

Agenda  
Natural Features Protection Review Board  
October 8, 2019  
Regular Meeting

Community Room, Second Floor, City Hall, 241 W. South Street

4:00 p.m.

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- A. Call to Order
- B. Roll Call and Excuse Absent Members
- C. Adoption of Agenda
- D. Adoption of Meeting Minutes from September 24, 2019
- E. New Business:
  - 1. Debrief variance request process
- F. Old Business:
  - 1. NFP Phase II
- G. Board Comments
- H. Citizen Comments
- L. Adjourn Meeting

Minutes from the  
Natural Features Protection Review Board  
September 24, 2019  
Regular Meeting

Community Room, Second Floor, City Hall, 241 W. South Street

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- A. Meeting called to order at 4:03 PM
- B. Members present: Ashley Cole-Wick, Erin Fuller, Kyle Martin, Paul MacNellis, Mitch Lettow, and Alan Sylvester  
Members absent: Bobby Glasser

- C. Adoption of Agenda  
Motion to approve the agenda for the September 24 NFP board meeting made by Paul MacNellis.  
Motion supported by Alan Sylvester.  
Motion passed by voice vote.

- D. Adoption of Meeting Minutes from August 13, 2019  
Motion to approve the minutes as presented from the August 13 NFP board meeting made by Paul MacNellis.  
Motion supported by Alan Sylvester.  
Motion passed by voice vote.

- E. New Business:

1. Public hearing for a request for relief from the NFP slope protection standard for a project at 3825 Stadium Drive

Mitch Lettow, board chair opened the public hearing for the variance request at 3825 Stadium Dr. at approximately 4:15 PM.

Jamie McCarthy gave a staff report with details on the project. Spartan Partners Services, LLC is proposing to construct a 4,000 square foot medical marijuana provisioning center on the parcel located at 3825 Stadium Drive. The 1.3 acre site currently has an unoccupied residential single-dwelling unit that would be demolished to build an improved driveway, upgraded utilities, retail provisioning center, and parking lot.

In order to build this project and meet all other zoning requirements, the owner has applied for variances from the slope setback requirement and for encroachment onto the slope. Consultants representing the owner have met with city staff several times since the NFP moratorium was lifted in June 2019. The site footprint and encroachment onto the slope has been decreased over several iterations of the site plan. Consultants sought input from the Site Plan Review Committee during a project meeting in July 2019.

Ms. McCarthy reminded the board of the variance review criteria, which was included in the staff report. The Planning Division requested that the NFP Review Board review the variance request and provide a recommendation to the Zoning Board of Appeals. Based on the review by the Planning Division, staff support the request for a variance.

Jake Modestow of Stonefield Engineering gave a presentation on behalf of the applicant and site owner, Spartan Services Partners, LLC. Mr. Modestow explained conditions that at the site that make is infeasible to development it for the currently zoned commercial purpose without encroaching onto the slope. He further explained how Stonefield Engineering developed the current site plan to minimize encroachment while meeting the parking requirements for the business and secure delivery area required under state law.

The board chair then opened the meeting up to questions from the NFP Review Board. The board asked a series questions posed to Mr. Modestow related to specific conditions on the site:

- Site grading plan and re-vegetation of the slope
- Landscape requirements and restrictions on planting invasive species (specifically invasive shrubs)
- Current zoning district and parking requirements
- Building footprint and layout (including option for multi-story building)
- Stormwater runoff, capture, and discharge from highest elevation on the site down a slope greater than 20% grade
- Need for engineered fill, sourcing, and construction of a retaining wall

The board chair then opened the hearing for public comment. Mr. Lettow reminded the public to stand from their seats and make a comment once called upon respecting the 3-minute limit. Two members from the public provided comments.

Diana Morton-Thompson from the Winchell neighborhood commented on the structural integrity and sampling done for engineering purposes. She commented on the constructing of a retaining wall on a high-grade slope and routing stormwater down a slope with NFP Overlay District requirements. She commented on the precedence the first NFP variance request would set for future requests for relief from the code.

Karin Larsen from the Oakwood neighborhood commented on concerns about impacts to nearby water features and the desire to protect all our lakes and rivers. She commented on issues of high salinity throughout the City and in Asylum Lake. She commented on the precedence the first NFP variance request would set for future requests for relief from the code.

The board chair then closed the hearing when all comments had been heard.

NFP Review Board discussed various aspects of the project and the requested relief, including:

- Salt runoff from the parking lot
- Re-vegetation of the slope to maintain a functioning stormwater system
- Retaining wall construction, soil types, and stormwater detention on a slope
- Overall site plan review, permitting, and inspection process
- Zoning district and changes over time
- Intent and effectiveness of NPF Overlay District requirements

The board chair closed the public hearing at approximately 5:25 PM.

2. Consideration of a recommendation to the Zoning Board of Appeals (ZBA) to approve the NFP slope variance requests from Spartan Partners Services LLC at 3825 Stadium Drive  
Motion to recommend the ZBA approve the NFP slope variance requests for 3825 Stadium Drive made by Alan Sylvester.  
Motion supported by Ashley Cole-Wick.  
Role call vote in favor: Cole-Wick, Fuller, Martin, Lettow, and Sylvester.  
Role call vote in opposition: MacNellis.  
Motion carries 5-1.

F. Old Business:

1. NFP Phase II community engagement will be supported by a graduate student intern from Western Michigan University. Ms. McCarthy updated the board that Nolan Bergstrom was unable to attend the September 24 NFP meeting but will be available October 8. She suggested the board meet on October 8 whether or not the board has official business to conduct.

G. Board Comments

The board concluded the meeting with a comment from Mr. MacNellis reflecting on the process of this review.

H. Citizen Comments (None)

L. Meeting adjourned at 5:26 PM