

Scott Dzurka
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Chris Hyzer
Commissioner



Chad A. Gamble, P.E.
City Manager

Mindy J. Seavey
City Clerk

Kristina Kinde
City Treasurer

Michael Homier
City Attorney

Justin Smith
Director of Public Services

**CITY OF ST. JOHNS
SPECIAL CITY COMMISSION MEETING
PROPOSED AGENDA**

**Tuesday, September 12, 2023, 5:30 p.m.
St. Johns Police Department, 409 S. Whittemore Street, St. Johns, MI**

***Listen to Meeting Via Telephonic Conference**

Dial 1 929 205 6099

<https://zoom.us/j/2050014286>

Meeting ID: 205 001 4286

***Please note, you will not be able to make public comments through Zoom;
only in-person attendants will be able to participate in public comments.**

- 1. Call to Order (5:30 pm – 5:31 pm)**
- 2. Approval of Agenda (5:31 pm – 5:32 pm)**
- 3. Public Comment (5:32 pm – 5:35 pm)**
- 4. Resolution #28-2023 to Adopt an Ordinance to Amend the City's Zoning Ordinance to Conditionally Rezone Property (5:35 pm – 5:45 pm)**
- 5. 301 N. Oakland – Special Land Use in CBD (Central Business District) (5:45 pm – 5:55 pm)**
- 6. Adjournment (5:55 pm)**

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the city clerk 989-224-8944 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodation.

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
September 5, 2023

| | |
|---|--|
| Department: Planning and Zoning | Attachments: |
| Subject: <i>301 N. Oakland – Rezone from R-3 Multi-Family Residential to CBD Central Business District with Conditions</i> | [X] Conditional Rezoning Review Letter (9-5-23) [X] Resolution #28-2023 to Adopt Ordinance [X] Ordinance to Amend the City’s Zoning Ordinance to Conditionally Rezone Property (Conditional Rezoning Agreement is Exhibit 1 of Ordinance) [X] Site Plan Review Letter #5 (9-5-23) |
| Prepared by: McKenna | Approved by: Chad A. Gamble, P.E. City Manager |

SUMMARY/HIGHLIGHT: The applicant proposes to construct a new 26-unit apartment building on the currently vacant site. The applicant is seeking to rezone the parcel from R-3 Multi-Family Low Density Residential to Central Business District (CBD) with Conditions.

BACKGROUND/DISCUSSION: The Planning Commission has recommended a conditional rezoning agreement for the rezoning of the block bounded by Spring, Higham, Oakland, and Railroad Streets from R-3 High Density Residential to CBD Central Business District with Conditions.

The lot, which contains the redeveloped FC Mason building and The Flats apartment building, already exceeds the maximum allowable number of residential units allowed under R-3 Zoning. R-3 allows 10 units per acre. The site is 2.5 acres, meaning 25 housing units are permitted. There are 40 housing units on the block right now, and the applicant is proposing to add 26 more in a new building at the corner of Oakland and Higham.

At the City Commission’s request, during its motion at the First Reading of the agreement, the Conditional Rezoning has been revised. The proposed conditional rezoning would still allow 66 housing units on the site, but would require 1.15 parking spaces per unit, on private property (so the adjacent angled on-street parking would not count towards the requirement). 1.15 parking spaces per unit equates to 76 spaces. The applicant has submitted a revised site plan showing the location of the additional spaces. Under R-3 zoning, the site would be limited to 25 units, and would be required to have two parking spaces per unit. Under CBD zoning without conditions, there would be no limit on the number of housing units (provided that minimum unit sizes and other requirements were met) and no required parking.

STRATEGIC PLAN OBJECTIVE: This project furthers the goals of the 2020 St. Johns Downtown Plan. The Plan calls for development on the downtown edge, the location of the development at 301 N. Oakland. The Plan calls for the Downtown Edge District to allow the Missing Middle/Multi-Family Housing, which is what is proposed.

FISCAL IMPACT: Funding of this project would be through a private developer. However, the development will increase tax revenues and increase the DDA capture.

RECOMMENDATION: We recommend that the City Commission grant final approval to the revised Conditional Rezoning Agreement.

AFFIDAVIT OF PUBLICATION

LSJ MEDIA

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State of Michigan, County of Macomb}ss

CITY OF ST JOHNS/LEGALIS

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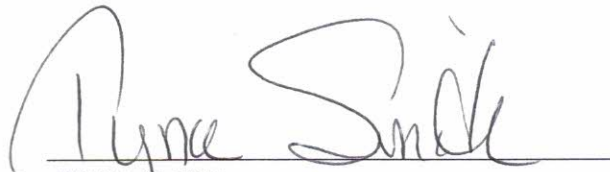
SAINT JOHNS, MI 48879

IN THE MATTER OF:


Being duly sworn, says that he/she is authorized by the publisher of Lansing State Journal, to swear that a certain notice, a copy of which is annexed here to, was published in following editions dated:

1. Published in the English language for the dissemination of general and/or legal news, and
2. Has a bonfide list of paying customers or has been published at least once a week in the same community without interruption for at least 2 years, and
3. Has been established, published and circulated at least once a week without interruption for at least one (1) year in the community where the publication is to occur.

Lansing State Journal, 08/30/23


TYNA SMITH

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF August, 2023


GINA HUFF
Notary Public State of Michigan
County of Livingston
My commission expires March 9, 2029

Acting in the County of Macomb

0005810640, LSJ-L08041

LSJ-LSJ-Lansing State Journal

NOTICE
ST JOHNS CITY COMMISSION
ORDINANCE

Notice is hereby given that the St. Johns City Commission will consider an ordinance at a special meeting held on Tuesday, September 12, 2023 at 5:30 p.m., St. Johns Police Department, 409 S. Whittemore, St. Johns, MI 48879.

1. An Ordinance to Amend the City's Zoning Ordinance to Conditionally Rezone Property.

A copy of the complete text of the proposed ordinance can be reviewed or obtained through the St. Johns City Clerk's Office, 100 E. State St., Suite 1100, St. Johns MI 48879.

Mindy J. Seavey, City Clerk

NOTICE: People with disabilities needing accommodations for effective participation in the meeting should contact the City Clerk at (989) 224-8944 at least two (2) working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

LSJ-5810640

08/30/2023



MCKENNA

September 5, 2023

City Commission
City of St. Johns
100 E. State Street, #1100
St. Johns, MI 48879

Subject: Proposed Conditional Rezoning of FC Mason Block

Dear Commissioners,

The Planning Commission has recommended a conditional rezoning agreement for the rezoning of the block bounded by Spring, Higham, Oakland, and Railroad Streets from R-3 High Density Residential to CBD Central Business District with Conditions.

The lot, which contains the redeveloped FC Mason building and The Flats apartment building, already exceeds the maximum allowable number of residential units allowed under R-3 Zoning. R-3 allows 10 units per acre. The site is 2.5 acres, meaning 25 housing units are permitted. There are 40 housing units on the block right now, and the applicant is proposing to add 26 more in a new building at the corner of Oakland and Higham.

At the City Commission's request during its motion at the First Reading of the agreement, the Conditional Rezoning has been revised. The proposed conditional rezoning would still allow 66 housing units on the site, but would require 1.15 parking spaces per unit, on private property (so the adjacent angled on-street parking would not count towards the requirement). 1.15 parking spaces per unit equates to 76 spaces. The applicant has submitted a revised site plan showing the location of the additional spaces.

Under R-3 Zoning, the site would be limited to 25 units, and would be required to have two parking spaces per unit. Under CBD zoning without conditions, there would be no limit on the number of housing units (provided that minimum unit sizes and other requirements were met) and no required parking.



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Below is the current zoning map in the area. The site in question is highlighted. The site consists of four parcels, but will be combined before the new building is built. The Zoning Map currently incorrectly shows the parcel as zoned I-1, but it was rezoned to R-3 several years ago.



LEGEND

- R1 - Low Density Residential
- R2 - Medium Density Residential
- R3 - High Density Residential
- CBD - Central Business District
- GC - General Commercial
- MU - Mixed Use
- I1 - Industrial - High Performance
- I2 - Industrial - Liberal Performance
- O - Office
- MC - Municipal Center



ZONING DISTRICT COMPARISON

The chart below compares the existing R-3 District to the proposed CBD District. When considering a rezoning, the Planning Commission must take into account all potential uses under the new zoning classification, not merely the use the applicant has expressed interest in.

The permitted uses in the CBD District are dependent on the adjacent roadways. The site is adjacent to four roadways – Spring, Higham, Railroad, and Oakland. But Section 155.101 states that the street that should be used to determine the permitted uses is the front lot line. For the purposes of this analysis, we have designated Oakland as the front lot line, because that is the primary street that the proposed apartment building will front. Oakland Street is not specifically listed in Section 155.101, so the site falls under “All Other Streets.”

The proposed Conditional Rezoning Agreement does not alter the uses or dimensional requirements of the proposed CBD district. However, it does restrict the number of dwelling units.

| | <i>Existing District R-3 High Density Residential</i> | <i>Potential District CBD Central Business District with Conditions (Oakland Street)</i> |
|------------------------------|---|--|
| Permitted Uses | <ul style="list-style-type: none">• Residential Units• Adult Foster Care Family Home• Family or Group Child Care Home• Essential Services• Home Occupations | <ul style="list-style-type: none">• Residential Units• Outdoor recreation/parks |
| Special Approval Uses | <ul style="list-style-type: none">• Communication Antennas• Bed and Breakfast• Religious Institutions | <ul style="list-style-type: none">• Mixed Use (commercial/residential)• Retail• Restaurant• Hotel• Office• Financial Services/Bank• Personal Services• Appliance/Electronic Repair• Religious Institution• Government Operations Building |



| | Existing District R-3 High Density Residential | Potential District CBD Central Business District with Conditions (Oakland Street) |
|--------------------------------|--|--|
| | | <ul style="list-style-type: none">• Museum/Art Gallery• Indoor Recreation/Community Center/Library• Outdoor Recreation/Public Park• Outreach Mission/Community Service Organization |
| Minimum Lot Size | 6,000 square feet | None |
| Minimum Lot Width | 60 feet | None |
| Minimum Setbacks | Front: 50 feet Side: 25% of the height of the building Rear: 25 feet | None |
| Maximum Lot Coverage | 60% | 100% |
| Maximum Building Height | 35 feet 2.5 stories | 35 feet Additional height approvable by Special Use |
| Residential Density | 10 units per acre <i>25 units on site in question.</i> | No maximum, provided minimum unit size and building height meet requirements or are otherwise approved by Special Use Permit. <i>Limited to 66 total units by Conditional Rezoning Agreement</i> |

ZONING DISTRICT COMPARISON

The two districts are surprisingly similar, at least on Oakland Street, where commercial uses require special use approval. CBD allows for more creative site design and higher density. Without the Conditional Rezoning Agreement, the CBD district would be risky – there would be few guardrails on the property owner with respect to density, and no required parking. But with the Conditional Rezoning Agreement, those issues are mitigated.



REVIEW CRITERIA FOR REZONING

When reviewing a rezoning request, the Planning Commission should consider the following criteria.

1. Consistency with the Master Plan.

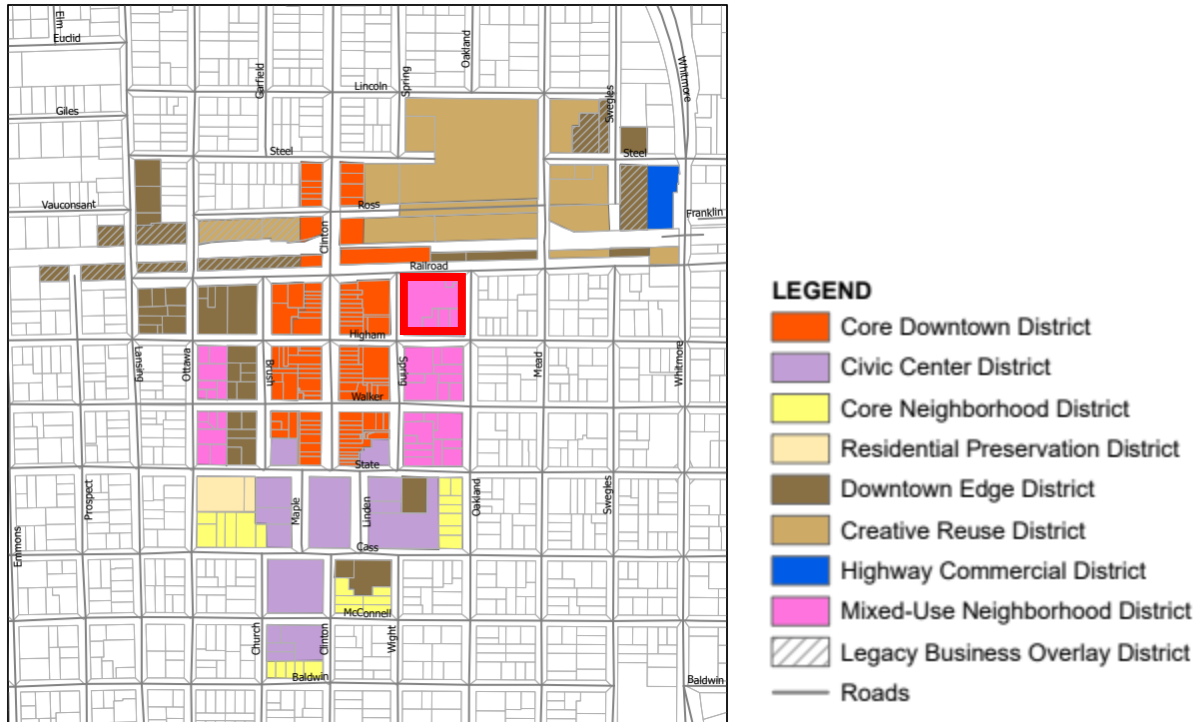
In order to be approved, a rezoning should be consistent with the Future Land Use Map in the Master Plan. The Future Land Use map designates the lot as “Downtown Edge/Mixed Use” as shown on the map below.

On Page 50, the Master Plan states that the appropriate land uses in the “Downtown Edge/Mixed Use” category are “uses that can serve as a transition between the downtown and the neighborhoods are encouraged. Uses should be a mix of commercial, professional offices, residential, technology, and civic.” The uses permitted in the CBD District are consistent with that list.

Importantly, the Zoning Plan on Page 16 states that CBD is an appropriate Zoning District for the Downtown Edge Future Land Use category.



The site in question is also within the area covered by the Downtown Master Plan. The Downtown Future Land Use map is shown below, with the site in question highlighted. The site in question is designated as Mixed Use Neighborhood. The Mixed-Use Neighborhood District borders allows for flexible development of both residential and office space.



Overall, this analysis determines that the conditional rezoning is consistent with the Master Plan.

2. **The Site's Physical Compatibility with the Uses Permitted in the Zoning District.** The Planning Commission must consider whether the site can reasonably support the uses permitted in the proposed Zoning District, from a physical perspective.

The site contains the old FC Mason factory, which was converted to residential. It also contains The Flats apartment building. Combined, the two buildings contain 40 dwelling units, with enough space for a parking lot and green space on the site. The southeast corner of the site is vacant, and is where the applicant has proposed the new building. Even with 66 units, the site will still have green space and a parking lot containing 1.15 spaces per dwelling unit.

3. **Compatibility with Surrounding Uses.** The Planning Commission must consider whether all of the permitted uses in the proposed CBD District would be appropriate adjacent to the existing surroundings. The table below summarizes the land use attributes of the site and the surrounding properties.



| | Zoning | Existing Land Uses | Future Land Use (Master Plan) | Downtown Plan |
|-----------------------|--------|---|-------------------------------------|---------------------------|
| | | | | |
| Subject Parcel | R-3 | FC Mason Apartments The Flats Apartments | Downtown Edge/Mixed Use | Mixed Use Neighborhood |
| North | MC | Museum | Core Downtown | Core Downtown |
| | I-1 | Trail/Park | Parks, Open Space, and Greenways | Downtown Edge |
| East | R-3 | Residential | Traditional Walkable Residential | N/A |
| South | I-1 | Maco Tool and Engineering | Downtown Edge/Mixed Use | Mixed Use Neighborhood |
| | R-3 | Residential | | |
| West | CBD | Library Parking Lot | Core Downtown | Core Downtown |

The surrounding land uses are mixed use urbanism consistent with the edges of St. Johns' downtown. They have been adjacent to the FC Mason building for decades – when it was industrial, when it was vacant, and now that it is residential. The Master Plan places them in a variety of mixed use categories – indicating that a mix of uses and urban character are envisioned for nearly all of the blocks. Even the residential areas are mostly zoned R-3, which is the City's densest residential category.

Additionally, the CBD District gives the Planning Commission control over many of the specific uses on the site in question, through the Special Use process. Ultimately, the CBD district would not be incompatible with the surroundings.

4. **Most Appropriate Zoning District.** The Planning Commission must consider whether the CBD District is the most appropriate district for the uses desired on the site. Some other options exist to allow mixed uses on the site.
 - **The MU District** allows a wide variety of uses and envisions walkable character through its dimensional requirements. However, very importantly, it does not allow multi-family residential – only single family, duplexes, and townhouses.



- **A Planned Unit Development** would allow all aspects of the redevelopment to be governed in a single document. However, that option is unnecessarily complex when the CBD District is sufficient for the redevelopment, supported by the Master Plan, and not incompatible with the surroundings – especially if the City has a plan to ensure adequate parking.

5. **Infrastructure Capacity.** We are not aware of any infrastructure capacity issues that would restrict the allowable uses in the CBD District.

RECOMMENDATION

We recommend the City Commission approve the revised Conditional Rezoning.

Please do not hesitate to contact us with any questions.

Respectfully submitted,
McKENNA

Christopher Khorey, AICP
Senior Principal Planner

**CITY OF ST. JOHNS
RESOLUTION #28-2023**

RESOLUTION TO ADOPT ORDINANCE NO. __

**AN ORDINANCE TO AMEND THE CITY’S ZONING ORDINANCE TO
CONDITIONALLY REZONE PROPERTY**

At a special meeting of the City Commission for the City of St. Johns, Clinton County, Michigan, held on the 12th day of September 2023 at 5:30 PM.

Present: _____

Absent: _____

The following resolution was offered by Commissioner _____ and supported by
Commissioner _____:

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 et seq. ("MZEA"), the City of St. Johns ("City") has authority to adopt and amend zoning ordinances regulating the use of land in the City; and

WHEREAS, pursuant to MCL 125.3405, the City may approve certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map; and

WHEREAS, the Planning Commission has recommended a conditional rezoning agreement for the rezoning of the block bounded by Spring, Higham, Oakland, and Railroad Streets from R-3 High Density Residential to CBD Central Business District with Conditions; and

WHEREAS, the lot, which contains the redeveloped FC Mason building and The Flats apartment building (denoted as parcel numbers 300-000-001-001-00; 300-000-001-005-00; 300-000-001-004-00; 300-000-001-003-00, and 300-000-001-002-00 and more commonly known as 200 E. Railroad Street, 206 E. Railroad Street, 207 E. Higham Street, 209 E. Higham Street, and 301 N. Oakland Street) ("Property"), already exceeds the maximum allowable number of residential units allowed under R-3 Zoning. R-3 allows 10 units per acre; the site is 2.5 acres (25 housing units are permitted) and there are 40 housing units on the block right now, and

WHEREAS, the Applicant/Owner FCM Development LLC ("Applicant") is proposing to add 26 more in a new building at the corner of Oakland and Higham, so the proposed conditional rezoning would allow 66 housing units on the site, and require 1.15 parking spaces per unit (76 parking spaces), on private property; and

WHEREAS, the Planning Commission properly noticed and held a public hearing on the Application on July 12, 2023, pursuant to the Zoning Ordinance and the Michigan Zoning Enabling Act, 2008 PA 110 (the "Act"); and

WHEREAS, the Planning Commission voted to recommend that the Commission approve the re-zoning application—subject to the conditions that were offered in writing by the Applicant and subject to successful execution of a conditional zoning agreement entered into between the Applicant and the City; and

WHEREAS, the City desires to consider amending its Zoning Ordinance to rezone the Property from R-3 High Density Residential to CBD Central Business District subject to the conditions that were offered in writing by the Applicant and provided a conditional rezoning agreement is executed between the Applicant incorporating the conditions accepted by the City and offered by the Applicant; and

WHEREAS, the City Commission has reviewed and considered all materials provided by the Planning Commission; and

WHEREAS, on August 28, 2023, the City voted to introduce Ordinance No. _____; and

WHEREAS, the City desires to adopt Ordinance No. _____.

NOW, THEREFORE, the City Commission of the City of St. Johns resolves as follows:

1. The City Commission adopts Ordinance No. _____, Ordinance to Amend the City's Zoning Ordinance to Conditionally Rezone Property (Exhibit A), subject to approval of a conditional rezoning agreement (attached as Exhibit 1 to Ordinance).
2. The City shall publish Ordinance No. _____ as required by law.
3. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

ADOPTED:

Yeas: _____

Nays: _____

STATE OF MICHIGAN)

)

COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting City Clerk of the City of St. Johns, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission at a meeting held on the 12th day of September 2023.

Mindy Seavey, City Clerk

EXHIBIT A

CITY OF ST. JOHNS

**ORDINANCE NO. ____
AN ORDINANCE TO AMEND THE CITY'S ZONING ORDINANCE TO
CONDITIONALLY REZONE PROPERTY**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amending Zoning District Map.

The zoning districts map adopted pursuant to Section 155.012 of the Zoning Chapter of the City of St. Johns, Michigan is hereby amended as follows:

To change the R-3 District, Multi-Family Residential symbol and indication as shown on the zoning districts map for the properties denoted as parcel numbers 300-000-001-001-00; 300-000-001-005-00; 300-000-001-004-00; 300-000-001-003-00, Parcel No. 300-000-001-002-00 (collectively the "Property" and more commonly known as 200 E. Railroad Street, 206 E. Railroad Street, 207 E. Higham Street, 209 E. Higham Street, and 301 N. Oakland Street) in the City of St. Johns to the CBD District, Central Business on a conditional basis as set forth in the Conditional Rezoning Agreement (Exhibit 1) attached hereto, made a part hereof, and incorporated herein by reference:

Section 2. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. Repealer

Any ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date

This Ordinance shall become effective twenty (20) days after final approval.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

As the duly elected Mayor and Clerk of the City of St. Johns, Clinton County, Michigan, we certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on _____, 2023.

Scott Dzurka, Mayor

Mindy J. Seavey, Clerk

CONDITIONAL REZONING AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2023, by and between the City of St. Johns (“City”), a Michigan municipal corporation, whose offices are located at 100 E. State St., Suite 1100, St. Johns, MI 48879, and FCM Development LLC (“Owner”), whose address is _____ and who is the record owner of the property that is the subject of this Agreement.

WITNESSETH:

WHEREAS, Owner submitted an application to conditionally rezone certain real property (“Property”) located in the City of St. Johns, Michigan, the legal description of which is set forth in **Exhibit A** attached hereto, currently designated as zoning classification R-3 District, Multi-Family Residential to CBD District, Central Business; and

WHEREAS, Owner voluntarily offered, in writing, certain use limits as conditions of the rezoning; and

WHEREAS, pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, the City may approve rezoning conditions offered by an applicant and may establish a time period during which the conditions apply; and

WHEREAS, on July 12, 2023 and following a public hearing, the City’s Planning Commission voted to recommend approval of Owner’s request to conditionally rezone the Property and to accept Owner’s proposed limitations on the use of the Property as more specifically set forth in this Agreement; and

WHEREAS, on _____, the City Commission voted to approve Owner’s requested conditional rezoning, accept Owner’s proposed limitations on the use of the Property, and approve the terms and conditions of this Conditional Rezoning Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, City and Owner agree as follows:

Exhibit 1

1. Pursuant to Section 405 of the Michigan Zoning Enabling Act, MCL 125.3405, Owner agrees to limit the use of the Property as set forth in this Agreement. Upon execution of this Agreement by the parties, the City shall effectuate the conditional rezoning of the Property from zoning classifications R-3 District, Multi-Family Residential to CBD District, Central Business.
2. The conditional rezoning and development of the Property will proceed in accordance with the following conditions which (i) have been offered by Owner to induce the City to grant the conditional rezoning of the Property, (ii) have reasonably been relied upon by the City, and (iii) but for the terms offered by Owner in this Agreement, the City would not have granted the conditional rezoning:
 - a) The maximum number of dwelling units allowable on the Property shall be 66.
 - b) A minimum of 1.15 parking spaces per dwelling unit (76 parking spaces) must be provided. The parking spaces must be located on the Property.
 - c) Except for the limitations stated in 2.a) and b) above, the standards and requirements of the CBD District shall apply to the Property.
3. In the event that the land uses, structures, and site elements on the Property are determined to be out of compliance with any standards of this Agreement or any applicable standards in the Zoning Chapter of the City of St. Johns, Michigan, this Agreement shall be void and the Property shall revert to the R-3 District, Multi-Family Residential, subject to Section 4.g of this agreement.
4. City and Owner further agree to the following:
 - a) This Agreement does not waive any requirement to obtain Site Plan Approval for any improvements on the Property that triggers Site Plan Approval under the Zoning Chapter of the City of St. Johns, Michigan (“Zoning Ordinance”).
 - b) This Agreement does not waive any requirement to obtain a Special Use Permit prior to beginning the operation of any use requiring Special Use Approval under the Zoning Ordinance.
 - c) Owner may apply for a rezoning or Planned Unit Development for the Property. If approved, any rezoning or Planned Unit Development would void this Agreement. The City shall be under no obligation to approve any rezoning or Planned Unit Development application.
 - d) The conditions and this Agreement are authorized by law and this Agreement is valid and entered into on a voluntary basis, representing a permissible exercise of authority by the City.
 - e) The Property shall not be developed or used in a manner that is inconsistent with this Agreement and any subsequent site plans, special uses, or other approvals by

Exhibit 1

the City.

- f) The conditional rezoning and this Agreement shall be binding until voided by an action described in this Agreement, and, unless voided, shall run with the Property and inure to the benefit of the Owner and the City, and their respective heirs, successors, assigns, and transferees in perpetuity.
 - g) If the conditional zoning becomes void as described above, no development shall be undertaken or permits for development issued until the underlying zoning district classification of the Property has been re-established by vote of the City Commission.
 - h) Each of the requirements and conditions in this Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
- 5. This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, and all prior or contemporaneous agreements or understandings with respect hereto shall be deemed merged into this Agreement.
 - 6. No amendments, waivers or modifications hereof shall be made or deemed to have been made unless in writing and executed by the parties hereto.
 - 7. During the time period for commencement of an approved development or use specified pursuant to the Zoning Ordinance or during any extension thereof granted by the City, the City shall not add to or alter the conditions in this Agreement, except that this Agreement may be amended pursuant to Section 6.
 - 8. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby and this Agreement shall be construed as if those provisions were not contained in this Agreement.
 - 9. This Agreement shall be interpreted and enforced according to the laws of the State of Michigan.
 - 10. This Agreement shall be filed by Owner with the Register of Deeds of Clinton County.
 - 11. The failure of any party to complain or enforce any act or omission on the part of another party, no matter how long the same may continue, shall not be deemed to be an acquiescence or waiver by such party of any of its rights hereunder. No waiver by any party at an time, express or implied, or any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision of this Agreement or a consent to any

Exhibit 1

subsequent breach of the same or any other provision of this Agreement. If any action by any party shall require the consent or approval of another party, such consent or approval of such action shall not be deemed a consent to or approval of any other provision of this Agreement.

12. Any failure by Owner to comply with the terms and conditions of this Agreement shall constitute a violation of the Zoning Ordinance, a nuisance per se and shall subject Owner to the applicable penalties and remedies provided by law, including, but not limited to, immediate injunctive relief. Notwithstanding any other term or condition of this Agreement to the contrary, if Owner, its successors or assigns fails to comply with the use and development conditions of this Agreement or attempts to use or develop the Property contrary to Owner's offered use and development conditions, the Property conditionally rezoned from R-3 District, Multi-Family Residential to CBD District, Central Business shall immediately revert to R-3 District, Multi-Family Residential (its former zoning classifications) and the approval of the site plan for the proposed development shall terminate. In such an event, Owner may thereafter develop the Property only in accordance with a site plan that is approved by the Planning Commission and complies with all zoning, engineering, building and fire codes, as well as any other applicable ordinances in effect at that time.
13. The conditional rezoning approved by the City Commission shall be effective as provided by this Agreement and law.
14. If the Property is rezoned to a different zoning classification or to the same zoning classification but with a different or no Agreement, whether as a result of a reversion of zoning pursuant to this Agreement or otherwise, this Agreement shall cease to be in effect. Upon the Owner's written request, the City shall record with the Clinton County Register of Deeds a notice that this Agreement is no longer in effect.
15. Nothing in this Agreement, nor in the provisions of the Zoning Ordinance shall be deemed to prohibit the City from rezoning all or any portion of the Property to another zoning classification. Any rezoning shall be conducted in compliance with the Zoning Ordinance and the Zoning Enabling Act (MCL 125.1301 et seq.).

IN WITNESS WHEREOF, the parties have caused this Conditional Rezoning Agreement to be executed effective as of the day and year first above written.

City of St. Johns, a Michigan municipal corporation

By: _____
Scott Dzurka

Its: Mayor

By: _____
Mindy J. Seavey

Its: Clerk

Exhibit 1

STATE OF MICHIGAN)
) ss.
COUNTY OF CLINTON)

The foregoing instrument was acknowledged before me, a notary public, on the ____ day of _____, 2023, by Scott Dzurka, its Mayor and Mindy J. Seavey, its Clerk, on behalf of the City of St. Johns, Michigan.

Notary Public, _____ County, MI
My Commission Expires: _____
Acting in _____ County, MI

Owner

Ken Harris

STATE OF MICHIGAN)
) ss.
COUNTY OF CLINTON)

The foregoing instrument was acknowledged before me, a notary public, on the ____ day of _____, 2023, by Ken Harris.

Notary Public, _____ County, MI
My Commission Expires: _____
Acting in _____ County, MI

After recording return to:
Michael D. Homier
Foster, Swift, Collins & Smith, P.C.
1700 East Beltline NE, Suite 200
Grand Rapids, Michigan 49525
(616) 726-2230

Exhibit A

“PROPERTY”

Parcel No. 300-000-001-001-00

T7N R2W, CITY OF ST JOHNS, ORIG PLAT BLK 1, LOTS 1,2,3,4,5 & 6 ALSO VACATED PORTION RR ST (L165 P492) ADJ THERETO BEING 10.25' ALSO W 100' LOTS 10&11 ALSO W 155' OF LOT 12. EXC BEG AT INTERSECTION W LINE OAKLAND ST & N LINE OF 10.25' VACATED RR ST; TH S 33.16'; W 56.33'; S 23.91'; W 43.65'; N 54.42'; E 100.80' TO POB

Parcel No. 300-000-001-005-00

T7N R2W, CITY OF ST JOHNS, ORIGINAL PLAT BLK. 1, W 25 FT. OF LOTS 7, 8, AND 9, ALSO E 65 FT. OF LOTS 10 & 11, ALSO E 10 FT OF LOT 12

Parcel No. 300-000-001-004-00

T7N R2W, CITY OF ST JOHNS, ORIGINAL PLAT BLK. 1, E 63 FT. OF W 88 FT. LOTS 7,8, AND 9.

Parcel No. 300-000-001-003-00

T7N R2W, CITY OF ST JOHNS, ORIGINAL PLAT BLK. 1, E 77 FT. OF LOTS 7, 8, & 9.

Parcel No. 300-000-001-002-00

T7N R2W, CITY OF ST JOHNS, ORIGINAL PLAT BLK 1 PARTS OF LOTS 5 & 6 DESC. AS: BEG AT INTERSECTION W LINE OAKLAND ST & N LINE OF S 10.25 FT OF VACATED RR ST (L165 P492); TH S 33.16 FT; W 56.33; S 23.91'; W 43.65'; N 54.42'; E 100.80' TO POB.

88044:00001:7358275-1



MCKENNA

September 5, 2023

Planning Commission
City of St. Johns
100 E. State Street, Suite 1100
St. Johns, Michigan 48879

Subject: FC Mason Phase 3 Site Plan Review #5

Dear Commissioners,

As requested, we have reviewed the request to construct a new multi-family residential building as part of the conversion of the old FC Mason industrial facility into a residential complex. The building would represent Phase 3 of the redevelopment, and would contain 26 units – 11 two bedrooms and 15 one bedrooms.

The site is currently zoned R-3 Multi-Family Residential. However, the applicant is requesting a Conditional Rezoning to CBD in order to achieve the desired density. R-3 allows 10 units per acre, but the block the FC Mason redevelopment sits on is only 2.5 acres. Our review of the Conditional Rezoning Proposal, including the Conditional Rezoning Agreement, is under separate cover and has been submitted to the City Commission in advance of their final vote on the Agreement.

The CBD District allows all-residential buildings along Oakland Street, so if the Conditional Rezoning is approved, then the proposed 26 units will be a permitted use by right.

This Site Plan review assumes the Conditional Rezoning Agreement will be approved, because if the Conditional Rezoning is not approved, significant changes to the Site Plan, density, and building design would be required.

Our comments regarding the criteria for approving the Site Plan follow.

- 1) Lot Combination.** The FC Mason block (bounded by Spring, Railroad, Higham, and Oakland Streets), currently consists of five lots. The applicant will propose a lot combination following approval of the Conditional Rezoning, though the combination may not include all of the lots.

This review assumes the lot combination will be completed, because the existing property lines would create a need for numerous variances. The lot combination must at least remove all property lines that would cause setback concerns for the Phase 3 building.

2) Dimensional Standards.

| Standard Type | Ordinance Requirement (CBD) | FC Mason Phase 3 | Ordinance Compliance |
|-------------------|-----------------------------|--------------------------------|----------------------|
| Minimum Lot Area | None | 2.5 acres (full block) | Yes |
| Minimum Lot Width | None | 330 feet (along Higham Street) | Yes |



| | | | |
|-----------------------------|--|--|------------------------------------|
| Minimum Front Yard Setback | <i>None</i> | Higham: 30 feet Oakland: 10 feet Railroad: >0 feet | Yes |
| Minimum Side Yard Setback | <i>None</i> | <i>No Side Lot Lines</i> | Yes |
| Minimum Rear Yard Setback | <i>None</i> | <i>No Rear Lot Lines</i> | Yes |
| Maximum Building Height | Over 35 feet requires Special Use Permit | 37 feet | <u>Special Use Permit Required</u> |
| Maximum Lot Coverage | 100%% | <100% | Yes |
| Maximum Residential Density | No Limit | 26 units | Yes |

3) Residential Unit Characteristics:

- a. **Mix of Units:** The proposal includes 26 units – 15 one bedrooms and 11 two bedrooms. Section 155.102.C limits one bedroom units to no more than 60% of the dwelling units in a building. 15 one-bedrooms is 57% of 26 total units, so this requirement is met.
- b. **Unit Sizes.** The minimum unit size is 500 square feet, unless the Planning Commission approves a Special Use permit. All units exceed 500 square feet, according to the submitted floor plans.

4) Parking, Loading, and Access.

- a. **Number of Spaces.** The Conditional Rezoning Agreement requires 1.15 parking spaces per unit (which is a concession by the applicant, because the CBD District generally does not require parking). There are 40 units in Phases 1 and 2, plus the 26 in Phase 3. There are 76 parking spaces on the revised site plan, meeting the requirement.

There are also nearby on-street angled spaces, and the applicant is proposing 12 additional spaces be constructed on Oakland Street. While we support the angled parking, we recommend that it not be tied to the zoning approval, because the parking requirement is met on-site.

- b. **Barrier-Free Spaces. At least one parking space out of every 25 must be barrier-free (i.e. reserved for people with disabilities).** With 76 parking spaces, three barrier-free spaces are required. Three barrier-free spaces have been designated, with one in close proximity to the Phase 3 building.
- c. **Dimensions.** The existing parking spaces and drive aisles meet the dimensional standard in the Zoning Ordinance and are not proposed to change.



d. **Paving and Striping.** The existing parking lot is paved as required in Section 155.343.E.

e. **Loading Spaces.** No loading spaces are required because the proposed building is residential.

5) Landscaping and Screening. The following landscaping is required.

a. **Buffer Zone.** No buffer zone is required because the proposed building is residential.

b. **Parking Lot Landscaping.** Within parking lot islands or within 15 feet of the parking lot, 1 tree per 8 spaces is required. There are 66 parking spaces, for a requirement of 8 trees. There are 11 trees adjacent to the parking lot shown on the plan.

c. **Right-of-Way Landscaping.** Along the right-of-way, 1 tree is required for every 30 feet of frontage. The tree can be planted in the public right-of-way with the permission of the City, or they can be planted on private property. For the purposes of this review, we are only evaluating the eastern half of the Higham block and the southern half of the Oakland block, which are the road frontages adjacent to the Phase 3 building. Each half-block is 180 feet long, for a requirement of 6 trees. There are six trees proposed along Higham (we are willing to count the one near the southwest corner of the building) and one along Oakland (this tree is also counted as a parking lot tree).

If the proposed angled parking is built along Oakland, there will not be space for any trees in the public right of way, nor will there be any space for trees in the small five-foot front setback. There are also power lines along Oakland. Given this, we recommend that no additional trees be required along Oakland.

d. **Landscaping Adjacent to Buildings.** Ornamental landscaping is required along the perimeter of buildings by Section 155.302. For residential buildings like the one proposed, the landscape area must be 15% the size of the building. In this case, that would be 1,710 square feet. The landscape area proposed (lining all sides of the building with shrubs) exceeds this requirement.

e. **Tree Preservation.** The proposal preserves all of the landscape trees planted for previous phases, plus one street tree along Higham, which will be counted towards the right-of-way landscaping requirement.

f. **Landscape Species.** Specifications for the specific species have been submitted.

6) Lighting. Section 155.191 includes the site lighting requirements:

a. **Maximum Light Pole Height: 20 feet** No freestanding light poles are proposed.

b. **Fixtures shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to the city.** The fixtures are modern in design, but small and unobtrusive. This standard is met.



- c. **For the lighting of predominately horizontal surfaces such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and side entrances, fixtures shall be aimed straight down and shall meet full cutoff criteria.** This standard is now met. A different light fixture has been proposed, which meets this requirement.
- d. **For the lighting of predominately non-horizontal surfaces such as, but not limited to, stairways, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.** This standard is now met. A different light fixture has been proposed, which meets this requirement.
- e. **The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving property.** A photometric plan has been submitted demonstrating that light levels will hit 0.0 footcandles before the nearest residential properties.
- f. **The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.** Given the submitted information on the proposed light fixture, and the distance to the nearest non-residential use, we recommend that the Planning Commission consider this standard to be met.

7) Building Design. Section 155.196 includes requirements for new construction multi-family buildings. Building elevations have been submitted.

- a. **Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, or glass to the extent that surrounding businesses and are composed of such.** The applicant has stated that the building materials will match the Phase 2 Building ("The Flats"). We recommend that that design be considered acceptable.
- b. **The front facade of the building should address the main street with entrances, windows, and architectural features facing the street. No docking bays shall face the street, unless approved by the Planning Commission based upon a finding that the door is recessed back from the front facade and properly screened from public view.** No docking bays are proposed, so that portion of this standard is met. As for the rest, both the Oakland Street and Higham Street frontages have plenty of windows and a welcoming front door, and meet this requirement.
- c. **All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops it shall also be screened from the**



public view in a manner that does not draw attention to the placement of the equipment.
Nothing on the site plan violates this requirement.

- d. Size and height of buildings should be compatible with the character and existing views of the surrounding areas as determined by the Planning Commission.** We recommend that the Planning Commission consider the size and height appropriate. Green space will be retained on the block, and, at two stories, the building will not tower over the two story homes across the street.
- e. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment.** Matching the design of the Flats building ensures this requirement will be met.

8) Trash Receptacles. The existing dumpsters will be unchanged, and should be sufficient for this proposal.

9) Signage. No signage has been submitted. Signage may be approved separately through the sign permit process with the City administration.

RECOMMENDATION

The Site Plan meets all requirements. Once the following actions have been taken, the Site Plan will be considered approved, and the applicant can submit for a Building Permit from the County Building Department.

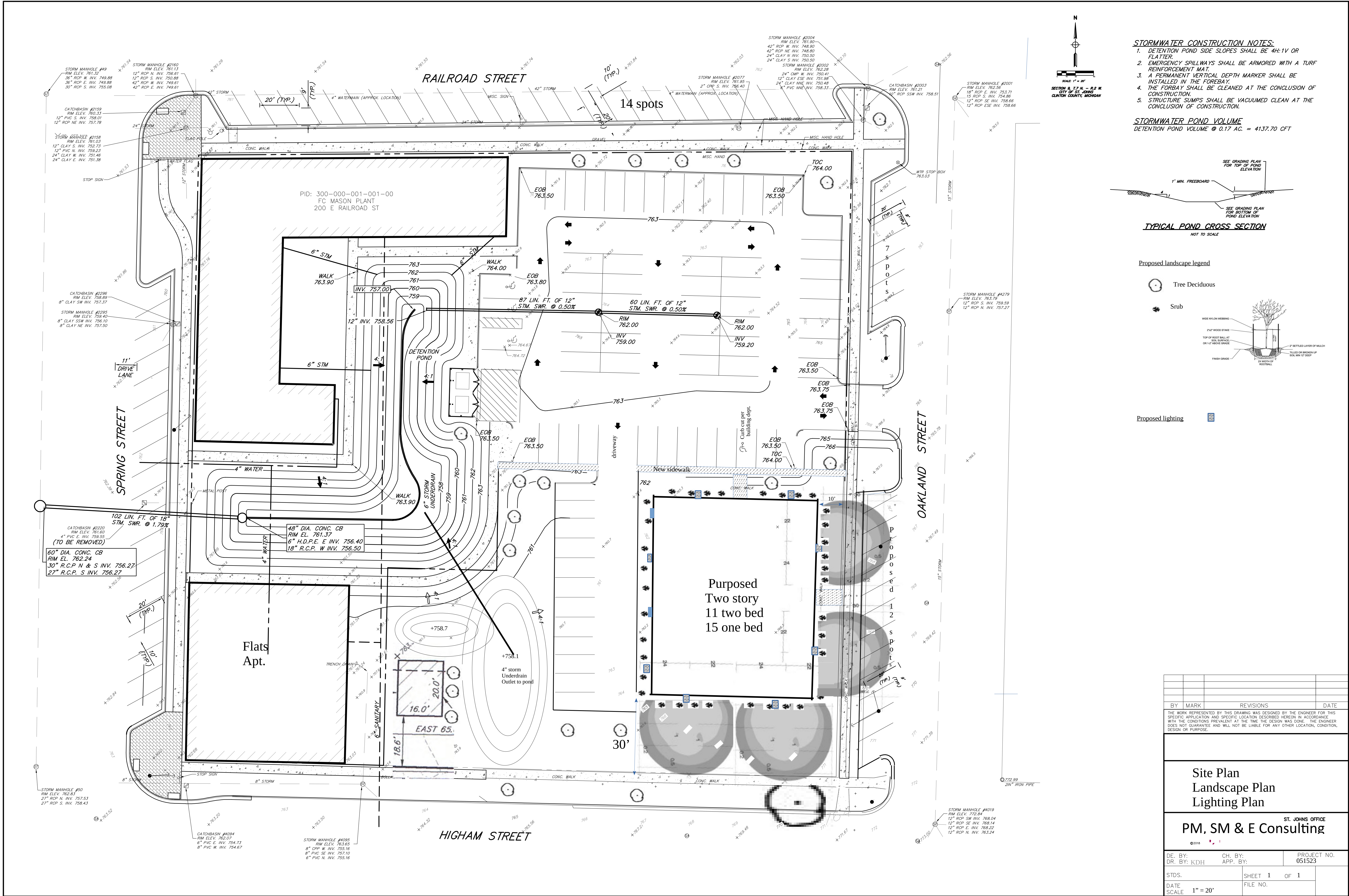
1. The approval of the Conditional Rezoning Agreement.
2. The approval of the Special Use for the height of the building.
3. The lot combination.

Please let us know if you have any questions.

Respectfully submitted,
McKENNA

Christopher Khorey, AICP
Senior Principal Planner

P:\proj2018\125887\SG2018_Former FC MasonPlant\CAD-GIS\Civil3D-UD-1593-06_Grading.dwg, Layout1, 8/17/2019 8:16:31 AM, michelelew, PDF-XChange for Acrobat Pro, Landscape 24x36, 1:1



CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
September 12, 2023

| | |
|--|---|
| Department: Planning and Zoning | Attachments: |
| Subject: 301 N. Oakland – Special Land Use in CBD | [X] Special Land Use Review (7-19-23) |
| Prepared by: Jeff Keesler, Mckenna | Approved by: Chad A. Gamble, P.E. City Manager |

SUMMARY/HIGHLIGHT: The applicant proposes to construct a new 26-unit apartment building on the currently vacant site. The applicant is seeking a Special Land Use to build above the maximum height for the parcel and zoning district.

BACKGROUND/DISCUSSION: The purpose of the Central Business District (CBD) is designed to provide for a variety of retail stores and related activities. Residential uses consisting of 2 or more residential units are permitted uses in many areas of the CBD, including the parcel in question.

The CBD has a maximum height restriction of 35 feet on all buildings. The proposed construction of the 26-unit apartment building will exceed the 35-foot height limit in the CBD by 2 feet, for a total building height of 37 feet. The applicant is seeking Special Land Use approval to construct a building that exceeds the height restrictions for the St. Johns Central Business District.

STRATEGIC PLAN OBJECTIVE: This project furthers the goals of the 2020 St. Johns Downtown Plan. The Plan calls for development on the downtown edge, the location of the development at 301 N. Oakland. The Plan calls for the Downtown Edge District to allow the following uses and conversions of uses:

- » Missing Middle/Multi-Family Housing
- » Mixed Use Retail/Residential
- » Single Family Conversion to Business
- » Single Family Conversion to Multi-Family
- » Parking Lots that are interspersed with buildings
- » Parking Garage
- » Light Manufacturing/Maker Space
- » Horizontal Mixed Use is existing and should be encouraged

FISCAL IMPACT: Funding of this project would be through a private developer. However, the development will increase tax revenues and increase the DDA capture.

RECOMMENDATION: It is recommended that the City Commission approve the Special Land Use for 301 N. Oakland to exceed the current maximum height for the current zoning of 35 and increase it to 37 feet.



MCKENNA

July 19, 2023

City Commission
City of St. Johns
100 E. State Street, Suite 1100
St. Johns, Michigan 48879

Subject: FC Mason Phase 3 Special Use Review for Building Height

Dear Commissioners,

The Planning Commission has recommended a Special at 301 Oakland N. Oakland St at the corner of Oakland and E. Hingham St. The applicant proposes to construct a new 26-unit apartment building on the currently-vacant site.

The parcel is currently zoned R-3 Multi-Family Low Density Residential but is in the process of being rezoned to CBD – Central Business District. The purpose of the Central Business District is designed to provide for a variety of retail stores and related activities. Residential uses consisting of 2 or more residential units are a permitted use in many areas of the CBD, including for the parcel in question.

The CBD has a maximum height restriction of 35 feet on all buildings. The proposed construction of the 26-unit apartment building will exceed the 35 foot height limit in the CBD by 2 feet, for a total building height of 37 feet. The applicant is seeking Special Land Use approval to construct a building that exceeds the height restrictions for the St. Johns Central Business District. Our review of the Special Use is below.

Site Plan approval is also required. The Planning Commission conditionally approved the Site Plan on July 12.

Special Use Criteria. In order to be approved, the City Commission, upon recommendation of the Planning Commission, must determine that the proposed uses meet the standards of Section 155.258, which are the general standards applicable to all Special Uses. Section 155.258 includes the following criteria:

a) Will be harmonious with and in accordance with the community development plan. In order to be considered “harmonious and in accordance”, the Special Use proposal must:

- **Be consistent with the City’s goals for Land Use, Neighborhoods, Transportation, and Sustainability as articulated in Chapter 3 of the City of St. Johns Master Plan.** The relevant pages of the Master Plan are attached for reference.

This proposal advances Land Use Goals 2, 4, and 5, and is neutral on Goal 1 (which is specifically related to business needs) and Goal 3 (which is specifically about the Federal Mogul site, not the historic FC Mason property where the redevelopment is occurring).

It also advances Neighborhood Goals 1 and 2, while being neutral about Goals 3 and 4 (which are more specific to neighborhoods and historic preservation).



With regard to Transportation goals, it is neutral on all goals.

The proposal is also neutral on the specific Sustainability goals, though it advances the City's broader Sustainability goal of creating housing in the core of the city and providing a variety of housing types in St. Johns.

- **Positively promote the vision described for the Community Character Area that the use will be located in, as described in Chapter 4 of the City of St. Johns Master Plan.**

The proposed use is located in the "Downtown Edge" Community Character Area, which describes the appropriate land uses as follows:

Uses that can serve as a transition between the downtown and the neighborhoods are encouraged. Uses should be a mix of commercial, professional offices, residential, technology, and civic. The goal of this area is to allow existing uses to continue while creating an opportunity for different types of uses in the future if sites are redeveloped.

The proposed 26-unit apartment building will advance the economic vitality of the area by replacing a vacant lot with a 24-hour use. Adding more residential units in the city complies with the vision laid out in the Master Plan – creating an active downtown. Housing 26-units of people in the downtown has the potential to create more spinoff development. If the building is designed to meet the requirements of Section 155.196, it will be a positive addition to the Downtown St. Johns and the city as a whole by developing a building that can be economically productive throughout its useful life.

- **Not hinder the implementation of the Mobility Plan for the street(s) it is adjacent to, as described in Chapter 6 of the City of St. Johns Master Plan.**

The use will not contribute to traffic congestion or safety issues, and thus will not hinder the implementation of the mobility plan.

- b) **Will be designed, constructed, operated, and maintained so as to be safe, harmonious and appropriate in appearance with the existing or intended character of the general vicinity. Factors affecting this standard include noise, lighting, parking, traffic, garbage, large gatherings of people, water runoff, neighborhood character, heat island effect, and other similar off-site impacts of a use.**

The biggest concerns about the use stem from the overall height of the building-37 feet. Site design standards in the CBD limit the maximum height in that district to 35 feet. However, if the site plan is designed to meet all other requirements of the Zoning Ordinance, negative impacts should be mitigated.

- c) **Will be a substantial improvement to property in the immediate vicinity and an economic asset to the community as a whole. "Substantial improvement" and "economic asset" shall mean that the proposed use will clearly generate more economic activity, tax revenue, jobs, housing units,**



and/or spinoff development than the site would generate without the approved Special Use. In evaluating this criteria, the City Commission shall compare the site to its current state at the time of application, not to hypothetical alternative developments other than the proposed Special Use.

The Central business District offers St. Johns residents a mixture of retail, commercial, industrial, and residential uses. The proposed 26-unit apartment building will be constructed on what is currently a vacant lot-pictured right. This will be considered a substantial improvement to downtown St. Johns by adding 26-units of housing in the downtown edge. This will create more activity downtown and allow downtown to be a walkable community. This project will also be an economic asset to St. Johns. Transforming a vacant lot in the downtown to a 26-unit apartment building will generate several forms of economic activity. Residents will be in walking distance to downtown St. Johns, which could help support economic activity downtown.



The owners of the proposed apartment building will pay real estate taxes, which helps the city's revenue. The building itself will require services and maintenance that could be provided by local businesses. Special Use permits have been approved in the past to allow a wide variety of uses in the city. In this case, the business is developing a vacant lot, adding jobs and tax revenue that did not previously exist.

- d) Will be served adequately, based on the anticipated needs of the use in question, by existing public facilities and services, such as highways, streets, police and fire protection, drainage structures, parking lots, refuse disposal, water and sewer utilities, non-motorized pathways/sidewalks, communications infrastructure, public transportation, waste removal, and schools. The City Commission may also require upgrades to public services directly related to the proposal as a condition of Special Use approval.**

This area has a mixture of uses, including residential. The block containing the parcel in question has the FC Mason Apartment buildings on the northwest corner and a residential building on the southwest corner. The areas directly to the east and south are single-family residential homes on the downtown fringe. One block to the southwest of the parcel is a large, multi-family residential building. Buildings of a similar scale have operated nearby and have not negatively impacted public facilities and services. The anticipated impact on highways, streets, drainage, water/sewer, sidewalks communications, Blue Bus, waste removal, and schools will be minimal. See Criteria F for an analysis of the impact on parking.

We will defer to the police and fire departments regarding the impact on those services.

- e) Will be consistent with the Purpose and Intent of allowing Special Uses (see Section 155.255) and the Purpose and Intent of the Zoning District the Special Use is located within.**



The purpose and intent of allowing Special Uses is:

“The special use permit process is based on the concept that some uses are appropriate in a zoning district only under certain circumstances and with specific conditions. The special use permit review process allows the city to review a proposed use, determine if it is appropriate in the location proposed and what conditions are required to be placed on the use to ensure it's compatibility with other uses in the area.”

The City specifically designated a wide variety of businesses as Special Uses in the MU District, in recognition of the diverse land use character that exists within that district. This particular parcel has long been vacant, and the proposed use can meet the site design requirements to locate there.

The purpose and intent of the CBD Zoning District is:

“ The CBD District is designed to provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime retail frontage in the Central Business District, and which serve the comparison, convenience and service needs of a consumer population well beyond the corporate boundaries of the city. The district regulations are also designed to provide for a centrally located major shopping complex, serviced by conveniently located off-street parking facilities and allowing safe pedestrian movement; but to exclude non-retail uses which typically require large areas of land or generate truck traffic.”

N. Oakland St. specifically includes a number of residential and commercial buildings that create a transition from the core downtown to the residential neighborhoods to the north and east. The proposed Special Use is appropriate in that context.

- f) **Will be served by adequate, safe, and efficient parking. “Adequate, safe, and efficient parking” shall mean not only meeting the requirements of Section 155.342, but also ensuring that the parking for the use does not burden nearby uses, does not create safety hazards for motorists, cyclists, or pedestrians, does not take up excessive land that could be used for more productive purposes, and does not create a blight on the historic character and charm of the City.**

There is currently parking north of the proposed development site for FC Mason Apartments. The additional two feet of building height does not alter the parking needs or requirements.

- g) **Comply with the applicable design standards outlined for the specific proposed use in Sections 155.415 through 155.448 of this chapter.”**

See our Site Plan letter.

RECOMMENDATION

We recommend that the City Commission approve the Special Use.



Please let us know if you have any questions.

Respectfully submitted,
McKENNA

Christopher Khorey, AICP
Senior Principal Planner

Jeff Keesler
Associate Planner