

Village of Decatur
Planning Commission Regular Meeting Minutes
Thursday, October 20, 2022, at 1:00 P.M
Village Hall, 114 N. Phelps Street
Decatur, MI 49045

I. **Call to Order**

Rex called the meeting to order at 1:04 PM

II. **Pledge of Allegiance**

III. **Roll Call**

Trustee Mike Verran, Commission Member Janet Moelaart, Cindy Pachner, Chairman Blaine Rex, Village Manager Tapper, Village Clerk/Treasurer, Megan Duncan and Village Planner Rebecca Harvey.

IV. **Public Comment**

Dan McKeeby received the Public Hearing letter in the mail, sent by Village Hall, and was there for general questions.

V. **Approval of Agenda**

Moelaart offered a motion with support from Pachner to approve the amended agenda for September 22, 2022, as presented, motion passed 4-0.

VI. **Approval of Minutes**

Moelaart offered a motion with support from Verran to approve the meeting minutes from October 20, 2022, as presented, motion passed 4-0.

VII. **Public Hearing**

Moelaart offered a motion with support from Pachner to close the regular session at 1:08 P.M and enter into a public hearing to receive public comments requested by Ryan Rarick for the proposed conditional rezoning of approximately 3.21 acres located at W. Edgar Bergen Blvd from R-1One and Two-Family Residential District to the R-2 Multiple Family District.

Ryan Rarick presented information to the public about his business partners, Ryan and Adam Garland, his family, wife and children, and the vision for this

blighted property. It would be an HFA- Home for the Aged, non-driving residents aged 55 and older, who need assisted living. Each resident will have a private room and restroom. Will be aided with cooking and cleaning. Most assisted care facilities are 15:1 resident verse faculty, this one would be 5:1. Mr. Rarick and his partners picked this property to help rehabilitate the home, neighborhood, and to invest in the Village of Decatur.

Public comments:

- a. Bob Danielson expressed his frustration with the prior owners and how they were dishonest with what they did to the property, removing trees and disrupting wetlands. He is against commercial development, he doesn't want the construction, and it should just stay the way it is.
- b. Terry Newell was concerned if this is approved and the business that is being presented fails. What happens to the building zoning?
- c. Steve Pajkos had concerns with parking and traffic. He expressed interest in seeing site plans but had concerns if this business would fail.
- d. Manager Tapper stated that an email came in on 10/18 from Joseph Goodwin and there were no objections.
- e. Manager Tapper also stated that there was no objection from Decatur Public Schools.

Moelaart offered a motion with support from Verran to close the public hearing at 1:24 pm and re-enter the regular, motion passed 4-0.

Village planner, Rebecca Harvey clarified to the PC Members that the amendments to Section 42-9. – Definitions of the Village of Decatur Zoning Ordinance, so as to add the following definition:

Care Home means a facility, including rest and nursing homes, convalescent homes and homes for the aged, established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients such as feeble-minded or mental patients, epileptics, alcoholics, senile psychotics, or drug addicts.

An amendment of Section 42-91. – Land Use and Base Zoning District Table so as to add the following;

'Care Homes' as a Special Land Use ('S') in the R-2 District allows the

application request to be considered. The applicant requests the subject site be rezoned from the R-1 District to the R-2 District. The application cites ‘as a condition of rezoning, we would be willing to accept the property be rezoned to the R-2 District only for the use of allowing a ‘care facility’. In that the applicant has offered to condition the requested rezoning on a specific use of the property, the rezoning analysis may be applied in consideration of only the proposed use.

Pachner offered a motion with support from Verran to approve the application for conditional rezoning of approximately 3.21 acres located at W. Edgar Bergen Blvd from R-1 One and Two-Family Residential District to the R-2 Multiple Family District., motion passed 4-0.

Verran offered a motion with support from Moelaart to close the regular session at 1:53pm and enter into a public hearing in regarding application from Tree Fig LLC, by Benjamin Tregoning, 413 W. Delaware, site plan review on a recreational marihuana establishment, motion passed 4-0.

Benjamin Tregoning, Tree Fig LLC, presented his current site plans for the new construction at 413 W. Delaware Street. The site plan consisted of dimensions of the construction, drawings of the exterior, and a drive thru.

Public Comments:

- a. No public comments were given or received.

Village Planner, Harvey, explained to PC Members that the original Special Land Use Application from Tree Fig LLC was for a micro-business and since Mr. Tregoning is wanting to open as a recreational dispensary, the original application no longer applies. The applicant is again requesting Special Land Use Permit/Site Plan Approval.

Moelaart offered a motion with support from Verran to close the public hearing at 2:22 pm and return to the regular session of the meeting, motion passed 4-0.

Village Planner, Harvey, held a discussion with the PC Members on the Site Plan that was presented. The Special Land Use Request/Site Plan Review for the proposed establishment may be granted if in compliance. Under Section 42-142 – Adult Use Marihuana Facilities there are many inconsistencies that compliance cannot be confirmed. Applicant stated that his plans and designs will comply.

Pachner offered a motion with support from Verran to a conditional approval of the Special Land Use Permit for 413 W. Delaware with discussion with

Department of Public Works, installation of sidewalks along Delaware, and a revised site design with final conditional approval of the Village Planner, motion passed 4-0.

Village Manager Tapper requested that the PC Members postpone the request to hold a public hearing regarding Amendment to Article 4 – Special Use Permit, of the Village Zoning Ordinance, to add land use standards for a ‘Child Care Facility’ (Family; Group; Center), and ‘Foster Care Facility’ (Small Group; Large Group) until PC meeting on November 17, 2022, at 1:00pm.

Rex offered a motion with the support of Moelaart to postpone the request to hold a public hearing regarding Amendment to Article 4 – Special Use Permit, of the Village Zoning Ordinance, to add land use standards for a ‘Child Care Facility’ (Family; Group; Center), and ‘Foster Care Facility’ (Small Group; Large Group), until PC meeting on November 17, 2022, at 1:00pm, motion passed 4-0.

VIII. **Unfinished Business**

Village Manager Tapper reported the Village Council was asking the Planning Commission to review the Parking Ordinance along with Ordinance 184, along with the Sign Ordinance. Both Ordinances are in need of review.

IX. **New Business**

None

X. **Planning Commission Comments**

- a. Rex asked Village Manager Tapper if Cedar Street was going to be under construction, Wightman and Associates were marking the area.

XI. **Adjournment**

Moelaart offered a motion with support from Pachner to adjourn the meeting at 2:39p.m., motion passed 4-0.

Minutes submitted by: Megan Duncan, Clerk & Treasurer