

VILLAGE OF DECATUR
PLANNING
COMMISSION
REGULAR MEETING
AGENDA

Thursday
October 22,
2022



1:00 PM Planning Commission Meeting (Action to be taken by the Commission on the following agenda items)

Note: Please be courteous and turn cell phones off during the meeting.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL (Excused Absences, if Any)**

4. **PUBLIC COMMENT**

5. **APPROVAL OF AGENDA**

5A - Approval of the Regular Meeting Agenda for October 22, 2022

6. **APPROVAL OF MINUTES**

6A - Approval of the Minutes of the Regular Meeting of September 22, 2022

7. **PUBLIC HEARING**

7A – Request to hold a public hearing regarding request by Ryan Rarick for the proposed conditional rezoning of approximately 1.0 acres located at W Edgar Bergen Blvd from the R-1 One- and Two-Family Residential District to the R-2 Multiple Family District.

7B – Request to hold a public hearing regarding application from Tree Fig LLC, by Benjamin Tregoning, 413 W Delaware Street, Site Plan Review on a recreational marijuana establishment.

7C - 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).

8. **UNFINISHED BUSINESS**

9. **NEW BUSINESS**

10. **PLANNING COMMISSION COMMENTS**

11. **ADJOURNMENT**

PLEASE NOTE

AUDIENCE PARTICIPATION:

In addition to addressing the Planning Commission during public hearings and under "Public Comment," members of the audience may address the Chairperson, please limit your comments to three minutes or less per item. Please step up to the podium and state your name and address.

The proposed process for items listed under agenda items above shall be as follows:

1. Announcement of the agenda item by the Chairperson.
 2. Verbal report provided by staff.
 3. The Chairperson asks Commission members if they have any questions for staff to clarify the staff report.
 4. Motion is made by a Commission member and seconded by another Commission member.
 5. The chairperson calls on Commission members to discuss the motion if Commission members wish to discuss.
 6. Chairperson calls for a vote on the item after discussion has occurred.
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Village of Decatur
Planning Commission Regular Meeting Minutes
Thursday, September 22, 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 1:00 p.m.

II. **Pledge of Allegiance**

III. **Roll Call**

Trustee Mike Verran, Commission Member Janet Moelaart, Cindy Pachner, Pat Muscovalley (excused), Chairman Blaine Rex, Village Manager Tapper, Village Planner Rebecca Harvey.

Village Manager Tapper, noted Commission member Patricia Muscovalley did submit resignation letter. It should be noted Muscovalley did indicate her door would be open to returning.

IV. **Public Comment**

Tom Creagan was in attendance.

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 August 25, 2022, as presented, motion passed 4-0.

VII. **Public Hearing**

Moelaart offered a motion with support from Pachner to close the regular session at 1:07 P.M and enter into a public hearing to receive comments regarding amendments to Section 20 – Signage, of the Village Zoning Ordinance to amend the sign standards regarding sign size (Table 8-4); prohibited sign (Section I.) sign setbacks and height requirements (Section J.)

and sign illumination (Section K.), motion passed 4-0.

Village Planner, Rebecca Harvey provide the PC Members with a finding of facts report. It should be noted that the report was provided within the agenda memo.

Let the record show, no public comment was offered or received.

Moelaart offered a motion with support from Verran to close the public hearing at 1:29 and re-enter the regular, motion passed 4-0.

Rex offered a motion with support from Verran to approve the following text amendment of Sec 42-9 Definitions of the Village of Decatur Zoning Ordinance and add the following definition;

Changeable Copy Sign means a sign on which the message is changed manually or automatically through the use of electronic display technology

amendment of Sec 42-183 Signage of the Village of Decatur Zoning Ordinance and add the following definition;

(m) any allowed sign may include a manual or electronic changeable copy sign as a special land use, subject to compliance with the following requirement;

(1) The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of changeable copy sign shall not exceed 50 percent of the maximum allowed sign area. Only one changeable copy sign shall be allowed per lot.

(2) A changeable copy sign shall not change its message more frequently than once every 12 seconds.

(3) The message of a changeable copy sign shall, when changing, appear only in its entirety. The message shall not appear to flash, move from the center of the center of sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.

(4) A changeable copy sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be distraction or injurious to the vision of motorists, as determined by the village. The changeable copy sign shall be equipped with an ambient light sensor to regulate sign brightness.

Rex offered a motion with support from Verran to close the regular session at 1:36 P.M and enter into a public hearing to receive comments regarding amendment to Article 2 – Definitions, of the Village Zoning Ordinance, to add definitions for Child Care Facility along with amendment to Article 5, Sec 8 – Land Use and Base Zoning District Table, motion passed 4-0.

Village Planner, Rebecca Harvey provide the PC Members with a finding of facts report. It should be noted that the report was provided within the agenda memo.

Let the record show, no public comment was offered or received.

Rex offered a motion with support from Moelaart to close the public hearing at 1:59 P.M. and return to the regular session of the meeting, motion passed 4-0.

Verran offered a motion with support from Pachner to approve the following text amendment;

An amendment 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.

motion passed 4-0.

VIII. **Unfinished Business**

Village Manager Tapper, to discuss the Master Plan updates with both Decatur and Hamilton Township Supervisors.

Village Manager Tapper reported the Village Council was asking the Planning Commission to review the Parking Ordinance along with Ordinance 184. Both Ordinances are in need of review. The reports were provided to the PC in the agenda packet.

IX. **New Business**

None

X. **Planning Commission Comments**

XI. **Adjournment**

Pachner offered a motion with support from Moelaart to adjourn the meeting at 2:18 p.m., motion passed 4-0.

Minutes submitted by: Shantel Pentland, Administrative Assistant



VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN
APPLICATION FOR ZONING ORDINANCE VARIANCE/
REZONING/CONDITIONAL USE PERMIT

Submit to: Village Clerk, Village of Decatur
114 N. Phelps Street, Decatur MI 49045
(269) 423-6114

Fee: \$200.00
(Non-refundable)

Reference of Decatur Zoning Ordinance, Article XIII

In accordance with the above reference, application is hereby made to the Village Council of the Village of Decatur, Van Buren County, Michigan, for a variance on certain properties listed below:

Applicant(s) Name: 550 W. Edgar Berger Blvd., LLC

Address: 2425 S 11th St Suite A
Kalamazoo, MI 49009

Telephone (include area code): 269-271-4276

Street Address of Property Involved:

550 W. Edgar Berger Blvd. Decatur, MI 49045

Property Tax Number: ~~80-43-085-038-00~~, 80-43-081-038-00
80-43-085-013-10

Legal Description of Property Involved:

see attached

Dimensions of Property:

irregular, approximately 19 acres


Present Zoning Classification: R1

Current Ownership Status: under contract

Variance Requested: (Setback?): NA

Explanation of request for variance (Attach site plan showing present improvements to the property and proposed improvements, use separate sheet if needed):

We are requesting rezoning to an R2. As a condition of the rezoning we would be willing to accept the property be rezoned to an R2 only for the use of allowing a "care facility." We also request a special use be approved for a "care facility" if the rezoning is approved.


Signature of Applicant

9/26/22
Date

Parcel 80-43-085-013-10

Van Buren County Property Information

If you have questions or find any incorrect information please send an Email.

Parcel: 80-43-085-013-10

Jurisdiction: Village of Decatur

Plate Number: 1059-A1

Owner Name: BS PROPERTIES LLC

Parcel Address: GREENBRIAR TERRACE
DECATUR, MI 49045

Mailing Address: 45667 M 51 HWY
DECATUR, MI 49045

Property Information

School District: 80050

Current Property Class: 401

Current Assessment: \$264,300

Previous Assessment: \$264,300

Taxable Value: \$179,926

Homestead %: 30%

Calculated Acreage: 19

Legal Description

1059-A1 18-4-14 676-862 831-400 1437-119 1481-707 1488-294 1508-251 1509-978
1510-66/7 1533-246 COM AT S 1/4 POST OF SEC, TH N 89 DEG 59'13"W (ALSO
REC'D AS S 89 DEG 57'12"W) ALG S SEC L 424.37 FT TO WLY L OF
LAKEVIEW PARK #3 AND BEG, TH TH N 0 DEG 04'34"E ALG SAID WLY L 6.0
FT TO N L OF EDGAR BERGEN BLVD, TH N 89 DEG 57'12"E 66.0 FT TO SW
COR OF LOT 38 OF LAKEVIEW PARK #3, TH TH N ALG W L OF LOT 38 210.0
FT TO NW COR OF SAID LOT 38, TH N 89 DEG 57'12"E ALG N L OF SAID
LOT 143.99 FT TO NE COR OF LOT 38, TH N 210.0 FT, TH N 53 DEG 00'00"E
80.0 FT, TH S 63 DEG 33'25"E 113.49 FT TO NLY L OF GREENBRIAR TERRACE,
TH N 45 DEG 34'34"E ALG SAID NLY L 493.86 FT, TH NELY ALG THE ARC OF
A 1247.81 FT RADIUS CURVE TO THE RIGHT 186.76 FT, SAID CURVE HAS A
CHORD BEARING N 49 DEG 51'50"E 186.58 FT, TO WLY L OF ROSEWOOD
AVE, TH N 35 DEG 51'35"W ALG SAID WLY L 57.29 FT TO NW COR OF SAID
ROSEWOOD AVE, TH N 54 DEG 08'25"E ALG NLY L OF ROSEWOOD AVE 66.0
FT TO NWLY COR OF LOT 47 OF LAKEVIEW PARK #3, TH N 35 DEG 07'55"W
(ALSO REC'D AS N 35 DEG 51'35"W) ON NWLY EXTENSION OF WLY L OF
SAID LOT 110.0 FT, TH N 54 DEG 56'36"E 149.40 FT, TH S 35 DEG 01'00"E
(ALSO REC'D AS S 35 DEG 45'03"E) ALG NWLY EXTENSION OF ELY L OF

SAID LOT 47 70.10 FT, TH N 55 DEG 02'00"E (ALSO REC'D AS N 54 DEG 14'57"E) 148.50 FT TO SWLY L OF PHELPS ST, TH NWLY ALG SAID SWLY L TO A POINT 1160 FT N OF S SEC L, TH WLY TO A POINT 1160 FT N AND 626.38 FT W OF S 1/4 POST OF SEC, TH S 1160 FT TO S SEC L, TH S 89 DEG 59'13"E (ALSO REC'D AS N 89 DEG 57'12"E) ON S SEC L TO BEG. *** SPLIT ON 2 MAY 2005 FROM 80-43-085-012-00 FOR 2006

Parcel 80-43-081-038-00

Van Buren County Property Information

If you have questions or find any incorrect information please send an Email.

Parcel: 80-43-081-038-00

Jurisdiction: Village of Decatur

Plate Number: 1051-D38

Owner Name: BS PROPERTIES LLC

Parcel Address: W EDGAR BERGEN BLVD
DECATUR, MI 49045

Mailing Address: 45667 M 51 HWY
DECATUR, MI 49045

Property Information

School District: 80050

Current Property Class: 402

Current Assessment: \$11,200

Previous Assessment: \$11,200

Taxable Value: \$2,979

Homestead %: 0%

Calculated Acreage: 0.7

Legal Description

1051-D38 18-4-14 1362-623 1488-294 1508-251 1509-978 1510-66,67 1533-246 LOT
38 LAKEVIEW PARK NO.3 *** SPLIT ON 15 NOVEMBER 2001 FROM 80-43-
081-001-08 FOR 2002.