

AGENDA

EAST GRAND RAPIDS PLANNING COMMISSION August 10, 2021 - 5:30 PM Community Center – Commission Chambers

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes: July 13, 2021 Meeting
4. Public Comment on Non-Agenda Items
5. Public Hearing on an Amendment to Chapter 50, Sections 5.100, 5.101A, and 5.103 of Zoning Ordinance – Consideration to Establishment of a Zoning Board of Appeals (ZBA) (Action Requested – Recommendation to the City Commission)
6. Public Hearing on an Amendment to Chapter 50, Section 5.37 of Zoning Ordinance – Area, Height and Placement Requirements in the C-1 Commercial District (Action Requested – Recommendation to the City Commission)
7. Study Session - Amendment to Chapter 50, Sections 5.27 and 5.28 of Zoning Ordinance – Schedule of Uses and Area, Height, and Placement Requirements in the MFR Residential District (No action requested)
8. Report of the City Commission
9. Next Regular PC Meeting: September 14, 2021
10. Adjournment

PROCEEDINGS OF THE PLANNING COMMISSION
CITY OF EAST GRAND RAPIDS

July 13, 2021
East Grand Rapids Community Center – Commission Chambers

Present: Chairman Tom Getz, Commissioners Steve Achram, Matt Feyen, Mary Mapes, Greg Metz and Peter Michell

Absent: Commissioners John Arendshorst, Brian Miller and Whitney Renner

Also Present: City Manager Shea Charles, Deputy City Manager Doug La Fave, Zoning Administrator Jay Gianotti, City Attorney John Huff, City Planner Paul LeBlanc of PLB Planning and Recording Secretary Lynda Taylor

1. CALL TO ORDER

Chairman Getz called the meeting to order at 5:30 PM and welcomed everyone to the first all-in-person meeting since March of 2020.

2. APPROVAL OF AGENDA

A motion was made by Commissioner Feyen and supported by Commissioner Mapes to approve the agenda as presented.

Yeas: Commissioners Achram, Feyen, Getz, Mapes, Metz and Michell - 6
Nays: -0-

3. APPROVAL OF MINUTES – May 11, 2021

A motion was made by Commissioner Metz and supported by Commissioner Achram to approve the minutes as written.

Yeas: Commissioners Achram, Feyen, Getz, Mapes, Metz and Michell – 6
Nays: -0-

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Getz opened public comment. No public comment was given. Chairman Getz closed public comment.

5. WELCOME NEW MEMBER AND THANK LEAVING MEMBER

Chairman Getz thanked Commissioner Michael Naltner for his three years of service on the Planning Commission and for being the first elected secretary. Deputy City Manager La Fave added that, contrary to the agenda packet information, Mr. Naltner had applied to serve another term on the Commission but had not been reappointed.

Chairman Getz welcomed newly appointed Commissioner Peter Michell.

6. ELECTION OF CHAIRPERSON, VICE-CHAIRPERSON AND SECRETARY

Chairman Getz read the description of duties in the Planning Commission bi-laws for each position being elected.

Chairperson: Commissioner Mapes nominated Commissioner Getz; supported by Commissioner Metz.

Yeas: Commissioners Achram, Feyen, Getz, Mapes, Metz and Michell – 6
Nays: -0-

Vice-Chairperson: Commissioner Mapes nominated Commissioner Miller; supported by Commissioner Achram.

Yeas: Commissioners Achram, Feyen, Getz, Mapes, Metz and Michell – 6
Nays: -0-

Secretary: Commissioner Mapes nominated Commissioner Feyen; supported by Commissioner Metz.

Yeas: Commissioners Achram, Feyen, Getz, Mapes, Metz and Michell – 6
Nays: -0-

7. INFORMAL DISCUSSION ON TRAINING OPPORTUNITIES

Deputy City Manager Doug La Fave explained the information provided in the meeting packet and the links to important document including the City Code, Zoning Ordinance and Master Plan. Related to training, several commissioners have gone through the MSU Extension citizen planner course. The cost is covered by the city. A joint work/training session with both the Planning Commission and the City Commission will be scheduled with MSU Extension.

8. INTRODUCTION OF AMENDMENT TO CHAPTER 50, SECTION 5.100, 5.101A, AND 5.103 OF ZONING ORDINANCE – ESTABLISHMENT OF A ZONING BOARD OF APPEALS (ZBA)

City Manager Shea Charles reported that the City Commission has referred this to the Planning Commission for review and recommendation. Because this is an amendment to the Zoning Code, it will require a Planning Commission public hearing. The proposed Zoning Board of Appeals is a seven- member board. Members will include one City Commissioner, one Planning Commissioner, five additional members and two alternates. All members will be appointed by the mayor. The appointments are for three years except for the initial appointments which would be staggered one, two and three years. This allows for at least two members to be up for reappointment each year. Attorney Huff also noted that this board would provide for more consistency in hearing and ruling on variance requests because there would be less member turnover.

Commissioner Achram asked if the ZBA would follow the same criteria and process as currently used to evaluate variances. Attorney Huff stated they would, and also noted the State recommends having a cross section of expertise among its members. The only criteria change in the proposed amendment was to strengthen the standards for use variances.

Commissioner Getz asked if lot split requests would still be heard by the City Commission. Attorney Huff responded Yes.

A motion was made by Commissioner Michell and supported by Commissioner Feyen to schedule a public hearing for this proposed amendment at the August Planning Commission meeting.

Yeas: Commissioners Achram, Feyen, Getz, Mapes, Metz and Michell – 6
Nays: -0-

9. INTRODUCTION OF AMENDMENT TO CHAPTER 50, SECTION 5.37 OF ZONING ORDINANCE – AREA, HEIGHT AND PLACEMENT REQUIREMENTS IN THE C-1 COMMERCIAL DISTRICT

Zoning Administrator Gianotti introduced an amendment to modify the Area, Height, and Placement requirements for lots in the C-1 Commercial District. The proposed amendment would modify the minimum lot width and area for all lots, changing them both to 0. This proposed change would eliminate nonconformities among lots in the C-1 District, where the zoning ordinance has no procedure or standards to handle this situation.

Commissioner Mapes asked if there were any potential negatives to this change. Planning Consultant LeBlanc replied No, that it is common for a traditional downtown area such as Gaslight Village to not require these types of setbacks.

Commissioner Feyen asked if this change would essentially make all C-1 District lots buildable. Planning Consultant LeBlanc responded Yes. Also, the ordinance would retain side and rear lot setbacks for lots abutting residential districts.

A motion was made by Commissioner Metz and supported by Commissioner Feyen to schedule a public hearing for this proposed amendment at the August Planning Commission meeting.

Yeas: Commissioners Achram, Feyen, Getz, Mapes, Metz and Michell – 6

Nays: -0-

10. STUDY SESSION – LOT AREA STANDARDS IN MFR DISTRICTS

Zoning Administrator Gianotti discussed potential revisions to the MFR Residential District Zoning Requirements. While front yard setbacks were first discussed, the Planning Commission also expressed a desire for more urban-style development this district. Because the current regulations were found to be unsatisfactory for promoting this, City Staff developed a Visual Preference Survey to get additional feedback from the Planning Commissioners on the types of residential development they would like to see. This exercise consisted of ten examples of single-family and multi-family development concepts. For each concept, Commissioners were asked to indicate if they liked the concept or not, and provide brief comments for their initial reactions. The Commissioners were also asked to complete a worksheet to give more detailed feedback on each concept.

The following is a summary of the verbal comments received for each concept.

- Concept 1 – Duplex
 - 6 Likes, 0 Dislikes
 - Positives: both units at front of building; porches in front; easy fit for older areas
- Concept 2 – Duplex
 - 5 Likes, 1 Maybe, 0 Dislikes
 - Positives: narrower profile (can fit on narrower lot), different unit designs, both units facing the front of the lot
 - Negatives: one unit set behind another unit
- Concept 3 – Single-family home
 - 5 Likes, 1 Dislike
 - Positives: porch in front; fits a narrow lot
 - Negatives: not an urban feel, doesn't qualify as denser housing
- Concept 4 – 8-unit building
 - 6 Likes, 0 Dislikes
 - Positives: large units with garages; attractive; increased density
- Concept 5 – Duplex
 - Negatives: front-loading garages (in front of unit entries), not appropriate for EGR
- Concept 6 – 4-unit building
 - 5 Likes, 1 Maybe, 0 Dislikes
 - Positives: good density; parking placed behind building
 - Negatives: plain building design
- Concept 7 – 6-unit, 3-story building
 - 4 Likes, 2 Maybe, 0 Dislikes

- Positives: combined entry for all units
 - Negatives: some concerns about height in some parts of MFR District
- Concept 8 – Single-Family home
 - 5 Likes, 1 Maybe, 0 Dislikes
 - Positives: smaller front yard (compared to Concept 3) is more urban in character; fits on narrower lot; garage in rear yard
 - Negatives: may not qualify as denser housing
- Concept 9 – 4-unit building
 - 0 Likes, 6 Dislikes
 - Negatives: no direct entry to any units; looks too suburban (like a large single-family house)
- Concept 10 – Duplex
 - 0 Likes, 6 Dislikes
 - Negatives: not dense enough, too much wasted space; too suburban

Commissioner Feyen indicated that he felt Chicago-style townhomes and brownstones would also be an appropriate style of housing for the MFR District.

Planning Consultant LeBlanc offered the following additional notes and guidance.

- While there were many comments on wanting a more urban feel, it would be helpful to clarify what “urban feel” would actually mean to the commissioners.
- A builder desiring to build a 3-story building where only 2½ stories are allowed would not constitute a condition requiring a variance.
- If there is interest in allowing 3-story buildings but concerns about them being located in certain areas, it may be possible to craft regulations that would limit where those types of buildings can be built.

11. UPDATES ON POTENTIAL FUTURE ZONING ORDINANCE AMENDMENTS

Zoning Administrator Gianotti provided the following updates on other potential zoning amendments that were discussed in May with the Planning Commission.

- Accessory Uses/Structures in the Front and Side Yards: there was little interest in further regulations, with the possible exception of pools.
- Treehouse Regulation: Based on the lack of interest, the City will not pursue any amendments on this topic unless future issues arise.
- Residential District Revisions to Promote Infill Development: City Staff is considering the following options for further study.
 - Reduce lot width requirements in R-3 District.
 - Rezoning neighborhoods to reduce nonconformities.
 - Establishing standards for minor and major variances, including variances that might be administratively approved.
- Accessory Dwelling Units: City Staff and consultants are researching this topic further with plans to bring this topic in front on the Planning Commission at a later date.
- Rezoning Areas to MFR According to the 2018 Master Plan: The City plans to devote more time for discussion on this subject at a future meeting. While the City understands there is some desire to begin implementation of this part of the 2018 Master Plan, concerns about how proactive the City should be in this matter should be carefully considered.

12. REPORT OF THE CITY COMMISSION

City Manager Charles and Deputy City Manager LaFave reported the following:

- Budget: The City Commission adopted a new budget for the new fiscal year.
- Parks Millage: The City Commission approved a resolution for a new Parks Improvement Millage that will appear on the November ballot. This proposed millage would be 0.5 mills, with total money raised not to exceed \$7 million. With the retiring of the Wealthy Pool millage, the overall net increase to residents if passed would be 0.3 mills.

- Road Projects: Local street construction projects have wrapped up. Work on Hall Street was underway and expected to last through the end of August.
- Mobility Bike Action Plan: City staff installed intersection improvements at the Lakeside/Greenwood/Shopping Center Road intersection based on the feedback from the demonstration project from last fall. Pavement markings and permanent signage are still to be installed. City Staff is also working to implement the short-term action items from this plan.
- Utility Work: Water main lining is being installed on Beechwood and Gladstone. Water main rehabilitation work is underway on Manhattan Lane.

Commissioner Mapes asked if there were any updates regarding the Rose's PUD Amendment request. Deputy City Manager LaFave indicated that the City is expecting to see a revision to the request in the near future. Of note, it is anticipated that the request for pontoon boat rentals and the fueling station would be dropped, and the scope and size of the cruise boats would be reduced.

13. NEXT REGULAR SCHEDULED MEETING – August 10, 2021

14. ADJOURNMENT

Chairman Getz adjourned the meeting at 6:43 PM.

Respectfully submitted,

East Grand Rapids Public Services Staff



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5

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JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

Hearing Required?	Yes
Notices Mailed	N/A
Notice Published	7/27/2021

MEMORANDUM

TO: East Grand Rapids Planning Commission
FROM: Jay Gianotti, Zoning Administrator
DATE: August 3, 2021

RE: **Public Hearing on Zoning Ordinance Amendment
Sections 5.100, 5.101A, and 5.103 – Establishment of a Separate Zoning Board of Appeals**

Action Requested:

That the Planning Commission hold a public hearing regarding amendments to Sections 5.100, 5.101A, and 5.103 of the Zoning Ordinance to establish a separate Zoning Board of Appeals.

Background:

All variance requests in the City of East Grand Rapids are heard by a Zoning Board of Appeals (ZBA). For much of the City's history, the City Commission acted in this role and has heard all variances that have been brought forward. Recently, however, there has been discussion from the City Commission to have a separate ZBA established to hear variance requests. Article XII contains the language that establishes the creation, proceedings, powers, and duties of a ZBA. Because the current ordinance specifically defines the City Commission as the City's ZBA, Article XII requires an amendment to create a separate ZBA.

The current proposed amendment to establish this separate ZBA was first introduced by City Manager Shea Charles at the June 21, 2021 City Commission meeting. His memo, which goes into more detail regarding the background and idea of this proposed amendment, is included with these materials. Also included is the text of the proposed amendment that was drafted by staff and consultants. Sections 5.100, 5.101A, and 5.103 would be amended with this proposal. The proposed amendment would give a separate ZBA the power to hear all variance requests listed in the City's Zoning Ordinance and defines how many people would be members of a separate ZBA. The City Commission reacted favorably to this notion, and recommended it be sent to the Planning Commission for their review and recommendation¹.

This proposed amendment was first introduced to the Planning Commission at their July 13, 2021 meeting. At that time, there were no changes requested. The Planning Commission now has the option to vote to approve the amendment as written, approve with modifications, or disapprove the amendment. If a vote on a recommendation is made, it would then go to the City Commission for final consideration and approval. While the Planning Commission's recommendation will be considered in their review, it is not obligated to accept it.

¹ The City Commission also expressed interest in having a separate ZBA hear sign and fence variances. Because these regulations fall outside of the City's zoning ordinance, they would require amendments to their own sections of the City Code and would not need to be considered by the Planning Commission for approval.

Shea Charles, City Manager



SHEA CHARLES
CITY MANAGER

CITY OF
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13

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MEMORANDUM

TO: Honorable Mayor and City Commissioners
FROM: Shea Charles, City Manager
DATE: July 2, 2021

RE: Zoning Board of Appeals – Draft Ordinance

Action Requested: That the City Commission review and provide input on the draft Zoning Board of Appeals ordinance.

Background: City Commission requested staff develop an ordinance to establish a separate Zoning Board of Appeals for its consideration.

The City of East Grand Rapids is unique as the City Commission acts as the Zoning Board of Appeals (ZBA).

The proposed ordinance, drafted by the City Attorney with input from Paul LeBlanc, establishes a seven-person board with one member being a City Commissioner and one being a Planning Commissioner. The ZBA would also include two alternates, all these positions would be by City Commission appointment. ZBA appointments are for three years expect for initial appointments that would be staggered one, two and three years. This will allow for at least two members to be up for reappointment each year.

The ZBA's basis for granting an appeal would be the same as the current structure. Any appeal of the ZBA's decision would be made to courts, which is common practice. If the ordinance is enacted the newly created board would create its own by-laws

Staff contacted Mary Reilly, MSU Extension – Government & Public Policy Educator, and she offered some observations about the City establishing a separate ZBA.

- Creating a buffer between legislative function (City Commission) and quasi-judicial function (ZBA) is more typical of the “separation of powers between the judicial, executive, and legislative branches of government” that we learned about in civics class. We don't associate the tasks of judges with those of politicians and respect when the different branches of government “stay in their lane.” Separating the ZBA from the City Commission can provide a greater sense of fairness/due process for those permit applicants that are required to go before the ZBA. As my friend used to say “We wouldn't like it if the police officer that wrote us a ticket ALSO sat as the judge when we appealed the ticket.” We are talking about slightly different things—but you get the idea.

- Having a separate ZBA increases the likelihood that politics will be less influential on the decision-making process. There may be times when a City Commission member finds it difficult to rule objectively on the variance request facts if they are also concerned that a decision will cost them votes or political capital. Along the same lines, constituents may find it hard to understand that a City Commission member is “wearing another hat” when acting as a ZBA member and then attach political meaning to a variance decision.
- [Rules around *ex parte* contact](#) are quite stringent for ZBA members—meaning they cannot talk about a variance or other ZBA matter outside of a public hearing. Elected officials have a great deal of discretion in who they speak to outside of meetings, *when acting as an elected official (not a ZBA member)*. Outside of a meeting or hearing—it might be more difficult for a City Commission member to put on their ZBA hat and say “I cannot talk about this variance” to a concerned constituent. Protracted *ex-parte* conversations could result in due process complaints against the City and increase legal risk. In theory, a well-trained ZBA member could more easily avoid or remove themselves from outside (*ex parte*) conversations and avoid potential due process issues.
- If a new ZBA is formed, they must be trained and supported by staff (which they would be) to be successful—please use whatever training is available to you (MML, MSU Extension, MAP).
- ZBA members would be appointed, re-appointed, or removed by the City Commission. Determining who serves on the ZBA is critical to competent performance and the City Commission would retain this function ([MCL 125.3601](#)).

In conversations with Commission members, I have been asked “what is the advantage of keeping the current structure?” I spoke with some long-term planning consultants, and they strongly encourage the creation of a separate ZBA. When pressed, they only noted that by leaving current structure in place, the City Commission would retain control of the decision making. All felt the benefits outweigh the questions of retaining decision making.

If the Commission finds the ordinance acceptable it will need to be referred to Planning Commission for consideration as it amends the Zoning Ordinance, requiring a public hearing under state law.

REVIEWED & APPROVED FOR SUBMISSION:



Shea Charles
City Manager

**AN ORDINANCE TO AMEND SECTION 5.100, SUBSECTION (A) OF SECTION
5.101, AND SECTION 5.103 OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.100 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.100 Creation and Membership.

- A. A Zoning Board of Appeals is hereby established having the powers, duties, and membership which are set forth in Act 110 of Michigan Public Acts of 2006, as amended, and in accordance with the City Charter.
- B. The Zoning Board of Appeals shall consist of seven members appointed by the City Commission who are electors residing in the City, one of whom shall be a member of the Planning Commission, and one of whom shall be a member of the City Commission, plus two alternate members.
- C. Members shall be appointed for terms of three years, except that the terms for the Planning Commission or City Commission members shall be the same as that for their office. Members can be reappointed. Terms shall be staggered so that at least two members are up for appointment every year. Of the initial members, some shall be appointed for a one year term, some for a two year term, and some for a three year term so that the terms of approximately 1/3 of the members will expire each year. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The City Commission shall appoint two alternate members to serve on the Zoning Board of Appeals, who shall also serve for three year terms. The alternate members shall have the same voting rights as a regular member and shall sit as regular members of the Zoning Board of Appeals in the absence of a regular member, or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Once an alternate has been called to serve in a particular case, the alternate shall continue to participate in that case until a decision has been rendered.
- E. Members of the Zoning Board of Appeals or alternates shall be removable by the City Commission for malfeasance, misfeasance, or nonfeasance in office upon filing of written charges and following a public hearing.
- F. A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves

from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any Planning Commission or City Commission member on the Zoning Board of Appeals shall abstain from any vote on an issue which they had previously voted upon as a member of the Planning Commission or the City Commission.

Section 2. Subsection A of Section 5.101 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Zoning Board of Appeals may specify in its Rules of Procedure.

Section 3: Section 5.103 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.103 Decisions

- A. The concurring vote of majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision or determination of the administrative official or body or to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a variance to the zoning ordinance. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Director of Public Works. Such decision shall be binding upon the Director of Public Works and observed by him or her, and he or she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. The decision of the Board shall be final.
- B. The Board, after public hearing, shall have the power to decide applications, filed as hereafter provided, for variances:
 - (1) Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Director of Public Works or other administrative officer in the carrying out or enforcement of the provisions of this chapter;
 - (2) Where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship; or

- (3) Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter relating to the construction, structural changes in equipment, or alterations of building or structures or the use of land, building or structures so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.
- C. A dimensional variance from the provisions or the requirements of this Chapter shall be authorized only upon an affirmative finding by the Board, based upon competent material and substantial evidence on the whole record, that the following criteria are satisfied:
- (1) Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures or buildings in the same district;
 - (2) The special conditions or circumstances do not result from the actions of the applicant;
 - (3) Authorizing a variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this chapter; and
 - (4) A nonconforming use of neighboring lands, structures or buildings shall not, in itself, be considered grounds for granting a variance.
- D. A use variance request shall be subject to the following requirements and criteria. In addition to the information required for dimensional variance requests, an application for a use variance shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
- (1) Applicant's property cannot be used for the purposes permitted in the zoning district;
 - (2) Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions;
 - (3) Applicant's suggested use would not alter the essential character of the area;
 - (4) Applicant's problem has not been self-created;
 - (5) Unavailability of administrative relief which may afford reasonable use of applicant's property.

- E. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court.

Section 4. This Ordinance shall be effective on August ____, 2021.

Section 5. Notice of adoption of this Ordinance shall be published within ten days of its enactment by a publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

On August __, 2021, the East Grand Rapids City Commission adopted an ordinance amendment restating Sections 5.100, 5.101(A) and 5.103 of Chapter 50 of Title V of the City Code. The purpose of these amendments was to change the membership of the Zoning Board of Appeals, to clarify the time in which a decision has to be made, and to set forth the standards for both a dimensional variance and a use variance. The full text of the ordinance is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

City of East Grand Rapids

By _____
Karen K. Brower
City Clerk

18066612.1

**CITY OF EAST GRAND RAPIDS PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

A public hearing will be held at the date, time, and place below to consider an amendment to the zoning ordinance regarding the establishment of a separate Zoning Board of Appeals (ZBA) in the City (Sections 5.100, 5.101A and 5.103). The Planning Commission will discuss this amendment to establish a separate ZBA to hear all zoning variances in the City instead of having the City Commission act in this role.

The Planning Commission may or may not make a recommendation to the City Commission at the conclusion of the public hearing. Final approval of the zoning ordinance amendment would be made by the City Commission. The proposed amendment may be viewed in the Public Works Administration office at the Community Center, or by linking from this notice at www.eastgr.org/notices.

The Planning Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Planning Commission at 750 Lakeside Drive SE, East Grand Rapids, MI 49506. To be included in the hearing, written communications must contain the sender's name and address.

If you have any questions regarding this request, please contact the undersigned at (616)940-4817, or jgianotti@eastgr.org.

Date: Tuesday, August 10, 2021
Time: 5:30 p.m.
Place: East Grand Rapids Community Center Commission Chambers
750 Lakeside Drive SE, East Grand Rapids, MI 49506

Jay Gianotti, AICP
Zoning Administrator



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JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

Hearing Required?	Yes
Notices Mailed	N/A
Notice Published	7/27/2021

MEMORANDUM

TO: East Grand Rapids Planning Commission
FROM: Jay Gianotti, Zoning Administrator
DATE: August 3, 2021

RE: **Public Hearing on Zoning Ordinance Amendment
Section 5.37 – Lot Area & Width Modification in the C-1 Business District**

Action Requested:

That the Planning Commission hold a public hearing regarding an amendment to Section 5.37 of the Zoning Ordinance to revise minimum lot width and area requirements in the C-1 Business District.

Background:

At the May 11 regular Planning Commission meeting, City Staff identified potential amendments to the East Grand Rapids Zoning Ordinance to address a variety of different issues. One topic that was introduced was modifying or eliminating the minimum lot width and lot area requirements in the C-1 Commercial District. These changes were proposed to eliminate potential nonconformities in this district, as the current zoning ordinance does not have a means to handle nonconformities in the C-1 District. As a response, City staff and Planning Consultant Paul LeBlanc recommended eliminating these minimum lot width and area standards. The Planning Commission responded favorably to this notion, leading City staff and consultants to prepare a proposed revision to these standards. All of the proposed revisions would be confined to Section 5.37 of the Zoning Ordinance.

Attached to this memo is a redline version of the proposed modifications, as well as the formal amendment language prepared by City Attorney John Huff. This proposed amendment was first introduced to the Planning Commission at their July 13, 2021 meeting. At that time, there were no changes requested. The Planning Commission now has the option to vote with respect to a recommendation to the City Commission for their consideration. If a vote on a recommendation is made, it would then go to the City Commission for final consideration and approval. While the Planning Commission's recommendation will be considered in their review, it is not obligated to accept it.

Shea Charles, City Manager

ARTICLE 5 C-1, COMMERCIAL DISTRICT

Section 5.35 Intent

The C-1 Commercial District is designed primarily to provide services to the adjacent residential area and to provide shopping and entertainment that appeals to an area-wide market.

Section 5.36 Schedule of Uses

Uses permitted in the nonresidential districts are listed in **Table 5.36**. Additional requirements related to a specific use, if any, are referenced in the “Specific Requirements” column. Any use not specifically listed shall be prohibited, unless the use is determined to be a similar use according to *Section 5.75(A)*.

Table 5.36 Schedule of Uses: Commercial District

P = Permitted use by right S = Special Land Use	C-1	Additional Requirements
Accessory		
Accessory uses clearly ancillary to the principal use (accessory structures are not permitted)	P	
Accessory outdoor customer service activities such as delivery of products to customers’ vehicles, grocery cart use, escorting of customers and home delivery	P	<i>Section 5.70(C)</i>
Accessory outdoor dining	P	<i>Section 5.70(C)</i>
Accessory outdoor sales and display (including temporary sales)	P	<i>Section 5.70(C)</i>
Accessory outdoor storage	S	<i>Section 5.70(C)</i>
Dining and Entertainment		
Microbrewery or brew pub	S	<i>Section 5.71(A)</i>
Restaurants, including standard service and carry-out, excluding drive-through service and entertainment/floor shows	P	
Soda fountain, ice cream shop or candy store	P	
Recreation/Cultural		
Art gallery/studio	P	
Parks and recreational facilities, publicly owned	P	
Public facilities (government buildings, public museums, public galleries, public libraries, etc.)	S	
Residential		
Residential dwellings above the ground floor of a commercial building	S	<i>Section 5.74(B)</i>
Retail		
Retail sales other than food/groceries, up to 10,000 sq. ft. gross floor area	P	
Retail food/grocery, up to 50,000 sq. ft. gross floor area, which may also include food items prepared on site for sale on the premises	P	

Table 5.36 Schedule of Uses: Commercial District

P = Permitted use by right S = Special Land Use	C-1		Additional Requirements
Services			
Automatic teller machines, walk-up only, accessory to or separate from a bank or similar financial institution	P		
Banks and similar financial institutions, without drive-through facilities	P		
Barber or beauty salon	P		
Business service establishments, including printing/copy centers, postal centers, travel agents, graphics services	P		
Dance or music studio	P		
Drive-through facilities for banks and pharmacies, but not including any other uses	S		
Dry cleaner/laundry (including pick-up stations and self-service laundries)	P		
Health clubs and fitness centers, not including physical therapy clinics staffed by medical professionals	P		
Personal service establishments, including small electronics/ appliance repair, shoe repair, dressmakers/tailors, tanning salons, decorating and upholstery shops	P		
Photographer	P		
Other Uses			
Essential services	P		<i>Section 5.59</i>
Radio and television broadcasting stations	S		
Similar uses	P/S		<i>Section 5.75(A)</i>
Wireless telecommunications systems	S		<i>Section 5.75(D)</i>
Offices			
	On ground floor	Above ground floor	Specific Requirements (special land uses only)
Medical/dental offices and clinics of physicians, dentists, psychologists, chiropractors, optometrists, physical therapists and similar or allied professions (not including veterinary establishments)	S	P	<i>Section 5.72(A)</i>
Non-profit professional, civic, social, fraternal, political and religious organizations	S	P	<i>Section 5.72(A)</i>
Professional office services such as: insurance, real estate, legal, sales and similar or allied professions	S	P	<i>Section 5.72(A)</i>
Serviced offices		S	<i>Section 5.72(B)</i>

Section 5.37 Area, Height and Placement Requirements

All lots in the nonresidential districts shall conform to the requirements of **Table 5.37**. The requirements in footnotes are an integral part of this article and shall apply in all instances.

Table 5.37 Dimensional Requirements: C-1 Commercial District				
Requirement			C-1	
Minimum area per unit (sq. ft.)			5,000 ¹	
Minimum lot width (ft.)			500	
Minimum yard setback (ft.)	Front		0 ¹	
		Adjoining C-1 or MFR	0	
		Adjoining R-1, R-2, or R-3	7	
	Side	Adjoining a street	0	
		Rear ²	Adjoining C-1	0
			Adjoining Residential	24
Maximum building height	Feet	35		
	Stories	2½		
Maximum lot coverage			N/A	

Commented [JG1]: Revised from 5,000 to 0 to eliminate lot nonconformities

Commented [JG2]: Revised from 50 to 0 to eliminate lot nonconformities

Section 5.38 Uses Specifically Prohibited

Although any use not listed in **Table 5.36** is not permitted, the following uses are specifically determined to be contrary to the intent and character of the C-1 District and shall not be permitted:

- A. **Drive-through and drive-in restaurants.**
- B. **Medical Marihuana Dispensaries.** No medical marihuana dispensary shall be commenced, conducted, operated, or utilized from any property in the C-1 District. Any person who violates this section shall be subject to a fine and/or imprisonment as provided in Section 1.13 of the City Code of Ordinances. In addition, any medical marihuana used or possessed in violation of this section shall be seized and forfeited to the city.

¹ Buildings shall be located at the right-of-way line; provided, the planning commission (and if applicable, the city commission) may approve a site plan for a commercial building in the C-1 District that is set back no more than 15 feet from the right-of-way line, if one or more of the following conditions is present:

- A. The proposed building or addition is in line with a setback established by existing buildings located on either side of the subject property;
- B. The setback is necessary to provide for clear vision around corners or at driveway entrances;
- C. The proposed use is a restaurant that will provide outdoor seating in the front yard.

² Where an alley separates the C-1 District from property in a residential district, the full alley width may be counted as part of the required rear yard.

Section 5.39 Additional Requirements Applying to the Commercial District

- A. All sales of products on the premises, whether primary or incidental, shall be at retail.
- B. All business and service activities or uses shall be conducted entirely within a completely enclosed building, except accessory outdoor uses according to Section 5.70.
- C. The production, fabrication or processing of goods within the C-1 District is prohibited unless specifically permitted in the Schedule of Uses or under the following conditions:
 - 1. Production, fabrication or processing of goods may be carried on as an accessory use to a permitted principal use;
 - 2. The entire output shall be sold at retail on the premises; and
 - 3. A maximum of 25 percent of the floor area occupied by the principal use may be used for production, fabrication or processing.

Section 5.40 Reserved

AN ORDINANCE TO AMEND SECTION 5.37 OF CHAPTER 50
OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.37 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.37. Area, height and placement requirements.

All lots in the non-residential district shall conform to the requirements of Table 5.37. The requirements in footnotes are an intracule part of this Article and shall apply in all instances.

Table 5.37 Dimensional Requirements: C-1 Commercial District			
Requirement		C-1	
Minimum area per unit (sq. ft.)		0	
Minimum lot width (ft.)		0	
Minimum yard setback (ft.)	Front	0 ⁶	
	Side	Adjoining C-1 or MFR	0
		Adjoining R-1, R-2 or R-3	7
		Adjoining a street	0
	Rear ⁷	Adjoining C-1	0
Adjoining Residential		24	
Maximum building height	Feet	35	
	Stories	2-1/2	
Maximum lot coverage		N/A	
<p>6. Buildings shall be located at the right-of-way line; provided, the Planning Commission (and if applicable, the City Commission) may approve a site plan for a commercial building in the C-1 District that is set back no more than 15 feet from the right-of-way line, if one or more of the following conditions is present:</p> <p>A. The proposed building or addition is in line with a setback established by existing buildings located on either side of the subject property;</p> <p>B. The setback is necessary to provide for clear vision around corners or at driveway entrances; or</p> <p>C. The proposed use is a restaurant that will provide outdoor seating in the front yard.</p> <p>7. Where an alley separates the C-1 District from property in a residential district, the full alley width may be counted as part of the required rear yard.</p>			

Section 2. This Ordinance shall be effective on September ____, 2021.

Section 3. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that the East Grand Rapids City Commission adopted an amendment to Section 5.37 of Chapter 50 of the City Code. The purpose of the amendment was to modify portions of table 5.37 to reduce the minimum area per unit and the minimum lot width in order to eliminate nonconformities.

The full text of the amended section is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By:

Karen K. Brower
City Clerk

18195753.1

**CITY OF EAST GRAND RAPIDS PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

A public hearing will be held at the date, time, and place below to consider an amendment to the zoning ordinance in regard to the C-1 Lot Dimensional Requirements and associated table (Section 5.37). The Planning Commission will discuss amending the minimum lot width and area requirements in the C-1 Business District to eliminate nonconformities in this zoning district.

The Planning Commission may or may not make a recommendation to the City Commission at the conclusion of the public hearing. Final approval of the zoning ordinance amendment would be made by the City Commission. The proposed amendment may be viewed in the Public Works Administration office at the Community Center, or by linking from this notice at www.eastgr.org/notices.

The Planning Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Planning Commission at 750 Lakeside Drive SE, East Grand Rapids, MI 49506. To be included in the hearing, written communications must contain the sender's name and address.

If you have any questions regarding this request, please contact the undersigned at (616) 940-4817, or jgianotti@eastgr.org.

Date: Tuesday, August 10, 2021
Time: 5:30 p.m.
Place: East Grand Rapids Community Center Commission Chambers
750 Lakeside Drive SE, East Grand Rapids, MI 49506

Jay Gianotti, AICP
Zoning Administrator



CITY OF
EAST GRAND RAPIDS

7

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506
(616) 949-4817 www.eastgr.org

JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

Hearing Required?	No
Notices Mailed	N/A
Notice Published	N/A

MEMORANDUM

TO: East Grand Rapids Planning Commission
FROM: Jay Gianotti, Zoning Administrator
DATE: August 4, 2021

RE: **Study Session – Potential Revisions to the MFR Zoning District (Chapter 50, Article IV)**

Action Requested:

That the Planning Commission hold a study session to consider potential amendments to the MFR Multiple-Family Residential District. No formal action or recommendation is requested on any of these items.

Background:

At the May 11 regular Planning Commission meeting, City Staff identified potential amendments to the East Grand Rapids Zoning Ordinance to address a variety of different issues. Revisions to the MFR Multiple-Family Residential District (MFR) were among the topics brought up for further study. In general, the Planning Commission expressed interest in updating these regulations to promote a more urban feel to these districts. As a first step in determining what types of development the Planning Commission feels would be appropriate in the MFR District, a Visual Preference Survey was distributed at the July 13 Planning Commission to gain feedback from the Commissioners. While the feedback received from this exercise has been very useful, there were many comments made that new development should be more “urban” in nature. At its most basic, the word “urban” is simply defined as being characteristic of cities and densely developed areas¹. However, urban as a development type has no real meaning, as there is no single definition or standard that defines what sort of development is urban or not, or what aspects should be prioritized over others. With that in mind, this study session will be focused on getting more feedback on what urban characteristics the Planning Commission is striving for in the existing and future MFR Districts.

The Planning Commission is encouraged to freely discuss what they consider to be characteristics of an urban neighborhood. The following is a list of topics that the Planning Commission may find useful to discuss. This Planning Commission should not feel obligated or limited to the ideas below, but these are topics that are often considered when looking at urban areas or development and are provided as a starting point to begin and frame the discussion. Regardless of the topics and direction of the discussion, all comments should relate to this overarching topic: What does “urban feel” mean to you, and how does it relate to your ultimate vision for the MFR District?

- Density – For residential developments with more than two units, the maximum density is 18 dwelling units/acre. This means, for example, that a 3-unit building would require a 7,260 s.f lot, which is virtually nonexistent in the existing MFR Districts. Knowing what level of

¹ Source: dictionary.com

residential density is desired, and what would be considered “too dense”, will help City Staff in crafting new regulations to fit the desired development types.

- Parking – Currently, multi-family units are required to provide two off-street parking spaces per dwelling unit. This requirement generally considered inappropriate in a more urban setting and would merit further investigation for a more appropriate standard. Reducing the amount of off-street parking required would make it easier for multi-family units to develop. How aggressive should the City be in devising updated parking requirements? How should on-street parking be used to meet parking demands for multi-family uses, if at all?
- Design Standards/Characteristics – Ideas to consider here include: building setbacks, allowable height, building orientation, accessory building size and location, etc. Note that much of the existing MFR District is adjacent to the C-1 Commercial District, so it may be worth revising those relevant standards to match what is ultimately devised for the MFR District. (For example, if taller buildings are allowed in MFR, then it makes sense to adjust the height requirements in C-1 to match.)
- New Development vs. Reuse/Conversion – It is common in cities for existing single-family homes to be converted to multi-family buildings as a way to increase housing density and create a wider variety of housing options. Should this be allowed in the MFR District? If so, should they be treated differently compared to a teardown and new building?
- Unintended Consequences – Increasing density or other housing types may have impacts on other areas, such as utility capacity, parking, drainage, and overall change to the makeup of the neighborhood. What concerns might the Planning Commission have on these potential issues?

City Staff is also preparing additional materials to help stimulate this discussion. These materials were not available at publication time, but are intended to be distributed at the study session. In addition to these items, the Planning Commission is encouraged to provide feedback on any other concerns and thoughts that may not have been addressed already. City Staff will use the feedback received tonight to prepare proposed revisions to all applicable parts of the zoning ordinance.

Shea Charles, City Manager