

**PLANNING COMMISSION
MEETING MINUTES
JUNE 19, 2002**

I. CALL TO ORDER

The meeting was called to order at 7:33 p.m.

II. ROLL CALL

Present: F. Davis, A. Malmer, R. Miller, E. turner-Jones, F. Enneking
G. Clark, R. Johnson, J. Adams

III. APPROVAL OF MINUTES – May 15, 2002

E. Turner-Jones moved to approve the minutes of May 15, 2002 (Support: R. Miller) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. OLD BUSINESS

1. North Huron Street Rezoning

N. Voght, Planner, presented his staff report stating that this item was rescheduled to this month due to a couple of addresses that were not included in the notification. He has re-noticed including all parcels on the West Side of N. Huron, a Washtenaw address at the back of the Breakey Manor as well as 103 & 107 Washtenaw. These addresses were included giving us a more uniform and appropriate boundary for the rezoning. The existing zoning for all parcels is generally R-4 to the north and B3 to the south. The proposed zoning of RO, Resident and Office would be in line with the Master Plan updated last month.

His recommendation is based on last month's amendment to the Master Plan in part. Staff has provided a map indicating the current Master Plan designations showing the area that was changed to the mixed residential commercial including the parcels that staff re-noticed and included for the zoning change. Voght also included existing zoning designations and photographs of the West Side of North Huron. He reviewed the neighboring zoning and land uses as well as the Master Plan designation.

He stated that this is his first rezoning review with the City. In previous planning work prior to coming to the City, he had used a list from the Michigan Society of Planning, which is list of rezoning criteria we use to evaluate a rezoning. He got a similar list, which he included, from McKenna Associates, who are Planning Consultants having many clients in Southeast Michigan. This is a list that they developed for their clients and is a good list of questions that we should ask every time a rezoning is proposed. There are ten criteria, which he has included in his report, and plans to use for every rezoning to be consistent. He reviewed each of these criteria and provided comments for each and how the rezoning request complies or does not comply.

Staff recommended approval to the City Council to rezone the properties he listed and gave his reasons for this recommendation.

Malmer moved to open the public portion of the hearing (Support: R. Johnson) and the motion carried unanimously.

John Bredell – applicant – had nothing new to add. He has contacted his neighbors that are affected by this request and they are all supportive. He realizes that he is not the only one affected by this, although, he is clearly the beneficiary of it and appreciates all the effort put forth by Nathan.

R. Miller moved to close the public portion of the hearing (Support: E. Turner-Jones) and the motion carried unanimously.

After some discussion among commission members, G. Clark moved that the Planning Commission recommend approval to the City Council to rezone the following properties to RO, Resident and Office:

105 North Huron	11-11-40-486-029
111 North Huron	11-11-40-027 (that portion shown in Figure 1 attached not including St. Joseph Mercy Clinic Parking lot facing Pearl)
119 North Huron	11-11-40-487-004
121 North Huron	11-11-40-487-003
125 North Huron & 101 Washtenaw	11-11-40-487-002
103-107 Washtenaw	11-11-40-487-001

The basis for this recommendation is made on the following factors:

- 1) The RO, Resident and Office designation is consistent with the recently amended Master Plan designation for these properties of Mixed Residential/Commercial.
- 2) The uses permitted in the RO district are compatible with existing uses on the subject properties and surrounding land uses.
- 3) City utilities, services and roadway network will not be adversely impacted by the change.
- 4) The proposed boundaries of the rezoning are appropriate and do not constitute an isolated and unplanned spot zone.
- 5) There is no other more appropriate zoning designation considering the existing land uses and proposed office use of 119 N. Huron.
- 6) A text amendment to accommodate the proposed office use is not appropriate as office uses should not be a permitted use in the R4, Multiple-Family Residential district.

A roll call vote was taken and carried unanimously.

VI. NEW BUSINESS

1. 804 North River Street – Lot split and Combination

N. Voght, Planner, presented the staff report stating that according to Sec. 122-756 of the Zoning Ordinance, any divisions of platted lots have to go before the Planning Commission and City Council for recommendation and final approval.

This is an area that he has discussed with Carole Clare, City Assessor, and with all due respect, it is his opinion that the Planning Commission and City Council have more important priorities and tasks to accomplish than spending time on land divisions. He feels that there are many other issues, which Planning Commission needs to be focused on than lot splits. Staff will be proposing a Zoning Ordinance amendment that allows the City Planner and Assessor to review and approve lot splits. The Planning Commission will be reviewing this and a set of other amendments on July 31.

The issue is that we have three lots on N. River, 804, 806, 808 N. River. 804 N. River is owned by the applicant and his daughter and son own the other two. The two northern parcels have homes on them. 804 is vacant and will receive split land from the other two parcels. Voght included drawings, copy attached, of Figure 1 Location and Zoning of Existing Lots, and Figure 2 Proposed Lot Configuration. Voght also reviewed the land uses and surrounding areas, as well as Area, Width, Height and Setbacks.

The proposed home would have difficulty fitting on the existing lot, therefore, this solution would provide a nicer and more private setting for the home. The proposed split and combination will result in lots that comply with all area, width, height and setback requirements of the R3 Zoning District. However, the accessory buildings will have to be removed before final approval of the split/combination. The applicant may elect to provide a performance guarantee in the amount required to remove the structures in order to be granted final approval.

A future home is shown on proposed Parcel C in the submitted survey. It should be made clear to the applicant that approval of the lot split/combination **DOES NOT** include approval for this future home. There are standards for review of new homes that are not covered in the land split/combination process.

Staff recommends that the Planning Commission recommend approval to City Council with conditions, which he listed.

F. Davis suggested that in cases where a "future" structure is planned, a notation should be included on the site plan that the approved plan does not include approval of any future project. N. Voght agreed, especially, because of changes in personnel, the record would always be there as to the action taken by the Planning Commission.

Clark stated that in the past, we had videos on the various properties under discussion, which he thought were helpful, especially in an area where the member is not familiar. Voght responded that we really do not have the manpower to provide this service, especially with all of the projects we have to accomplish. Also, each Planning Commission member should visit the site in question anyway.

Adams asked about the swimming pool and Voght responded that he had not inspected it and the applicant has never discussed its use. Enneking had some issues on the size of the home and feels that it would not be in line with the scale and architecture of the neighbors.

After further discussion, R. Johnson recommended that the Planning Commission recommend approval to City Council of the proposed lot split/combination for 804/806/808 N. River along the lines of the survey submitted known as Parcel C with the following conditions:

- 1) Remove accessory structures on proposed Parcel C before final approval of split/combination, or provide performance guarantee to City in the amount of the cost to remove said structures.

- 2) Provide a rear setback for Parcel A.
- 3) Approval of the lot split/combination does not include or condone future home shown on Parcel C on the submitted survey

Malmer supported the motion.

J. Adams asked to make a friendly amendment to the motion that it include a time frame for removal of the accessory structures within 12 months of approval by City Council or new house being built. R. Johnson agreed to the friendly amendment.

A roll call vote was taken and carried unanimously.

2. Discussion on Legal Notification Requirements

Voght stated that in May, Commissioner Adams asked whether or not surrounding property owners were notified for the Master Plan update on N. Huron and he responded at that time that they were. Later, Voght realized they were not notified because Master Plan updates do not require surrounding property owner notification. This is because we are updating a policy document, not changing zoning or making a legislative change. Master Plan amendment notifications are not required by state law. If we had a policy at the city for notifying, we could do that, however, currently we do not have such a policy.

Davis added that site plan notification is a policy decision that we chose to notify within 300 ft. Miller stated we should also consider revocations and Voght agreed that this could be a policy although it is not required. Voght continued stating that if this was done, it should be reflected in the Zoning Ordinance and that is something we can discuss since we have a number of amendments that will be coming up for discussion. Davis stated that Site Plan notification could be made part of the Zoning Ordinance. Voght had some concerns on such a policy, which he discussed.

State Law requires notification for legislative changes. The site plan is an *administrative process* and when people are invited to comment on administrative processes, they may have a false expectation that their comments would effect the decision or outcome, when theoretically, they should not. It may be helpful for them to know about the project but as long as the applicant is in compliance, he feels it would be inappropriate for them to have any influence on the decision. Voght disagreed that this should be part of the Zoning Ordinance since it is not a legislative process.

F. Davis stated that there seems to be a consensus that there is still a desire for some process of notification to be made and that we will continue to keep on the agenda for further discussion.

3. Documenting Decisions and Special Use Approvals

Voght referred to his memo on "Findings of Fact to Establish Basis for Decisions" and distributed a copy of Basic Training from the Michigan Society of Planning, to assist the commissioners in making decisions. It is important that we carefully review the applicable standards and state whether aspects of a project comply or not. This is simply *due process* in administration of the Zoning Ordinance. Concern has been raised by the City Attorney's office that the Planning Commission may not be adequately documenting decisions which is an important part of the decision making process. It was agreed that both board members and applicants would benefit by more discussion on their particular view of an issue but members should not feel pressured into having to add something if they have no comments.

4. Last month, Commissioner Turner-Jones asked staff to determine if any local contractors would be used for the Water Street project and Voght responded that he spoke with David Stollman, Biltmore Properties, and to summarize his response: they would be happy to have any local contractors bid on the work at Water Street.

However, contractors that bid on the work have to win the bid based on reasonable business terms, price, quality, service, experience, etc. If the Planning Commission wants Biltmore to include a certain name or names on their bidding list, they would be more than happy to include them. He wanted to be clear that generally, smaller local contractors cannot handle production builder type operations. They usually work for smaller builders or contractors. It really depends on the contractor and his/her abilities. Clearly, having a local contractor whose operations are nearby is an advantage over someone whose operations are not.

VII. ADJOURNMENT

Since there was no further business, G. Clark moved to adjourn the meeting (Support: A. Malmer) and the motion carried unanimously. The meeting adjourned at 9:52 p.m.

