575 feet from the customer entrance of the proposed provisioning center when traveled via the public sidewalk/road network, and this distance is far enough to moderate any potential effects and driveways and/or the crossing of a street between the two properties may discourage pedestrian traffic.**
- 4. The orientation of the sensitive land use and/or location of its primary entrances is such that the practical separation distance between the proposed marijuana facility and the sensitive land use is increased because the primary entrances for both facilities face in such a way that the actual travel distance between the two facilities is increased to approximately 1,575 feet.**

**BE IT FURTHER RESOLVED that this decision shall take effect immediately.**

**SUPPORTED by Mr. Rozeboom. MOTION CARRIED UNANIMOUSLY.**

Mr. Bartley explained that since all five sensitive land use waivers have been granted the property is now eligible for Special Land Use review for a marijuana provisioning center.

The site is located in the TBA zone district at the northeast corner of Carrier and Plainfield. Residential uses are located to the east with commercial uses across the street and to the north and south. The site is just under 10,000 sq. ft. There is an existing single-story building on site, approximately 1,800 sq. ft., located at the northeast corner of the property, that is currently used for retail. There is a paved parking lot in front, to the west of the building, that currently has 6-8 unstriped parking spaces. Located to the northeast of the property is a vacant landscaped area that is proposed to remain. A non-conforming pole sign, approximately 40 sq. ft. in area, is

present on site. Two driveways provide access to the site from Plainfield. The applicant proposes several minor site changes; restoring the landscaped area to the northeast of the building, adding a dumpster and enclosure, and adding a bike rack.

With respect to proposed building changes, the applicant proposes renovating the front of the building. A rendering of the significant façade changes was displayed. The renovation includes the introduction of a significant amount of transparency on the front of the building. The sides won't be changed too much, involving minor cosmetic upgrades. The interior will be renovated to combine what is currently two, side-by-side, retail spaces into one and to comply with State and local requirements for a provisioning center. Mr. Bartley related that for an 1,800 sq. ft. retail use in this district 5 parking spaces are required; there are currently 6 spaces on site. On-street parking is available to the south on both sides of Carrier. No on-street parking on Plainfield is permitted in this area. The proposal generally meets site and building layout requirements of the ordinance. Detailed plan elevations have not yet been submitted. However, if the Planning Commission is inclined to approve the land use, compliance with all zoning ordinance requirements would be required at the time of permitting.

Mr. Bartley related that the applicant has met with the Creston Neighborhood Association on several occasions beginning in April, 2019. Mr. Bartley spoke with the director of the association as recently as this morning and she related that they are satisfied with the progress that the applicant has made with respect to community outreach. The Neighborhood Association has a stated desire for the medical marijuana industry to be equitable and have a positive impact on the neighbors and neighborhood. They believe that the past, current, and future community engagement efforts will be found to be effective. They have no comments as far as support or opposition to the proposed use but have expressed appreciation for the community engagement efforts that have transpired thus far.

Mr. Bartley related receipt of an email of support, received today and included in the Planning Commission's packet. A letter of opposition was also submitted by a resident on Page St., approximately 1-2 blocks to the north. Concerns expressed relate to traffic and parking impacts. The applicant hosted two community meetings in May 2019.

Mr. Bartley clarified that the request being considered is only for the retail sale of medical marijuana. No growing or processing is proposed on site. Proposed hours of operation are 9 a.m. to 9 p.m. daily and the use would have a total of 32 employees scheduled over the course of the week.

Mr. Treur noted from the renderings that the glass at the front appears to be tinted. He asked for clarification.

Mr. Bartley deferred to the applicant to clarify their intent. The zoning ordinance allows for some tinting, although very limited. If a dark tint is proposed it would not be approved. Staff can work with the applicant to ensure it meets requirements.

Mr. Greenwald asked the intent with the non-conforming pole sign.

Mr. Bartley deferred to the applicant. They have talked about a wall sign on the front but haven't mentioned the pole sign.

Darrel Ross was present on behalf of 3Fifteen Cannabis, formerly Green Skies - Healing Tree. He recalled that they have been before the Planning Commission for a number of other locations. 3Fifteen is the same team, now with a different name. They will be branding all of their locations under the 3Fifteen Cannabis name to bring some uniformity to it. They have three other locations currently under construction. They have been working with the Creston Neighborhood Association for some time and it has evolved into a great relationship. There has been a lot of ongoing engagement and they are partnering with them to hire directly from the neighborhood. Mr. Ross reminded the Planning Commission that they had the first legal marijuana sale in Michigan. One of the things they are known for is investing directly into the community, which will be no different in this case. They worked directly with the neighborhood association on the Good Neighbor Plan and came up with a unique plan for this specific site. Each plan is unique to the specific location, ensuring it is appropriate and resident driven. They have a CPTED plan that has been signed by the Police Dept. and have also solidified their policies around sales to minors. Mr. Ross related that they have agreed to a scholarship award to a local resident or their family member. They have also agreed to partner with the Association on ASP funding and have an opportunity fund they have extended to all dispensary owners in the Grand Rapids area. The opportunity fund is intended to address the historically marginalized outcomes and provide some additional opportunity. In addition, they believe that community matters. Therefore, they will incentivize partnerships and volunteering in the community. All of their staff members will have paid community service hours. They will hire directly from the neighborhood and they have an agreement in place with the neighborhood association to assist them in that effort. Mr. Ross explained that the Creston Neighborhood Association is implementing sustainability efforts around design and 3Fifteen Cannabis has assisted them with their sustainability fund. The effort will add green elements to residential properties and prioritize affordability. Mr. Ross recalled the comment that dispensaries result in the increase in property values in neighborhoods. They are very cognizant of that and want to be a good neighbor. They have extended their affordable housing commitment, which says that if they ever engage in residential construction, they will hold it as affordable housing for the lifetime of the property. Mr. Ross stated that he is certain they are the only private sector developer that has a 100% affordable housing project in process, on Michigan St. They look forward to doing that in the Creston neighborhood as well. Mr. Ross related that it is important that patients have access to their locations. They are located on the bus line and have a letter of intent with The Rapid toward continually improving processes.

Mr. Ross clarified that the windows on the front will meet or exceed the transparency requirements. Their goal is not to seek waivers or exceptions on their sites because they want to work with the community to do good projects that qualify on their merits.

Mr. Ross related that the internal layout of the space will be similar to their other locations; the Apple concept. Displays will be very discreet and professional. Greenspace and parking requirements are also being met in this location.

Mr. Ross commented on traffic and related impacts. When a project goes to Design Team all of that is taken into account. With respect to investing back into the community, Mr. Ross stated that he doesn't know of another dispensary owner that has done more investment than 3Fifteen Cannabis. Their community benefit agreements are second to none and they continue to maintain that.

Mr. Ross responded to the concern of attracting people to the area stating that commercial districts thrive on commercial activity. They want to be a positive influence on the financial success of the commercial district. They will also increase safety with lighted parking and the appropriate security measures.

Mr. Greenwald recalled that they haven't requested pole signs at the other locations that have been approved. He asked if they would be amenable to removing the non-compliant pole sign.

Mr. Ross replied begrudgingly. They would prefer to keep the sign but they want the site more.

Ms. Joseph recalled that community meetings were held in May of 2019. She asked if there has been more recent engagement.

Mr. Ross recalled that they have other locations within the Creston district. They have been present at Creston Neighborhood Association functions, have had ongoing communication with neighborhood association staff, and met with their development team. Based on the original draw order, they did their engagement some time ago. When it came back up they were able to pull it out and hit the ground running because they were already working with the association on hiring for 3423 Plainfield.

Ms. Joseph asked about the immediate community members around this particular location.

Mr. Ross replied yes. Creston has agreed to do the outreach and they have also done outreach.

Mr. Van Strien opened the Special Land Use public hearing and invited public comment. There being no comments offered, Mr. Van Strien closed the public hearing.

Mr. Rozeboom stated that traffic and pedestrian circulation are the only aspects that rise to his attention in this case. He believes that can be addressed with the curb cuts, etc. It is somewhat of an awkward corner jutting out into a busy road.

Ms. Joseph related that she was hoping that they could potentially close one of the curb cuts. However, with the way the parking lot is essentially two different spaces you can't really do that.

Mr. Greenwald sees this as an opportunity to clean up the streetscape and bring it into compliance with current code as long as the applicant is willing to remove the pole sign.

Other Commissioners agreed that the pole sign should be removed.

Ms. Joseph appreciates the addition of greenspace/landscaping to the site.

Mr. Van Strien addressed the public comment question related to medical/recreational retail sales. He clarified that this is a request for medical marijuana sales and not for recreational at this time. There is no ordinance in place for recreational sales at this time. Should they desire recreational sales in this location it would require additional approvals.

Mr. Bartley clarified further that this is a request for medical marijuana sales only. Grand Rapids does not have a recreational ordinance in place at this time. Until a recreational ordinance is adopted, recreational marijuana uses would not be permitted. Because there is no adopted ordinance in place, there is no guarantee that a recreational applicant would have to come back to the Planning Commission. It is quite likely but, because there is no ordinance, no guarantees can be provided.

Ms. Joseph recognized that they don't have detailed building elevations in this case. She asked if there are building material requirements that will apply.

Mr. Bartley replied that in the TBA there are requirements for quality building materials such as brick, face brick, stone, fiber cement siding, stucco, etc. Any changes they make to the façade would be required to meet the materials requirements. If they aren't changing the façade, they wouldn't have to meet those requirements unless imposed as a condition of Special Land Use approval.

With respect to parking, Mr. Rozeboom noted that this location is on a bus line and they have a letter of intent with The Rapid to work with them on potentially changing stop locations. They will also be providing bike racks. Those efforts support the plan.

Mr. Greenwald **MOVED, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the request of Green Skies - Healing Tree, LLC (Victor Kattoula) for a medical marijuana provisioning center at 1234 Plainfield Avenue NE, for the following reasons:**

- 1. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the Zone District, because the commercial designation for this area in the Master Plan supports a range of uses, including retail.**
- 2. The proposed use will meet the Site Plan Review Standards of Section 5.12.08.E., because the site is currently built out and the proposal seeks to reuse the existing building and plans for the proposed site changes have been reviewed and generally meet the site layout requirements of the Zone District.**
- 3. The proposed use will be compatible, harmonious & appropriate with the existing or planned character & uses of the neighborhood, adjacent properties, & the natural environment because the proposed land use will retain the character of the area and the proposal reuses an existing building, which meets the site layout requirements.**
- 4. The proposed use will minimize potential adverse effects on the neighborhood because the GRPD has approved a CPTED plan for the proposed use that is designed to mitigate potential crime impacts and the applicant has completed a Good Neighbor Plan.**

5. The proposed uses will not be detrimental, hazardous, or disturbing to existing or future uses or to the public welfare by reason of excessive traffic, noise, or visual clutter because excessive amounts of noise, glare, or visual clutter are not typically associated with marijuana retail sale; a Good Neighbor Plan is required to be submitted and honored; and the applicant will be required to implement odor mitigation techniques in order to meet Ordinance requirements.
6. The proposed use will not adversely affect the walkability of the neighborhood, impair pedestrian circulation patterns, disrupt the continuity of the urban street wall or hinder the creation of a pedestrian-oriented environment because public sidewalks currently border the property to the west and south, and the current orientation of the building is proposed to be retained.
7. The proposed use will retain as many natural features of the landscape as practicable, particularly where the natural features assist in preserving the general character of the neighborhood because the proposed site plan will increase the amount of green space and vegetation on the property and there are currently no significant environmental features on the property.
8. Adequate public or private infrastructure and services do already exist or will be provided at no additional cost because the proposed use seeks to reuse an existing, developed property, which uses existing public services and an increased police and fire presence associated with the proposed use is not generally required more than other retail commercial land uses.
9. The proposed use will not be detrimental to the financial stability and/or economic welfare of the City because the proposed use is expected to generate a significant number of jobs and potential tax revenues.
10. The proposed use will comply with all other applicable City ordinances and policies and all applicable State laws because the medical marijuana industry is closely regulated and subject to local and State agencies' regulations.

**BE IT FURTHER RESOLVED** that the following conditions of approval shall apply to this project:

**1. Standard Condition Sets A. Approvals and B. Marijuana Operations.**

**A. Approvals**

- i. That the application and plans submitted by the applicant and signed, dated and stamped by the Planning Director, shall constitute the approved plans, except if plan elements do not meet ordinance requirements and/or as amended in this resolution.
- ii. That the use shall operate according to the application and per testimony as recorded in the Planning Commission minutes.
- iii. That this approval does not include any proposed signs, and any future signs shall be subject to the requirements of Article 15 of the ordinance and permits received prior to installation.
- iv. That a Land Use development Services (LUDS) permit, building permit, and all other required permits be obtained from the City of Grand Rapids prior to construction, demolition, or operation.

- v. That any expansion of the approved Special Land Use requires an additional Special Land Use review and approval by the Planning Commission.
  - vi. That the proposed use will comply with all other applicable City ordinances and policies and all State laws.
  - vii. That this approval shall take effect 16 calendar days after the date of the Planning Commission's decision.
- B. Marijuana Operations**
- i. That this approval is for only the requested marijuana facility type(s), and does not include any approval for any other current or future facility type as permitted by local or State statutes or ordinances.
  - ii. That all commitments made by the applicant in the Good Neighbor Plan, Operations and Management Plan, public hearing testimony, and MIVEDA, if applicable, shall be honored in good faith by the applicant and/or future operators of this land use.
  - iii. That the operation of this land use be subject to the approved CPTED plan and any related local and State ordinances, with any changes to that plan subject to the review and approval by the Grand Rapids Police Department.
  - iv. That all use regulations of Section 5.9.19., specific to marijuana facilities, be met, including product visibility restrictions, and hours of operation limited per the application and testimony.
  - v. That the facility plan as submitted to LARA be submitted to the Planning Director prior to the issuance of a Certificate of Occupancy, and that any changes to the security plan as submitted to LARA shall also be submitted to the Planning Director.
  - vi. That evidence of a valid and effective general liability insurance policy meeting the requirements of Section 5.9.19.F.4. shall be submitted to the Planning Director for review and approval prior to the issuance of a Certificate of Occupancy.
  - vii. That a license from the State of Michigan shall be required prior to operation, and that a City of Grand Rapids license shall also be required for this facility, and this approval does not include approval of either such license.
2. That the final layout of parking spaces and drive aisle(s) shall be subject to the review and approval of the City's Traffic Engineering Department, including any shared or cross-access agreements or easements that may be required.
  3. That the existing non-compliant pole sign shall be removed and not replaced.
  4. That the proposed building façade improvements shall be subject to the Building Element requirements of Section 5.6.08. of the Zoning Ordinance.

**SUPPORTED by Mr. Brame. MOTION CARRIED UNANIMOUSLY.**

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>
<b>MOVER:</b>	Paul Greenwald, Board Member
<b>SECONDER:</b>	Walter M Brame, Board Member
<b>YEAS:</b>	Rozeboom, Davis, Joseph, Greenwald, Verhulst, Van Strien, Brame, Treur
<b>ABSENT:</b>	Stacie Behler

F. 1970 S. Division Ave. - Medical Marijuana Provisioning Center

**Address:** 1970 South Division Avenue  
**Applicant:** Humble Roots, LLC  
(Dev Patel)  
**Requesting:** Approval for a medical marijuana provisioning center.  
**Zoning:** TN-TBA Traditional Neighborhood –Traditional Business Area  
**Requirements:** Article 6 Mixed-Use Commercial Zone Districts  
5.9.19. Marijuana Facilities  
5.12.06. Neighborhood Meeting  
5.12.08.E. Standards for Site Plan Review  
5.12.09. Special Land Uses  
**Case Number:** PC-MSLU-2019-0067  
**Staff Assigned:** Landon Bartley [lbartley@grcity.us](mailto:lbartley@grcity.us)  
**Type of Case:** Marijuana Special Land Use and Final Site Plan Review  
**Effective Date:** March 14, 2020

Mr. Van Strien asked if the applicant is present and received no response. Mr. Van Strien explained that since the applicant is not present, they will consider the application to be abandoned and administratively withdrawn.

Mr. Bartley responded to questions from citizens present regarding the request. This request is administratively being withdrawn from the queue of applications for marijuana. There is no longer an application at this location. Should there be a future request, under the current Ordinance it would be a Special Land Use and would be re-noticed for a public hearing.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## VI. Planning Commission Discussion

- Mr. Rozeboom recalled that they have had applicants not show up in the past and they have actually heard the cases. He recalled the example of Brann's.

Mr. Van Strien suggested they probably should have administratively withdrawn that application vs. denying it; it would have been the same result.

- Mr. Brame thanked staff for reducing the length of the resolutions by including standard conditions as a single condition read into the record and displayed on the overhead for the public's information. He recalled making that suggestion years ago.

- Mr. Davis recognized the adjustment to the resolutions as a way to help reduce the length of their meetings. He believes that eliminating separation distance waivers would also help.

Mr. Van Strien noted that that recommendation remains on the table for City Commission consideration.

#### **VII. Public Comment**

Ruth related that this is her first time attending a Planning Commission meeting. She complimented the Planning Commission stating that she was very impressed.

#### **VIII. Adjournment**

The meeting was closed at 3:50 PM