

City Of Hart

407 S. State St

Hart, Mi 49420

Planning Commission

Thursday, September 3rd, 2020

Minutes

MEMBERS PRESENT: Betty Root, Gale Goldberg, Diane LaPorte, Peggy Wittman, Jack Wittman, Jim Cunningham, (Remote) Rob Splane

ABSENT:

OTHERS PRESENT: Lynne Ladner (City Manager), and Karla Swihart (Dep. Clerk), David Jirousek (Horizon Community), (Remote) Deb Windell (lakeside Rehab), and Eva Kostal (Harbor House)

Chairman B. Root called the meeting to order at 4 pm.

A motion was made by G. Goldberg to approve the agenda and supported by J. Cunningham
Ayes 7 Nays 0 Absent 0. The motion carried.

A Motion to adopt the June 4th meeting minutes with Discussion Item change made by J. Cunningham and supported by D. Laporte. Ayes 7 Nays 0 Absent 0. The motion carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

Public Hearing: Public hearing opened 4:27 pm to discuss Lakeside Fitness Drive-up Window.

David went over what he discussed in the Action Items.

Deb proposed that she be allowed to be a test pilot and see how it goes before denial. Deb believes it wouldn't cause gridlock to the alley based upon they offer both inside service as well as outside service. With signage and also as the business owner, she believes they can monitor the amount of traffic going through the alley based upon the hours the window would be open. She would like to bring in New York bagels, and in order to bring them into the downtown area, There has to be enough traffic that's going to help engineer her to get that next level of her business.

Discussion from the Planning Commission recommended a walk-up window on the north side of the building rather than a drive-up window.

R. Splane asked if any other city that has allowed their easement or alley to be used for commercial purposes. David is not aware of any communities using their alleys for a drive-through.

G.Goldberg asked if denial for the drive-through window, what would Lakeside have to do in order to get a walk-up window? The process for a Carryout window would be a zoning permit and building permit.

The commission does support her asking to grow her business and wanting a drive-through window, but in the area, she is asking for will not work.

A motion to close the public hearing was made by D. Laporte and 2nd by J. Wittman
All Ayes, Nays 0, Absent 0. The Public hearing was closed at 4:44 pm.

A motion was made to Deny Lakeside Family Fitness drive-through window was made by J. Cunningham
and 2nd by P. Wittman
All Ayes, Nays 0, Absent 0

**ACTION ITEMS: Consider Special Land Use and Site Plan amendment for Lakeshore Family Fitness
37,39 & 45 S State St- Request to add drive-thru window service for coffee and smoothie sales.**

David gave a brief interdiction. A request to approve a drive-through window proposal in the downtown district is considered a special land use in the B1 zoning district, so would need to approve both the special land use and site plan in order for a project like this one to move forward in B1. This proposal is for coffee and smoothie service from the facility. There would be a menu board and a place to order on the north end of the site closer to the pocket park. There is a window proposed further south from that location on the side of the building. The proposal is for the drive-through to use the City's 15 ½ foot wide alley to the west (rear) of the building. Just south of the pocket park, orders would be taken at a menu board with an intercom speaker, and then the customer would proceed south to the drive-through window for pickup.

Concerns for the Drive-through are

- a) The drive-through is not planned in a way that would be harmonious with surrounding land uses and businesses. Vehicle conflict and back-ups are anticipated.
- b) The alley is not of sufficient width to account for necessary stacking spaces while still maintaining an adequate drive aisle. The alley will be blocked anytime a customer seeks drive-through service.
- c) If drive-through window service were established, any future alley improvements or traffic mitigation efforts within the public right-of-way would be the responsibility of the City.
- d) Based on the lack of stacking spaces and the insufficient width of the alley for maneuvering around vehicles parked at the drive-through window, the proposal would be detrimental to traffic conditions within the public right-of-way and nearby parking areas.
- e) The potential resulting traffic conditions will impact the normal and orderly usage of the alley, and nearby land uses.
- f) The addition of the drive-through window service could potentially impact emergency calls for service, as the alley was not intended or designed for drive-through stacking and for vehicles to be temporarily parked outside of established spaces within the parking lot.
- g) The alley is too narrow to accommodate a drive-through lane and the movement of other traffic through the public right-of-way. The alley was not designed for the purpose proposed by the applicant.

David's recommendation is a denial of the special land use and site plan based on the concerns and findings listed within the report.

The public hearing was opened up after the Action Item was discussed.

DISCUSSION ITEMS:

- a) Request from Harbor House to amend Zoning Ordinance to allow for a proposed “transitional housing program” for the residence located at 315 S. State St. Property currently zoned A, Residential.**

David stated The subject home was previously licensed by the State of Michigan as a foster care facility for 4-6 children. The program is proposed to change to an independent living program with mentoring for 4-6 young women 18-24 years of age that will receive support and mentoring by a host couple Harbor House provided materials regarding their past, and proposed services would be offered through their non-profit organization.

Regarding the proposed living arrangements, the use is similar to an adult foster care family home (1-6 adults), which shares the following characteristics.

- Single-family home
- Multiple unrelated adult occupants
- Separate bedrooms
- Shared bathrooms, kitchen, dining space, and common areas
- Supervision

However, the use is not a state licensed residential facility for residents that require long-term care and permanent supervision. Unlike an adult foster care family home, it is not a protected use under the Michigan Zoning Enabling Act.

The only other similar use in the Hart Zoning Ordinance is a boarding home, but the use proposed by Harbor House would not meet the specific use requirements to be processed in the same manner. Specifically, boarding houses require a private bathroom for each bedroom, which disqualifies more existing single-family homes.

Most Zoning ordinances place strict limitations on the number of un-related adults that may live in a single-family home, except for certain state licensed residential facilities.

The proposed use is not commonly found in zoning ordinances. When a use of this nature is recognized, regulations are usually stricter than for a single-family living. The use may be limited to certain areas or zoning districts and may have several use-specific requirements.

The Planning Commission should consider the proposed use from a City-wide perspective, and not with a singular focus on 315 South State Street.

If the City considers this type of use if so,

- a. Should the City encourage uses of this nature in residential areas?
- b. Should the City restrict this use from interior residential local streets and neighborhoods?
- c. What are the potential impacts that must be considered?
- d. What other uses or organizations would be able to claim the be similar use and allow for multiple unrelated adults in a similar arrangement? This is a concern because we cannot restrict the use to be administered by a non-profit organization.
- e. Would the clustering of these uses be detrimental to neighborhoods?

At this time, we should open this up and hear from Harbor House and learn a little bit more about their proposal, and if there is a willingness to move forward, than we can draft up zoning text amendments to allow this type of use, subject to conditions, subject to specific use requirements.

Eva Kostal stated, As founder/director of the Harbor House of Hart ministry, we have severed needs in our community with excellence and integrity since our doors opened the summer of 2014. We are now desiring to continue meeting the needs of young women in our community, in residence, in a new recognized/researched area of need within the 18-24-year-old range. This age range will allow the

young woman to choose our unique support team to gain the skills and character growth needed for Independent Living.

We hope that the Planning Commission will consider a zoning ordinance text amendment to allow for the proposed use of the 315 S. State St property, as explained in the attached documents within your packet.

L. Ladner suggested a work session for just the board to discuss this type of use and to way out the pros and cons.

Work session is scheduled for Tuesday, September 22nd, at 4:30 pm.

OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:

A motion was made by D. Laporte to adjourn the meeting and supported by P. Wittman

All ayes, Nays 0, Absent 0. The motion was carried, and the meeting was adjourned at 5:45 pm

The next scheduled meeting is on October 1st, 2020