

**CITY OF ST CLAIR  
PLANNING COMMISSION MEETING  
WEDNESDAY, APRIL 13, 2022 – 7:00 P.M.  
547 N. CARNEY DRIVE – COUNCIL CHAMBERS**

**CALL TO ORDER:** Vice Chairman Dan McCartney called the meeting to order at 7:00 pm.

**ROLL CALL:**

Chairman	Terry Beier	Vice-Chair	Dan McCartney
Council Rep	Mike Laporte	Member	Nancy Beaudua
Member	Steve Grates	Member	Paul Wade
Member	Matthew Griffor		

**ABSENT:** Terry Beier and Matthew Griffor  
*Nancy Beaudua made a motion to excuse Terry Beier and Matthew Griffor. Supported by Mike Laporte. All in favor, none opposed.*

**APPROVAL OF AGENDA:** *Mike Laporte made a motion to approve tonight’s agenda as presented. Supported by Nancy Beaudua. All in favor, none opposed.*

**APPROVAL OF MINUTES:** *Mike Laporte made a motion to approve the minutes of January 12, 2022 and March 30, 2022 as presented. Supported by Nancy Beaudua. All in favor, none opposed.*

*Dan McCartney wants to thank Jen for organizing the joint meeting between Planning Commission, ZBA and Council members.*

**CORRESPONDENCE:** Count of St. Clair  
Metropolitan Planning Commission  
Master Plan Visioning Meeting

*If there is anyone interested in going to any of these meetings, please see Jen.*

Dan McCartney – We have two public hearings tonight. The procedure for this is if you have any comment, we ask that you come to the podium, state your name and address, then address the Commission.

**PUBLIC HEARING (1):** MI Gardener – Luke Marion  
1426 Oakland Avenue  
74-07-091-0028-000  
Conditional Rezoning from R1-A to C-2  
Special Land Use

Dan McCartney – I would like a motion to open the public hearing.

*Mike Laporte made the motion to open the public hearing, supported by Nancy Beaudua. All in favor, none opposed.*

Luke Marion – I am the owner of MI Gardener located at 1426 Oakland Avenue. We purchased the building as a commercial building. It was advertised for sale as a commercial building. It has always been a commercial building. To my understanding it was a pump house for the spa that was in town, then a soda bottler, salutary springs. At open point it was a garden center/pet supply store then Anglers: a fishing tackle shop.

I am hoping that we can get this made right. I know it is in a R1 zone but the history is that this has been in a commercial operation. I am hoping that it can stay this way. I am hoping to have the C2 zoning added because we are a garden supply company. We sell seeds, we sell fertilizer. Most of this is done online however we do have a really large local following as well.

I would like to add a greenhouse. Not a large one but it would be 20 x 48 square foot, just under 1000 square feet. That would allow us to sell things like vegetable plants, which is what we specialize in.

We are a community first business, family owned and operated. My wife and daughter are in the crowd here. We have been family owned and operated since the beginning and have a passion for the community. We want to give back to the community. We want to be a bright spot in the community. I want to beautify and improve the building so that rather than the community questioning why you allowed this to become a C-2.

We currently have a place in Port Huron, located at 227 Huron Avenue. The stuff we have done in the community there is to spear head events. We have a non-profit arm in our company that donates seeds to those in need. We have done in coordination with the city to distribute seeds to low-income individuals at no cost.

We employ about 20 people. We provide food security to the local community. There are lots of areas we can work synergistically. We have already put our hopes and dreams into this building. We have invested a lot of money already into this building. It would be detrimental financially if we can't get this completed. I am willing to work with everyone to come to a level of agreement to make this happen.

Dan McCartney – Is there anyone else in the audience who would like to talk? If not, then I will read the letters from neighbors regarding this petition before we close the public hearing.

*Letter received from Margaret Allen:*

*Dear Planning Commission:*

*The purpose of this letter is to provide comments on the Application from "Luke Marion, MI Gardener", for Conditional Rezoning of 1426 Oakland Ave., Parcel #74-07-091-0028-000 from R-1A Single Family to C-2 General Commercial at the 13 April 2022 meeting.*

*WE ARE OPPOSED to this change. We own and live at 1419 Oakland Ave., directly across the street. When we purchased the property in June 2001, we knew that Angler's was there and doing business and assumed they had been grandfathered in. We knew the zoning was R-1A Single Family and we expected it would revert to its intended zoning classification when Angler's ceased operations. As every building around this parcel is a single-family home, we think it is important that this parcel remain R-1A Single Family to return the neighborhood to its intended zoning. As an example, you would never go into the Highlands or the neighborhoods north of town and allow a commercial building.*

*Our history with this neighborhood goes back a long way. My husband, Bill Wilson, was born in St Clair hospital in 1944 and grew up in St Clair and watched as this property evolved from the Vernor's Bottling Plant to Anglers. We feel it should now be brought into compliance with its intended zoning.*

*Please advise if you need any additional information – 734-644-8036.*

*Sincerely,  
Margaret Allen  
Trustee*

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*Rhonda Wills <dldiej124@gmail.com>  
To: info@cityofstclair.com*

*wed, Apr 13, 2022 at 12:07 PM*

*Dear Planning Commission/Committee:*

*I am writing in support of MI Gardener's new business location and am asking all of you to vote in favor of rezoning this R1 residential property to R2, a general commercial & agricultural business, (conditional) upon various improvements to the property - identified by your team and agreed to by the business owner(s) of MI Gardener - being met.*

*I am a current customer of the MI Gardener business and have been happy with their business etiquette, sales practices, and Luke's willingness to freely share gardening expertise with not only his local surroundings, but the rest of the U.S. and the world.*

*Please approve MI Gardener's request to rezone this property to R2 immediately.*

*Thank you*

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Reply-To: Lezlie Puls <lezliepuls@rocketmail.com>  
To: "info@cityofstclair.com" <info@cityofstclair.com>

Mayor and Counsel,  
I am writing you in support of rezoning the future commercial building for MiGardener from Residential to Commercial. This type of business is in high demand and will be a positive reflection of St. Clair.

*Thank you for your consideration,*

*Lezlie Puls*

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Jessica DeFauw <jessicadefauw@gmail.com>  
To: asturdy@cityofstclair.com

Tue, Apr 12, 2022 at 7:21 AM

*To Whom it May Concern,*

*I am a taxpayer and resident of the City of St. Clair and am writing in support of the commercial zoning of the property at 1426 Oakland St. I'm unable to attend the meeting Wednesday April 13, and wish to voice my support via email here.*

*MiGardener will be a fantastic addition to the community and attract out-of-town and out-of-state visitors to our wonderful*

*Thank you for your time and consideration.*

*Best regards.*

*Jessica DeFauw  
911 N. Riverside Ave.  
Saint Clair, MI 48079*

Dan McCartney made a motion to close the public hearing, supported by Mike Laporte. All in favor, none opposed.

**PUBLIC HEARING (2):** Hampton Manor (Eddy Development)  
200 N Carney Drive  
(Part of) 74-07-053-0026-000  
Conditional Rezoning from R1 to R-3  
Special Land Use

Dan McCartney made a motion to open the public hearing, supported by Mike Laporte. All in favor, none opposed.

Brent Moore – BMJ Engineers & Surveyors, Inc: Project Engineer. We have been working on a project on behalf of Westhaven Builders. The property is located just north of Gearing Elementary. We are looking

to conditionally change the zoning from R1-A to R3 to put in an 70 unit bed assisted living facility for Phase 1. We also submitted Phase 2 and that is going to be 2 6-plexes.

Bill Klieman – 1374 S Riverside. I have a question regarding the parcel number stating that it is “part of”. The two schools and the vacant land are all one parcel, correct? You are going to only rezone part of the parcel or will this have to be spit off? How do you rezone one parcel with two different zones? Are they going to have to split that off first? How much property will they split off?

Dee Boulier – I believe it is 10 acres.

Rob Drewek – Eddy Development LLC. I would like to first thank everybody for inviting us into town to do this project. We are completing the Eddy school portion.

We have a land division application in with the city to split this parcel off giving them approximately 9 acres total. Gearing is on about a 10-acre piece. In conjunction with the site plan approval, we have the land division application already submitted. The developer of the assisted living facility would be purchasing that portion.

As to your question, we are not rezoning a part of a parcel. The reason we are saying that now is because legally the split is not completed so there is no parcel id assigned to it. It has been signed off by the county. They have approved the split.

Bill Klieman – Are you rezoning the whole parcel?

Rob Drewek – No, we are only rezoning the piece that the developer needs for the project.

Dan McCartney – Just a reminder, please come to the microphone so that we all can here what is being said. Also, we have not had our meeting yet to discuss these things but that could be a condition that could be applied to this.

Bill Klieman – The reason I am asking is it’s a public hearing.

Dan McCartney – No, you are right. I am just saying that we haven’t had this addressed to them yet.

Bill Klieman – My only question is, how are you going to give one parcel two different zonings?

Dee Boulier – I would assume they would do the split as a condition to the rezoning. The rezone would be contingent on getting the lot split approved.

Rob Drewek – The only way I can answer that is that the split has been approved through the County, we have to wait for the split to be approved by the city. If we get the conditional rezone both will happen simultaneously. To answer your question, we will not end up with a single parcel with two different zonings.

Tom Biscarner – 1314 Adams. My property is adjacent to the Eddy property. If they change this to R-3 that means he can put apartments in there, correct?

Dan McCartney – No because this is conditional rezoning. It cannot go to that.

Tom Biscarner – That has always been woods behind me. Also, there is a lot of water back there. Could it be wetlands?

Dee Boulier – There are some wetlands.

Dan McCartney made a motion to close the public hearing, supported by Mike Laporte. All in favor, none opposed.

**SITE PLAN REVIEW:** Riverbank Youth Theater  
208 Jay Street  
74-07-700-0015-01  
Site Plan Amended – Revisit Sidewalk

Dan Brennen – Westhaven Builders. As you all know the Riverbank Theater is a non-profit and they are always working at trying to raise funds to build and finish the facility. In an effort to the rising costs, that nobody anticipated, is making a dent in their funds. In an effort value engineer we examine every square inch of the property looking at possible savings. We identified a couple of locations of sidewalks that may or may not be necessary.

The argument is that there are two sidewalks along the entrance coming off of Jay. We are looking at eliminating the sidewalk to the east of the entrance as there has never been one there before. The other piece is on Third Street which connects to a small arm that comes off of the parking lot.

We are not super comfortable with bringing pedestrian traffic up the back of the house which is technically the loading and unloading area for the theater as well as the dumpster location. For pedestrian traffic to access the front of the theater we would like to move the pedestrians to the east down Jay Street and up to the main entrance. We are just trying to eliminate those two sections of sidewalk with your approval.

Dan McCartney – The site plan has already been approved by Planning. The sidewalk to the east being east of the drive, I am surprised that it isn't the mall's responsibility.

Dan Brennan – We tried that angle with Randy Meyer and it was kicked right back to us so that is why we are here. The whole entrance is the mall property. The theater property line ends on the west side of the mall entrance.

Dan McCartney – I am undecided on the east side sidewalk but on the west side I have to tell you. I am hoping that the theater is terribly successful and you have cars parking in the Fredrick's parking lot, down Jay and at the Community Center. If you are parking in the Community Center and you come down Jay Street, I would think you would want to walk up that sidewalk on the west.

Dan Brennan – They are just trying to avoid the traffic in the back of the house. That is technically the loading and unloading of equipment.

Paul Wade – For me, the sidewalk on the eastside of the entrance shouldn't even be there. It doesn't give you access to anywhere. As far as the sidewalk on the west side, if the city isn't going to make it continuous up Third Street, I don't really see a reason for it being there. You put those in when there is a continuation.

Steve Grates – I agree with what Paul is saying.

Nancy Beaudua – I agree that Third Street doesn't need to be there.

Mike Laporte – I don't see why the sidewalk needs to be on Third Street.

Dan McCartney made a motion to alter the original site plan to eliminate the east sidewalk but keep the west sidewalk. Supported by Mike Laporte. All those in favor: Dan McCartney, Mike Laporte & Nancy Beaudua, Opposed: Paul Wade & Steve Grates.

*Motion passed three to two votes.*

**NEW BUSINESS (1):**                    1426 Oakland Avenue  
   74-07-091-0028-000  
   Conditional Rezoning from R1-A to C-2  
   Special Land Use

Dave Scurto – Let me just say that the second half of the review pertains to site plan review. We are not going to discuss that tonight. Site plan review will come at a later time.

We will focus on the rezoning which looks at the use of the property. It has to deal with how it impacts the surrounding neighborhood, how it impacts the city as whole both economically and physically. These types of rezoning don't have their own criteria so I am going to use the special land use criteria because it is very much the same.

Section 3.5.5 Basis of Determination states that "Planning Commission shall review the proposed special approval use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:" The standards are as follow:

1. Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan of Land Use.
  - a. Conditional rezoning will be for MI Gardener what they propose, what they want to do and what they agree to tonight.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
  - a. Planning will want to find out what the applicant plans to do with the exterior and maintaining the structure. Possible talking about the landscaping

3. Will not be hazardous or disturbing to existing or future nearby uses.
  - a. Beyond the screening, performance standards attributable to dust, glare, noise and odor as presented in Article 10 of the zoning ordinance are met. In addition, per Section 4.5.10(3)(b), applicant must demonstrate the storage of any soil, fertilizer, or any other material shall be contained to prevent any adverse effect on neighboring properties.
4. Will be an improvement in relation to property in the immediate vicinity and to the community as a whole.
  - a. Property is currently vacant. Use and upkeep of parcel will be an improvement to the immediate vicinity and provide as service to greater community.
5. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
  - a. The delivery of public services is not expected to be impacted but the planning commission may ask for information from other departments.
6. Will not create excessive additional public costs and will not be detrimental to the economic welfare the community.
  - a. Public cost and economic welfare will not be affected.
7. Will be consistent with the intent and purpose of this Ordinance.
  - a. The use will meet the intent and purpose of the Ordinance. It must receive multiple approvals from different boards and commissions adopted to protect the surrounding area. It should not impact the neighborhood in any way.

Dan McCartney – Would the applicant like to come up again? We have the conditions that you are requesting in front of us.

Dave Scurto – We have an agreement that will be typed up listing the conditions that have been agreed upon by the applicant and the city. This agreement is then filed with the County Register of Deeds along with general concept plan.

Dan McCartney – read Luke Marion’s purposed conditions for the rezoning request:

*In order to satisfy the requirements for conditional zoning from R-1 to C-2, I (Luke Marion) acting as the owner and operator of MIgardener LLC will do the following:*

**Business operations:** *We will be operating as a retail garden center primarily centered around online sales and specializing in vegetable seeds, as well as a small portion of sales will be nursery stock sales of vegetable plants from approximately March-July with a small 20’x48’ greenhouse.*

**Parking lot:** *We will be re-surfacing the parking lot within the 2023 construction season or sooner upon approval of the conditional rezoning. We would like to ask for this time period in the event there are unforeseen economic conditions. The material used will be either asphalt or concrete depending on pricing and the recommendation of our engineer.*

*We will also ensure adequate parking spacing as outlined on the site plan*

*Dumpster pad and truck dock area will be concrete to ensure longevity.*

*Upon paving the parking lot, fresh paint will be applied to notate spots as outlined in the site plan*

**Privacy screening:** *Arborvitae will be planted within the 2022 planting season as shown on site plan. The variety will be a medium height variety that is fast growing, and shouldn’t exceed 15’ in height at full maturity.*



**Lighting:** *Wallpack lighting will be added before occupancy as shown on siteplan*

**Landscaping:** *The front of the building and roadside planter will be planted with a combination of low growing perennials and annuals intended to add color as well as soften the view.*

**Greenhouse:** *As it is shown on the siteplan, we would like to add a 20x48' greenhouse to the side of the building. This would allow us to sell plants that we would otherwise not be able to sell. The frame is metal hoop with double lined plastic covering, and the side-walls are polycarbonate for rigidity. The greenhouse will follow the slope of the land and no additional grading or groundwork needed to construct. We will place it on top of pea gravel with weed fabric underneath so water can percolate through, but weeds will be suppressed. The gravel will be compressed so that patrons can walk without gravel becoming displaced.*

**Dumpster enclosure:** *We will be sureing up the current enclosure and leaving it where it is currently.*

**Bagged soil/outdoor retail:** *Behind the dumpster enclosure, we are planning to allocate room for 3-4 pallets of bagged soil. It will be best suited there as the view will be mostly obstructed from the dumpster enclosure, and in a location not suitable for parking.*

Dan McCartney – What we are being asked to do is to pass on to council a recommendation to either approve or deny this request. When you get into a C-2 classification there are some things that aren't on this list which we could voluntarily request of you and that you, the applicant, would voluntarily offer to do.

I am looking at the requirements under C-2 guidelines which require you to put in a rat wall for your accessory structure (i.e. greenhouse).

Dee Boulier – It doesn't make sense for him to have to put the greenhouse, a hooped structure, on a rat wall.

Luke Marion – A hoop house is not a permanent structure. At any point and time I can take it down. Given that the hoops lay with the contour of the land would require a lot less grading, moving, concrete when the hoops just sit where the grade is and then the plastic covers that.

I have worked in greenhouses and I have never seen a rat wall with a greenhouse. I don't feel that this requirement applies.

Dan McCartney – I guess we would have to agree up here that the greenhouse isn't an accessory building.

When you get into screen on the northside you are talking about evergreens placed every 20 feet with arborvitae placed in between.

Luke Marion – I am actually proposing 5' to 6' arborvitae, not varying in height. The reason for the spacing they will not exceed 15'. We would be building a privacy screen along the north boundary using the arborvitae and spacing them at a distance that at full growth would be barely touching.

To the west there is also scrubby brush tree cover. The arborvitae would wrap around from the north property line towards the west property line where there isn't any type of screening. On the south boundary there is already a wind break of scrub trees so we were going to leave those there.

Dan McCartney – The ordinance states that the “required screening wall will be six feet in height as measured on the side of the proposed wall having a higher grade and shall be constructed on both sides with face brick, poured in place face brick, pre-cast brick faced panels having simulated face brick or stone. In lieu of the required screening wall the developer may request from the Planning Commission the construction of a landscape buffer in accordance with the standards in this section”. The Planning Commission has the authority to approve a landscape buffer and I believe communities would rather see a landscape buffer.

The ordinance states that the minimum height for a landscape buffer is 6’ tall.

Luke Marion – I have a source locally where I could get 6’ tall plants. I would slightly berm these roughly 4-5 inches. I would more than happy to go to the 6’ tall range. I am volunteering to do this.

Dan McCartney – I do have a problem with the scrub on the southside because 7 or 8 months out of the year you can see right through it. It would really be nice to see some type of buffer there.

Luke Marion – The issue is that if I would keep it continuous with the arborvitae they would die out in that area because of the amount of shade. If I could get approval from the adjacent property owner, I would cut the scrub out.

Paul Wade – I feel the hours of operations should be listed in the conditions as well as the timing of the paving of the parking lot.

Luke Marion – We have that listed in the conditions that I have proposed. The paving is going to be done before 2023 construction year. I know that restoration of the property is important. We have done a lot of work to improve the building already.

Paul Wade – Regarding the landscaping on the southside, I don’t think it would work to plant anything there but I do think we need a barrier wall for those 5 parking spots. The barrier wall would keep the lights from shining into the neighbor’s yard.

Luke Marion – I would definitely consider that but with our hours of operations it would be very rare that any headlights would be on. We are only going to be open from 9 am – 5 pm. I am offering to put something up as a barrier.

Dan Sayers – 1451 S Riverside. I look down from my deck and look down on the dumpster. My concern is lighting at night. I have a rear living room and I don’t want the lighting shining in my living room.

Jon Watt – 1423 S Riverside. Welcome to the neighborhood. You had said that the greenhouse will be on the north side of the building, how far back does the set-back have to be?

Dee Boulier – It looks to be about 20 feet.

Luke Marion – The arborvitae will wrap around from the north property line towards the west property line.

Dan McCartney – Is the applicant willing to accept the following conditions?

Luke Marion – Yes, I am will to accept the conditions as stated below.

*Paul Wade made a motion to send recommendation to City Council for approval of the conditional rezoning on changing from R1-A to C-2 at the location of parcel number 74-07-091-0028-000, 1426 Oakland Avenue with the following conditions attached:*

- 1) All site plan review and variance procedures as outlined in the zoning ordinance must be followed*
- 2) The use will remain as indoor retail use plus a 20'x48' greenhouse*
- 3) Business hours will be from 9:00 am to 5:00 pm Monday through Saturday*
- 4) Deliveries will only happen during business hours*
- 5) No outdoor sales in the front yard with the exception of bagged soil sales located near the dumpster.*
- 6) Opaque screening on the southside of property*
- 7) Gas powered equipment limited to deliveries*

*Nancy Beaudua supported. All in favor, none opposed.*

Roll Call:

*Mike Laporte – yes*

*Steve Grates – yes*

*Nancy Beaudua – yes*

*Paul Wade – yes*

*Dan McCartney – yes*

**NEW BUSINESS (2):**                    200 N Carney Drive (Eddy Development)  
    (Part of) 74-07-053-0026-000  
    Conditional Rezoning from R1-A to R3  
    Special Land Use

Dave Scurto – We will go through the Special Land Use approval findings again.

Section 3.5.5 states that “Planning Commission shall review the proposed special approval use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:” The memory care wing of the proposed plan is the only part of the building required to meet the special approval use standards.

1. Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan of Land Use.
  - a. CWA Response: Chapters on goals and future land use in the Community Comprehensive Plan are examined. Within Goal 2, it reads “Provide Housing Alternatives for Future Populations is appropriate for this project.” The second objective of this goal directly applies to the proposed project, stating “Permit senior housing developments with independent, semi-dependent and dependent care options to occupy a single-site.” The future land use plan categorizes the property as Development Focus Area. The land use intent for these parcels states “The intent of this

redevelopment focus area is to develop new residential living opportunities through adaptive reuse or the implementation of a planned unit development (PUD). As for residential development in these focus areas, west of the rail line should be developed as moderate density residential to serve as a transition area to lower-density residential uses to the west and south. East of the rail line to N. 6th Street, the focus should be on traditional neighborhood development. Using the PUD tool, appropriately-sized neighborhood commercial could be included to serve nearby residential areas.”

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
  - a. CWA Response: The building is shown as two-story with a pitched roof, clad in board and batten siding with stone veneer accents and windows on all sides. The housing portion is one-story, with a maximum height of thirty-two (32) feet.
3. Will not be hazardous or disturbing to existing or future nearby uses.
  - a. CWA Response: Traffic impact will be limited as many residents do not drive. Outside activity is also expected to be limited to the immediate area as there are two planned courtyards within the building. The applicant is asked to confirm the activity levels.
4. Will be an improvement in relation to property in the immediate vicinity and to the community as a whole.
  - a. CWA Response: These types of development typically do not see high daily traffic counts, have outdoor storage, and have negligible impact on surrounding property. They are often regulated by the State of Michigan. New construction improves the tax base for the city. The applicant is asked to describe if State oversight is required and how the center functions on a daily basis.
5. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
  - a. CWA Response: City departments offering public safety or utility services can best reply to this standard.
6. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community.
  - a. CWA Response: The use will add tax base and not expected to add excessive public cost. The city’s police, fire, DPW, and engineer can provide a factual response.
7. Will be consistent with the intent and purpose of this Ordinance.
  - a. CWA Response: The intent of the R-3 Multiple-Family Residential zoning district is met.

Dan McCartney – We have a review from AEW that I would like to read in for the record:

*We have reviewed the revised preliminary site plan submitted for the above referenced project dated 03/24/2022. We offer the following comments:*

1. *The petitioner should provide documents for or status of the property split and the plat amendment. The parcel descriptions do not match the City Assessing descriptions.*
2. *The petitioner should indicate if they plan to keep the sidewalk that runs out to Vine Street in the 30' strip and incorporate it into their plan. If not, it should be noted to be removed and replaced with grass.*
3. *All Handicapped spaces require an aisle. At least one Van Accessible space is required.*

4. Any off-site landscaping requirements will require a maintenance agreement.
5. The petitioner should note if it's their intent to vacate the Orchard Street right-of-way or not.
6. All storm sewer drainage requires detention. This would include the proposed swale on the north side of the site. Please incorporate this area into the storm sewer system.
7. The storm sewer and detention system shall be designed in accordance with Chapter 62, Art. IV of the City of St. Clair Code of Ordinances. This will be required as part of the engineering plan review.
8. The petitioner will be required to provide storm calculations for the full district. This includes the existing storm system. Or provide previous site plan with calculations and districts.
9. Curb drops are not allowed for drainage. All drainage must be directed to a catch basin of flow over the curb to pavement.
10. Show all downspouts and their connection to the storm system.
11. The dumpster is not allowed in an easement. Please relocate.
12. The area where the dumpster is located seems to have a large grade difference. If a retaining wall is utilized, please note. Design calculations for the wall will be required during engineering plan review.
13. The water main will be required to "loop" to Carney Drive. The loop on the south side of the building can be eliminated with the Carney Drive connection.
14. Although not indicated on the plans, based upon the proposed size of the building we are anticipating that the building will need to be sprinklered. If this is the case, the location of the fire department connect will need to be shown and a fire hydrant located near the fire department connection. The location of the fire department connection and the hydrant will require approval from the Fire Marshall.
15. Sanitary and Water Main connections for Phase 2 are advised to be constructed with this phase.
16. SEMCO Energy has requested an easement from the City to install a 6" gas main in the 30' wide area east of the proposed building where the city's 1 2" sanitary sewer is located. Their proposed gas main location is very near where the petitioner is showing a new water main for this project. Coordination between the City, SEMCO and the petitioner is recommended before any agreement is reached with SEMCO.
17. A permit from ECLE will be required for any work within the floodplain.
18. Some of the proposed development on the east end of phase 2 appears to be located in the floodway of the Jordan Creek. Any modifications to the floodplain/floodway will require a letter of map revision from FEMA.
19. A permit will be required from the St. Clair County Drain Office for the proposed tap to the Jordan Creek.

Dan McCartney continued with reading the proposed conditions from BMJ.

*On behalf of St. Clair Land Holdings, LLC., we are submitting twelve sets of plans, the associated Site Plan Review application, the associated rezoning application, and a check for review fees for the Hampton Manor Assisted Living site plan review. We request this site plan to be on the agenda for the Planning Commission meeting on April 13, 2022.*

*The proposed project is split into two phases. Phase I would be an assisted living facility. Phase II is a future project that has been included in this submittal strictly for rezoning purposes. Both Phases would be constructed on a portion of parcel 74-07-053-0026-000, which is a parcel that is owned by Eddy Development, LLC. , which is the location of the former Gearing Elementary School (200 N. Carney Drive). The parent parcel extends from N. Carney Drive to S. 9<sup>th</sup> Street. The developer is in the process of splitting approximately 9.6 acres from the parent parcel (northwest portion of the property). It should be noted that the proposed split parcel currently has a 30' wide right-of-way that causes the property to be noncontiguous. The 30' wide strip of land is currently in the process of being replatted which would make the 30' portion of right-of-way part of the proposed parcel.*

*The property is currently zoned (R-1) Single Family Residential and the surrounding properties are zoned (R-1) Single Family Residential with the exception of the parcel to the south, which is zoned (P,R) Parks & Recreation. We are proposing to conditionally rezone this parcel to (R-3) Multi-Family Residential for the proposed development. The owner requests conditional rezoning (per S.C. Ord 2022-01):*

1. Property to be used as indicated on the plans
  - a. Phase shall be used as an assisted living facility as shown on the site provided site

*Phase II shall be used as independent senior living with multiple-unit buildings. The intent is shown on the provided site plan. The final configuration to be approved by the St. Clair Planning Commission at a later date.*

*b. A 25-foot building setback (min.) shall apply to the north line of the Phase II development.*

*Four easements will need to be obtained from neighboring properties. Two of those easements will be grading easements and will need to be obtained from the property to the south that is owned by Eddy Development, LLC. The two proposed easements have been discussed with the property owner's representative and at this time they are willing to grant the easement. Another easement will be for grading and landscaping. This easement that will need to be obtained from the City along the south portion of the Orchard Street right-of-way. The final easement will need to be granted by the developer to Eddy Development, LLC. for an ingress/egress easement as the two properties will be sharing an existing drive entrance to Carney Drive.*

*The proposed assisted living facility will have a total of 70 units and 73 beds. The maximum number of employees working at the facility will be 14. Based on these figures, the total number of beds required per Section 7.2.1 of the Zoning Ordinance 63 parking spaces will be required for this facility. The developer has historical data from other facilities of similar nature that they have built that supports 50 spaces will be adequate for the facility. The data is shown below:*

- *Wentzville, Missouri Assisted Living Facility: 73 beds, 32 parking spaces*
- *Ofallon, Missouri Assisted Living Facility: 90 units, 53 parking spaces*
- *St. Peters Missouri Assisted Living Facility: 98 beds, 47 parking spaces*

*The developer would like to request a variance to require 50 parking spaces.*

*The purpose of this submittal is to obtain the following:*

1. *Planning Commission Approval (Phase I)*
2. *Conditionally rezone the parcel from R-1 to R-3 (Phase I & II)*
3. *Parking space requirement variance based on historical data from developer (Phase I)*

Dan McCartney – How are the easements coming? Is the city proposing to abandon Orchard?

Dan Brennan – We aren't asking for them to abandon it, we are asking for a landscape easement. In order to get the landscaping in there we need a little more room.

Brian Moore – Also the public water main that we would have to install for the property we thought we would just run it right down Orchard Street.

Dan McCartney – The other question that was brought up earlier was the land split. From the railroad tracks to Carney would be one split?

Dan Brennan – Yes.

Paul Wade – Have you done a wet lands delineation?

Dan Brennan – We have contracted with Amerilogic and they will be doing a wetlands delineation as soon as there is enough growth to do it but for now, we relied on historical data.

Paul Wade – The reason for that is because you are looking for a reduction in parking spaces. If that delineation goes far enough to the west, there appears to be enough room to have parking on both sides.

It states here that you will be constructing the detention basin along with Phase 1 but it would be utilized for Phase 2.

I would also want to make sure that a condition would be that there be a written agreement between your group and East China School District regarding the ingress and egress both during construction. You need to address things that might be impacted during construction as well as when you occupy the facility if the school is still open for students.

Dan Brennan – We are proposing a construction entrance that is separate from the school entrance. Also, we plan to put up a construction fence which is 8' high with screening along the southside of the site. This was an agreement we already had with Eddy Development and the school district.

Paul Wade – Once you are done with the construction, I assume that fence will come down. Are you planning to have some type of a barrier that will keep the kids from going onto this property?

Dan Brennan – In the back there will be a natural one because we will have a retaining wall due to the grade. Currently there is nothing as you move closer to the school.

Paul Wade – I just think that is something you should consider; it could be temporary until the school closes. The rest of the items I have can be addressed at site plan.

Dan McCartney – I am going to have Dave read in the conditions based on what has been discussed.

Hampton Manor (Eddy Development, LLC) has voluntarily offered the following conditions to apply for Conditional Rezoning and Special Land Use.

Paul Wade made a motion to send recommendation to City Council for approval of the conditional rezoning on changing from R1 to R-3 Multi-family Residential and Special Land Use at the location of parcel number 74-07-053-0026-000, 200 N Carney Drive with the following conditions attached:

- 1) All site plan review and variance procedures as outlined in the zoning ordinance must be followed
- 2) Approvals are obtained from any County, State, Federal and utility requirements
- 3) Approvals are obtained from the State of Michigan approvals for operating an assisted living facility
- 4) Site and construction access agreement with the East China School District is obtained.
- 5) The existing playground will be relocated.
- 6) Lot splits are approved by the City of St. Clair and St. Clair County.
- 7) Easements from the City of St. Clair, utilities, East China school district and any other entity to permit development will be obtained.

Nancy Beaudua supported. All in favor, none opposed.

Roll Call:

Mike Laporte – yes  
Steve Grates – yes  
Nancy Beaudua – yes  
Paul Wade – yes  
Dan McCartney – yes

Nancy Beaudua made a motion to adjourn the meeting, supported by Paul Wade.

Meeting Adjourned 9:10 pm.



