

CITY OF ST. CLAIR  
ZONING BOARD OF APPEALS SPECIAL MEETING  
WEDNESDAY, JANUARY 18, 2023  
ST. CLAIR CITY HALL  
547 N. CARNEY, ST. CLAIR

**CALL TO ORDER:** Chairman Jim Bier – 7:06 p.m.

**ROLL CALL:** Chairman: Jim Bier Vice Chair: Doug Glassford  
Secretary: Joann Westrick Member: Doug Vernier  
Member: Ralph Gizowski Member: Diane Ives  
Member: Burton Brooks

*Jim Bier made a motion to excuse Doug Vernier due to illness.*

**ABSENT:** Doug Vernier

**AUDIENCE:** Debbie Zimmer, Nancy Fite, Jeff Fite, Eric Roome, Rick Golder, Paul Wade,  
Stewart Hicks, Catherine Hicks, David Emerich, Laura Emerich, Eric Tuomey,  
Mark Schovers

**APPROVAL OF AGENDA:** *Doug Glassford made a motion to approve the amended agenda, supported by Joann Westrick. All in favor, none opposed.*

**APPROVAL OF MINUTES:** *Joann Westrick made a motion to approve the minutes as presented for November 16, 2022, supported by Diane Ives. All in favor, none opposed*

**ELECTION OF OFFICERS:** Jim Bier explained the process of electing officers for the Zoning Board of Appeals Commission. Jim made a motion to open up the nomination for Secretary.

*Doug Glassford made the motion to open up the nomination for Secretary, supported by Joann Westrick. All in favor, none opposed.*

*Doug Glassford made a motion to nominate Joann Westrick for Secretary. No other nominations were made.*

Roll Call:

*Jim Bier – Yes*

*Ralph Gizowski – Yes*

*Burton Brooks – Yes*

*Doug Glassford – Yes*

*Diane Ives – Yes*

*Joann Westrick – Yes*

Jim made a motion to open up the nomination for Vice Chair.

*Joann Westrick made a motion to nominate Doug Glassford for Co-Chair. No other nominations.*

Roll Call:

Jim Bier – Yes  
Ralph Gizowski – Yes  
Burton Brooks – Yes  
Doug Glassford – Yes  
Diane Ives – Yes  
Joann Westrick – Yes

Jim made a motion to open up the nomination for Chair.

*Diane Ives made a motion to nominate Jim Bier for Chair. No other nominations.*

Roll Call:

Ralph Gizowski – Yes  
Burton Brooks – Yes  
Doug Glassford – Yes  
Diane Ives – Yes  
Joann Westrick – Yes  
Jim Bier – Yes

**CORRESPONDENCE:** None

Jim Bier – Before I open the public hearing, we will have Dee give us a brief summary of the petition before us.

Dee Boulier – This piece of property has been to the Planning Commission three times: once for assisted living, then for a 51-unit apartment building and most recent, a 60-unit senior living apartment complex. The petitioner is requesting a variance for lot density per section 4.5.3.6 of the city zoning ordinance. Common Sail Development, represented today by Eric Tuomey. We had a new ordinance that was passed in 2018 that put senior apartments, senior living communities, assisted living, skilled nursing and memory care centers all in the same bracket.

What the ordinance states is that a requirement of 2000 square foot of land per bed. My calculations are 2000 square foot per one bedroom unit and 4000 square feet per two-bedroom units.

Lot size is 4.38 acres x 43,560 square feet per acre = 190,793 square feet

46 two-bedroom units @ 4000 square feet = 184,000 sf  
14 one-bedroom units @ 2000 square feet = 28,000 sf  
Total required 212,000 sf

Total Required	212,000 sf
Lot area	<u>190,793 sf</u>
Variance required	21,207 sf

Jim Bier – Thank you Dee and with that I would entertain a motion to open the public hearing.

*Doug Glassford made a motion to open the public hearing, supported by Diane Ives. All in favor none opposed.*

**PUBLIC HEARING:** 1003 Brown Street  
74-07-053-0153-001  
Section 4.5.3.6 – Senior Apartment – Lot Density

Jim Bier – Explained the process of the proceedings. Would the petitioner please approach the microphone and state you name and address.

Eric Tuomey – Representing Common Sail Development Company, LLC located at 7927 Nemco Way, Suite 120 Brighton, MI 48116. I also have Mark Schover of Spire Design Group here with me to answer any questions regarding the architecture of the building.

I would like to explain who we are and what we do before we get started into explaining the project. Common Sail Investment Group, who is the holding company of this development company, are traditional operators and developers of market rate senior housing across the Midwest. We have approximately 104 properties spanning independent living, assisted living and memory care. We also have a health and wellness business so we provide duty care, health and wellness, nursing services as well as a pharmacy business.

About 2 years ago Common Sail purchased a company called O’Brian Construction. O’Brian is a general contractor specific to multi-family construction. Common Sail, as a development company, because of the general contractor being full service in nature not only do they do traditional market rate senior, we also do market rate multi-family as well as this brand that we are calling essential senior living.

What we are proposing is a 55+ rural independent living. Our typical product rents at an independent living facility for \$3,200 per month to \$3,500 per month. That is generally unaffordable for many individuals whether it’s in St Clair, the state of Michigan or anywhere in the United States. What we are proposing to do is to make a total investment of approximately \$18,000,000 and build 60 units comprising of 14 one-bedroom and 46 two-bedroom units.

The site, as you know, has been previously approved for what was one an assisted living and memory care, the project commenced construction on the underground work as a result of Covid the project was put on hold. The seller abandoned the project then he partnered with another individual to build a straight multi-family development. This project was approved for 51 units. At this point, given where the capital markets are, as a result of inflation, it’s become increasingly difficult to finance straight multi-family. We are at the point where they have come to us and we have a solution to figure out, from the sellers perspective, how to build on this site.

We believe doing this independent living, age restricted, what we are calling essential senior living at rates that are affordable to the senior population. We are asking the city for a density increase from 51 units to 60 units, which Dee mentioned is a 21,000 square foot increase. We are doing this all in the confines of maintaining the existing building footprint. Particularly the exterior, there is a change with respect to the interior and the interior courtyard. The unit size of each apartment meets the zoning ordinance requirement.

Ralph Gizowski – I believe there are wetlands on that property; has that been protected?

Eric Tuomey – The wetlands have been approved via EAGLE for the wetland mitigation permit on the site.

Ralph Gizowski – The previous owner had this land, and someone else who had property adjacent to this was going to sell it to them, did that go through? If he had purchased that property, I don't believe that you would have had to come to the ZBA. I am assuming that didn't go through.

Dee Boulier – Nothing has been sold.

Jim Bier – All I can say is that the site plan we are looking at now is the site plan that had been previously approved for building of the same foot print. The changes that he referred to, the dog park, the parking, the dumpster location, were tweaks that were done in discussion with the planning commission. The footprint is identical, the site plan is identical intentionally so that there would be a minimal need for a variance. And the variance request that is being sought tonight is based upon the number of units changing.

Ralph Gizowski – The third question I have is if you don't get this variance tonight, because the only reason you wanted to increase the number of units is profit, if you have to change the unit counts what is your profitability at that point? I see developers coming in to this city, going through the motions, saying what they want, to these committees just to get what they are wanting and then they leave. What is left is the rest of the population in the city has to just put up with it. So, my question again is, if you don't get these extra nine units what will it do to your profit.

Eric Tuomey – In the construct of how you finance this deal, it's not on the cash flow basis. We make very little on the cash flow. The money to be made is on developer fees. I will be as honest as I can because all of this is regulated by the federal and state government.

Ralph Gizowski – So this could become affordable housing if they don't do it?

Dee Boulier – You would be better off to let him explain the whole deal. This is a 45-year deal with the government. And it is 55+ with a stipulation on income bracket. That threshold you can't go over or you can't get in.

Jim Bier – Ok guys, let me direct. These questions have come up and I know Eric is very well prepared to give more detail.

Eric Tuomey – The way this is financed is through tax credits issued through the State of Michigan through Section 42 of the IRS code which was established in 1986. It is not federal money, in a sense that the federal government are coming in and giving us dollars. This is a tax credit that a bank typically purchases as the investor to offset their income tax liabilities. There is an economic component for the tax credit investor. There is a Community Reinvestment Act at the federal level that applies to banks to lend for projects that are not their traditional market rate projects. In this situation it satisfies their CRA requirements.

*(Eric Tuomey went on to explain the tax credit process and the income based affordable rates for seniors.)*

We are trying to provide housing at an affordable rate for moderately income seniors. This allows them to age out of their homes in the community where they are from. We want to provide quality housing

that is well operated and maintains affordability for 45 years and that is a fact. We have to maintain that compliance.

Ralph Gizowski – If you don't get the extra nine units what does that do to your bottom line? Will you still get the credits from the federal government?

Eric Tuomey – No. We would not score on the government scale without the extra units. This is based on the number of units in the building and how much it costs to build. At 51 units we are not competitive. If we don't get the nine units today, we won't do this development.

Jim Bier – Another question is what is your long term relationship with the project?

Eric Tuomey – Our relationship long term with this project is that we will be in this for a minimum of 15 years. We have to maintain the compliance for 15 years. We do hire a third-party property management company that comes into the project. They are professional property managers and they have to maintain all of the state housing requirements. As the developer, and a sponsor of the deal, if we are ever out of compliance in that 15 year period as it relates to the people we are serving, we have to pay that tax credit investor for the value of the tax credits.

*(Eric went on to explain the year 16 – 45 what happens with the financing)*

I would like to talk about the benefits of this project. In the City's Master Plan, it shows a need for this. MISHDA did this in a whole statewide housing assessment. In the eyes of MISHDA this area is considered rural. Rural senior housing is something that the State, from a policy perspective, sees as a need. I think within your own Master Plan you see it as a need as well. Twenty-six percent of the current population is between 60 and 80 years old. The county is at 25% of population is made up of the same demographics. In your Master Plan it states that in St Clair County between 2015 and 2045 there will be an increase of 68% between 65 and 84 years of age. There is a need for this and we are asking for the opportunity to satisfy this need for your growing and aging community.

Mark Schovers – Spire Design Group, 115 E 4<sup>th</sup> Street Rochester, MI. I think Eric touched on a lot of things and I just want to re-emphasize that we are maintaining the outer limits of the building. With the MISHDA requirements there are things that we need to provide within the building. We have put in a lounge space, quiet reading rooms, flex space rooms all of which are open to the public. We also reduced the parking so the rain water run off is reduced which gives us more green space for the dog park and more green space around the building.

Nancy Fite – 822 Jordan Creek Drive. We are part of the Jordan Creek Condominium Association. We are glad that you are having the meeting tonight so that we could understand. We have been dealing with the disaster there for three years now. We understood the first year because of the pandemic but this has not been a pleasant living situation for the 16 families that live in our development. We have had building materials left unsecured on the lot, we had fencing that blew down and almost damaged peoples cars. I have had to file blight complaints with the city to just get people to come out and cut the grass to an acceptable height. I am hoping for a good resolution to the situation that we are facing.

A couple of things that I would like to ask about is, if you are familiar with our community, our parking is already very limited. We basically have two thin lanes where you pull into Jordan Creek. In our condos we have a one car garage additional parking outside and then only one side of Jordan Creek where we can park because of a fire lane. The neighbor did sell a small strip of land to the previous people because

they needed that access so I am a little concerned about flow of traffic in and out with the sixty units. Originally, we had heard that they were going to be mandated to have two entrances or exits, is that true? Will the flow that goes in and out of that development be appropriate? Obviously we want to be neighborly to those that move in but we already have a very limited parking and traffic situation.

Jim Bier – The request that we have in front of us tonight is a variance request based on lot density. The questions that you are asking are really based on the site plan approval process and not to what is happening here tonight. With that said, Dee can you respond to her concerns.

Dee Boulter – To my knowledge this has always been one entrance, ingress and egress. As you know the original owner would have had access to Jordan Creek Drive but they decided that with assisted senior living they wanted their own ingress and egress. That is why they bought the forty (40) feet. It will be paved and landscaped. As far as traffic, it will be very minimal.

Eric Tuomey – We did reduce the amount of parking spaces onsite plus a transit van. The van will be open to the broader public for seniors. We will improve that drive and it will be the only drive to that site.

Ralph Gizowski – You said that you reduced the parking down to ninety from 109. If you have 60 units and each unit has two cars that is 120 spaces.

Eric Tuomey – Typically in our market rate properties there is about .65 cars per unit so the likely hood is that there will be people who are no longer driving. We do feel that the parking of 90 to 60 units is appropriate.

Dee Boulter – According to the Ordinance for senior apartments they only needed 60 parking spaces.

Jim Bier – I agree with what you are saying and if this would have been an issue we would be looking at another variance. The parking is within or exceeding the minimum. Did that answer your question?

Nancy Fite – Yes. My final question would be if this project moves ahead, what kind of timeline does something like this take? Like I said, for our community, next month will be three years.

Eric Tuomey – The timeline associated with this project is that we would submit our application to MISHDA on April 3, 2023. Likelihood if we are awarded on the project we would commence in Q2 – 2024 to finish full design.

Catherine Hicks – 946 Baird Street. We did not receive a letter for this second approval for these apartments so I don't know if there was anything that was changed on the drawing or the blueprint of the parking lot and the building from the 1<sup>st</sup> approval to the 2<sup>nd</sup> approval.

When I went into the office, I had noticed a couple of things that we were promised on the 1<sup>st</sup> senior assisted living and it had to do with the barriers on the perimeter of the property. We live, which would be in back of this proposed senior housing. I saw no barriers and the parking went right up to our property line and the dumpster was located on the back corner right by our house. I was wondering, and was told, with the previous owners that they were going to put up a cement wall. Then I was called and asked if they could use part of our property for landscaping so I don't know what this new blueprint looks like or if anything has changed on it. There were no barriers on the original drawings, they said it was going to be a beautiful landscaped barrier.

Mark Schovers – Where the dumpster is we have a berm and a landscape buffer as per the Ordinance between our parking and a single family resident. There will be a tree every 20 feet with a five shrubs in between them all sitting on a 4' high berm. We will maintain this buffer to block any headlights year-round.

Ralph Gizowski – Not only the berm, I understand that. When they come and get the garbage out of the dumpster it is usually between 4 and 6 in the morning. In the summertime if you have your windows open, they pick the dumpster up to dump and then you hear a big boom. I hear it during the summer all of the time.

Mark Schovers – We have moved the dumpster a little because we reduced the parking and have turned a lot of this into grass.

Jim Bier – Again, we have to stay focused on the variance request in front of us tonight.

Catherine Hicks – There was also another question, where the current Jordan Creek driveway went in, on the original plan there was an apron that came out so that traffic could bypass which went onto the Jordan Creek property. Is that shown on this plan?

Mark Schovers – That is gone. We will only be using the easement agreement that these two properties have.

Eric Tuomey – If I can address Nancy's question, the senior apartments will not be using the Jordan Creek Condo driveway. There will be two separate drives.

Laura Emerich – 1011 Brown Street. My question is squeezing nine more apartments in doesn't that cause a fire hazard or other emergency hazards?

Eric Tuomey – We analyzed the building when we went through the exercise of fire egress. The travel distances are good. This will be a fire suppressed building so they are very safe buildings.

Dee Boulier – They are within the unit size per building.

Eric Roome – 998 Highland Drive. The question I have is in your point scoring, I know we would fall short without the variance, but are there other areas that you could improve your point scoring without getting the variance? If you didn't get it are there other areas you're not hitting so that you could still hit the 94 if you improved other points without getting this variance?

Eric Tuomey – To be frank with you, I would prefer to be here with 51 units and not have to go through the additional steps of getting this done. Unfortunately, when we scrubbed this, going back through the scoring, we are doing everything that we possibly can to hit the points.

Eric Roome – I was just doing quick math and you had mentioned the projected income of people who live there and so if it is \$1,200 per month, for many of them it is 50% of their income.

Eric Tuomey – They have to make a certain amount of money to qualify to live there.

I know this isn't part of the variance but I can try to explain. The Housing Urban Development has based this on looking at a percentage of the medium income for specific areas where we are building these developments. They publish this every single year; it can change every year up or down and correspondingly this sets the rents and we have to adjust to what they have determined the rent to be.

Jim Bier – Thank you everyone. If there are no further questions I would entertain a motion to close the public hearing.

*(Doug Glassford made a motion to close the public hearing, supported by Joann Westrick. All in favor, none opposed)*

Jim Bier – I would like to add that this is a unique opportunity for the city. I was aware of this project, there was a lot of footwork that was done to determine that this is a project that city council and the city might be interested in. I think it is a unique program and it offers some benefits to the city.

Burton Brooks – What is your timeline once you get going to completion?

Eric Tuomey – Twelve to fourteen months completion and then about 6 months to get everything leased out.

Finding of Fact:

Burton Brooks – After all of the city planning and the commission approvals as well as the presentation that Eric gave I am happy to approve this variance. I live near the area and am looking forward to seeing the improvements to the property and having a place for senior living in this community.

Diane Ives – It sounds like you have taken into consideration green space. The other options had more parking and most likely more traffic. You have done the study which shows this is needed in our community and I certainly think this allows seniors to stay in their community. It sounds like a lovely option.

Doug Glassford – Thank you for doing your due diligence. This fills a need that the community has, obviously there is nothing like this.

Joann Westrick – I would just echo everything everyone has said. I appreciate the background of the project because when you get a packet that just states the variance of 21,000 square feet, in your mind you have an idea, but having the full picture and you taking the time to explain it I really appreciate it.

Ralph Gizowski – Thanks for answering my questions, I really appreciate that. I am on the fence because there is so much construction that is going on within a square mile of where this will be. We have apartments going in off of Adams; Gearing Elementary is going to be an assisted living with condos; then we have housing going on Carney. I live just off of Carney in a sub and it is very difficult to get in and out of my sub, that's what I am on the fence about. I get what you are doing, it looks like you have done your homework. I really don't see the neighbors up in arms trying to convince us that they are opposed to it. I appreciate what you guys have done.

Jim Bier – I see this as a unique opportunity for our city to fill a gap in the services that are offered for residents to be able to stay in our community as they age out. The benefits are there for these seniors. Taking advantage of the tax credit program and applying it to this property, that may sit vacant and



blighted if this process isn't utilized in order to develop it which offers no benefit to our community. To me this comes out as a win/win. I think the variance is justified. With that being said I would entertain a motion on the variance presented.

*Doug Glassford made a motion to approve the request for a variance of Section 4.5.3.2a – Lot Density for property located at 1003 Brown Street, 74-07-053-0153-001 to a variance of 21,207 square feet. Supported by Burton Brooks.*

Roll Call

*Jim Bier – Yes*

*Doug Glassford – Yes*

*Joann Westrick – Yes*

*Diane Ives – Yes*

*Burton Brooks – Yes*

*Ralph Gizowski – No*

Jim Bier – Motion carries, you have 6 months to get started. Thank you everyone for coming. Thank you for your input. If there is nothing else, I would entertain a motion to adjourn.

*Doug Glassford made a motion to adjourn, supported by Joann Westrick. All in favor, none opposed.*

Meeting adjourned at 8:05 p.m.