

MINUTES

- I. *The City of Buchanan Planning Commission, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a Planning Commission meeting to be held in the Chamber of City Hall.*
- II. ** Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at rmurphy@cityofbuchanan.com*
- * Buchanan City will provide necessary and reasonable auxiliary aide and services to those individuals with disabilities who wish to attend the public meeting upon receiving at least one (1) week’s prior notice. Any such individual requiring such aids or services should contact the city in writing or by telephoning: Buchanan City Clerk; 302 North Redbud Trail, Buchanan, MI 49107, 269-695-3844.*

III. PUBLIC HEARING**A. Call to Order**

Barker called the public hearing meeting to order at 6:23pm.

B. Roll Call

Present: Kevin Barker, Richard Martin, Ralph McDonald, Sean Denison, Tony Houser

Absent: None.

There is a quorum.

City Staff: City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Administrative Assistant, Emma Lysy

C. Opening of Hearing and Statement of Purpose of the Hearing – The purpose of the Public Hearing is for the Plan Commission to consider an application for a zoning amendment of the Buchanan zoning ordinance initiated by the Plan Commission to amend the zoning of 208 Days Ave from R-1A Residential to C-3 Central Business District.

D. Announcement of the Rules of the Hearing**E. Presentation by the Applicant- Rich Murphy**

Background on the Historic Livery Project and Reason for Proposed Zoning Amendment: We have been working with a developer over the last year to redevelop a boutique hotel and the historic livery site at 206 Days Ave. It was our first taxi service building in Buchanan that brought people from the train to downtown. In a very strategic location within the central business district and next to the Common. We’ve been working with senior leadership at MEDC (Michigan Economic Development Corporation) to apply for a community revitalization program grant. Attempting to leverage more than \$1 million of grant funds for development of the livery project. We maintain regular status calls with MEDC to stay on path until we present to their board in December. Tonight, you will see a site plan proposal and hear an application for the rezoning of 208 Days Ave, the house next to 206. Both properties are currently under contract. Zoning and site plan approval for 206 is crucial to the project. MEDC has been clear they want zoning to be wrapped up and if we report at the next status call those are completed, we gain serious consideration for funding. We recommend pulling 208 into the central business district to anchor the redevelopment project. Additionally, it will bring life to an abandoned historical building, promote preservation, create jobs, and a long-term tax base. We are a small town,

and we don't have high traffic counts. We have the opportunity to make day trippers into overnights where they spend 4-5x more per capita.

Zoning Amendment Process: The zoning ordinance allows the Planning Commission to initiate a rezoning amendment. Tonight, we are hearing a site plan review and zoning amendment. Site plan review approval is under the purview of the Planning Commission. For the zoning amendment the Planning Commission's purview is to make a recommendation supported by findings, which is brought to the City Commission for ratification.

Additionally, on the 208 Days Ave zoning amendment, I've been in touch with the property owner under contract for the purchase of the building, Vincent Isabell. He wanted to share this message; "I am the current owner of 208 Days Ave I have an executed purchase agreement for the sale of my property to the developer of the historic Livery project, I am in support of the historic Livery project and the rezoning of my property from R-1A to C-3."

F. Presentation by the Support

Patrick Swem, 433 Moccasin St – For the record I'm part of the development group with 206 Days Ave and subsequently 208 Days Ave under contract. The acquisition of 206 is strategic to the overall project. As you'll see in the site plan it's our option for overnight parking for our guests. It's a milestone for us with the MEDC, if we are not able to get the zoning amendment it would effectively stop our project. We are in the due diligence phase having received a letter of intent from the MEDC. The MEDC has already reviewed the project's financials, projections, feasibility, and construction components.

G. Presentation by the Opposition

Matthew Pleasant, 210 Days Ave – Not so much an opposition but for clarity, I own the property next to the project 210 Days Ave. Vincent's property that's being torn down and rezoned I am all for, but being right next to it I just want to make sure the city will ensure some kind of privacy fencing or landscaping will be put up along the property edge.

Barker – In the current zoning ordinance, there is a minimum screening requirement – 6ft high – for residential adjacent properties.

Joan McGuire 211 Days Ave: I have lived here for almost 50 years, I'm not against anything it's just a surprise. Not sure how to feel and already know the difference in traffic on our corner. A neighbor who's been there for 60 years is nervous about what this will do to the value of their property, and if it brings more 24hr/7 days a week traffic. Change is good but it makes us nervous because we aren't informed, and it'll affect individuals that have been there a long time. I'm not against it but have concerns and just want to feel comfortable with it.

H. Applicant's Rebuttal

Murphy – I think those are all very reasonable concerns, I would like to maintain open conversations with the neighbors so there aren't surprises, concerns or uncertainty. I think property values will go up and not down because of this project. A vacant structure that becomes a redeveloped experience will be an overall improvement.

Swem – We want to be good neighbors and we want to work with you, nobody wants to squeeze anyone out. I love this community and would hate to tarnish that. Our goal is to make it a positive experience for our future guests and neighborhood as a whole.

I. Closing of Hearing

Seeing no further comments, the Public Hearing closed at 6:45pm.

IV. Special Meeting - Call to Order

Barker calls the special meeting to order at 6:45pm.

V. Pledge of Allegiance

Barker led in the pledge of allegiance.

VI. Roll Call

Present: Barker, Martin, McDonald, Denison, Houser

Still maintain a quorum.

VII. Approve Agenda

The commission discusses including something on behalf of Jason Leitz and agrees to amend the agenda to include a recognition and moment of silence following Item *VII. Approve Agenda*.

Motion made by Denison, supported by Houser to approve the amended agenda. Voice vote carries unanimously.

VIII. Recognition

A moment of silence in recognition of Jason Leitz is taken.

IX. Public Comments – Agenda Items

None.

X. Approve Minutes

A. Consider approving the Regular Meeting Minutes from August 15, 2023

MacDonald noted there was verbiage under Item *IX.A.1. Building Renovations* about ‘hosing off the street’ and believed it was supposed to be closing off the street.

Houser noted under Item *X.A. Discussion on the Zoning Update Project* that ‘NEDC’ should be ‘MEDC.’

Motion made by Martin, supported by Houser to approve the amended minutes. Voice vote carries unanimously.

XI. Old Business

A. Biggby final site plan- *Consider final site plan approval for the BIGGBY project at 411 N. Redbud Trail*

Background: Murphy – Josh the developer and his Architect Jim Furkis were here for preliminary site review Aug 15th. Main issue was drainage, we have worked out a drainage plan acceptable to DPW director Mike Baker. The plan is to install four large drains in the existing area where the old drain was. Proposing a new method for treating storm water, which involves the percolation of water collected in a French drain system. This would more than match the capacity of water needed for the property.

Site Plan: Murphy – Typically in other site plan reviews the planning commission has given site plan approval contingent on some of the drainage details being worked out. Final approval will be given by the City, DPW director Mike Baker, City Manager Ben Eldridge, and myself. Developers are anxious to move forward and get the building permit to begin construction.

Josh – Changed the location of the dumpster to the other side and were talking about blocking off that drive to the road and put a curb there if we could and put employee parking over there to keep it out of the way of drive through traffic if we could.

Discussion – Addressed the potential issue concerning where the cars parked off 5th Street can back out safely. Under our zoning ordinance, you're not supposed to have parking where it requires you to back out onto a public road.

Solution: Barker – First we will give them the option to make a backout space 12ft wide to the property line in front of the dumpster by moving the curb 3ft so vehicles back out within the property domain. If this disrupts the drive through window approach then the second option will be to remove the curbs.

Motion made by Houser, supported by Martin with the revision of the parking as stated by Barker to approve the final site plan for the BIGGBY project at 411 N. Redbud Trail.

Roll call vote carries unanimously.

XII. New Business

A. Design Review Committee- *Minutes and Recommendation for Mural at Cannavista, 120 E. Front St.*

Chairmen of the Design Review Committee, Chris Brayak – The intent of the DRC is to preserve the character of the city, we try not to paint buildings that haven't been painted. When this project started it did not go to the DRC first, it was reported and we had an emergency meeting. When you look at the design requirements for the city and the Secretary of the Interior, this painting should not have happened. This is not to say the painting is good or bad, but it should have come to us first. We put the recommendation out to decline or not approve the project, it will be up to the Planning Commission.

Murphy – We received calls from downtown tenants September 7th about the mural on Cannavista's façade. We notified the owner of the zoning amendment approved in 2007, and highlighted the language; "Prior to any exterior aesthetic or cosmetic alteration (siding, paint, windows, or any exterior work that does not require a building permit) on any building located in the C-3 Central Business District, the building owner or occupant must obtain a Zoning Compliance Permit from the Zoning Administrator... Failure to comply with the Downtown Design Standards will result in rejection of the applicant's plan and any alteration will be prohibited" (direct from Buchanan's Zoning Ordinance *Article XI Section 11.04 A*). Since Sept 7th, we directed the property owner to the design review process. We scheduled a design review meeting Sept 14th with this on the agenda, but nobody showed up.

Denison – Can the design review explain why they voted against it?

Brayak – In the Secretary of the Interiors ordinance it says you cannot paint brick that hasn't been painted, this brick has not been painted. Also, the drawing they presented has a written note on the side that reads, "where to put the Cannavista logo," so this mural may fall under the sign ordinance.

Chris Stackowicz – I'm the artist who designed this project and worked with Rick. We wanted to find a place that would not fall under historic preservation. The back of the building had been previously painted (under the red there was grey, then black, and then white) and the tuck pointing was so excessive we thought the back of the building would be ideal. The note about the logo was referring to the sign, there was never any intention of putting the logo on the mural. My job is to create a positive culture in back corridors and unlit areas of towns. We met with several individuals during the planning and never once, until Ben told me, did I know I needed to go to the design review. If Rick received that information, he was in Iceland and was not aware. I had no clue about the Sept 14th meeting. We spoke with Ben and came to the Aug 15th meeting where I introduced myself and everyone said they were excited. I told them I planned to start painting Sept 5th and even the mayor said it was great, go for it. As far as I understood I didn't need to go anywhere else. I began the project Sept 5th. Ten days into the project a police car shows up with Ben and two officers. I had no clue that I was doing anything wrong.

I emailed the commissioners and asked if someone could tell me what statute I am violating, what the penalty is, can someone provide a cease and desist. I was not provided the statute or received any response. Rick came back and spoke with people, he said since the top corner is almost done to go ahead and finish. Police came three days later with flashing lights and sirens. They told me I had to stop as if I am doing something criminal when I haven't been provided what I am doing wrong. I was told again by Rick that he spoke with Rich and to go ahead and finish, so I did. I finished and we sprayed the back of the building with a product, Loxon XP, specifically designed for deteriorating brick. If I had known I would never have started this.

Murphy – I don't believe I have met Chris before, our attempts were to redirect the building owner to the proper process, not try to chase his subcontractors around.

Barker – It's not your responsibility Chris it's really the building owner who hired you to go through the process. I don't think we should expect you to know the rules, the owner has been through them before. That being said, what we are looking at here is a discussion. Three members of the design review committee are here, and Peter Lysy who we always like to have an opinion from.

Denison – It's unfair that you have to sit here and take the brunt because Rick knew and told myself, Rich, and Ben that he would stop working and go through proper channels. That's why there's a little frustration here. How much of the Mill alley wall has been painted the French Grey? Do you know what the plan is for the windows they have covered with wood?

Stackowicz – I believe the masons did a 10ft by 15ft test sample. I believe the plan is to spray the whole building that classic French Grey and then put the windows back in.

Denison – Maybe we need to increase the amount of fines, I think its currently \$100 but it's vague. I think it should be \$2,500.

Barker – It's all been ignored, maybe ask Rick to have the paint that's been put on the lower level and the alley side removed. Back to its original and then come back to the committee for approval.

Lysy – The lower brick was done in 1967, 56 years ago, and the design review considers 25-year-old brick to be historic.

Seeing as the Design Review Committee has not approved this project, McDonald motions to have the paint removed from the lower-level South facing brick and on the alley side West facing brick. The mural remains for now, subject to review by the City Commission. The motion, supported by Denison is moved to a roll call vote.

Yea: McDonald, Barker, Denison

Nay:

Abstain: Martin, Houser

Motion does not carry; you need four votes.

B. Consider Resolution 2023.09/01- A Resolution for the City of Buchanan Plan Commission to initiate an application for a Zoning Amendment at 208 Days Ave. from R1A Residential to C-3 Central Business District.

Murphy – The Planning Commission is the entity per the zoning ordinance that can initiate a request for special zoning. I wanted to make sure there were findings supporting the process and open up the application process. The Commission isn't deciding, just initiating the application process for rezoning.

Motion made by Houser, supported by Denison to approve Resolution 2023.09/01. After support there is a question as to the historical value of the house.

Lysy – The Preservation Society talked about the rezoning and we are okay with it. We observe that Buchanan needs housing so it's a shame to lose a house. There are empty lots on Days Ave and we would like it if the investors would contemplate moving the house instead of tearing it down. It's a decent house, if the investors are paying to buy it and to tear it down, you could invest in moving it which spares the cost of demolition and then you can sell the house.

Murphy – The investors have said yes, they will look at the possibility of moving the house.

Seeing no more discussion, the motion is moved to a roll call vote.

Yea: Houser, Martin, McDonald, Denison

Nay:

Abstain: Barker

Motion carries.

C. Livery Boutique Hotel-*Consider site plan approval for the Historic Livery Boutique Hotel Project, 206-208 Days Ave.*

Murphy – This is a preliminary approval. The intent again is to have preliminary site plan and rezoning approval for our next status call with MEDC, making Buchanan the favorite for the grant. If the plan fell through, the property would be rezoned back to residential.

Missing Site Plan Information – Lighting Plan, Dumpster Enclosure, Drainage Plan (in process – Swem is working with county drain commission), Screening Plan, Head parking/winter accessible parking, Parking Setbacks (no change to existing structure but need to look at that), Utilities (water, sewage, gas, electric), neighboring zoning needs to be listed, Building Elevations, Landscaping Plan, Tree Plan (two large maples), Paving Specifications, Curb Details, Turning Radii

Houser motions, supported by Denison to approve the preliminary plan contingent upon the information listed.

Yea: Martin, McDonald, Denison, Houser

Nay:

Abstain: Barker

Roll call vote carries.

D. Zoning Amendment - *Consider recommending to the City Commission to approve the Zoning Amendment of 208 Days Ave. from R1A to C-3 Central Business District and adopt the finding of facts to support.*

Murphy – The strongest argument is that the Livery likely can't develop without this property. MEDC likes this project because it's a historic building coming back to life, promising economics, placemaking, it's next to a curated concert venue, and on the main drag of a great small town. It will stimulate investment. Consider recommending to the City Commission to approve the Zoning Amendment of 208 Days Ave as proposed. I would ask you to attach the findings of fact outlined in this meeting to that motion which supports the recommendation.

Barker – I currently own the building and it was never intended to be a bed and breakfast. They're following the plan I had with 9 guest rooms on the second floor and the first floor being commercial

which follows under the C-3 business concept. A bed and breakfast is where a resident lives onsite and this doesn't fall under that it falls under the building code, that's considered a hotel. It is mixed use because under the C-3 business district you can't have residential on the first floor.

Motion made by Houser, supported by McDonald to recommend to the City Commission to approve the Zoning Amendment of 208 Days Ave from R1A to C-3 Central Business District and adopt the finding of facts to support.

Yea: Martin, McDonald, Denison, Houser

Nay:

Abstain: Barker

Roll call vote carries.

E. Appointments

1) Consider recommending Emma Lysy to serve on the Plan Commission.

The charter states that City employees are prohibited from being on the Plan Commission.

XIII. Public Comment - Non-Agenda Items Only

None.

XIV. Community Development Director Comments

XV. Commissioner Comments

Barker – I'm the acting Commissioner as I was previously Vice-Chair and I just want to say it is a horrible loss. I hope the City does something special in his honor. He authored the current zoning ordinance and knew it better than anyone. Jason is going to be really missed.

Denison – Jason is going to be impossible to replace. He joined the Plan Commission in 1998. Peter thank you for coming to share. Emma I'm sorry, we were looking forward to having you.

McDonald – Again with Jason, it's a colossal loss for our board, City, and community. Secondly, Rich was kind enough to make copies of our minutes from the last trail meeting. We did not have a quorum, so we didn't take any action. So review them and if you have questions, please reach out.

XVI. Adjournment

Motion made by Barker, supported unanimously by voice vote to adjourn the meeting at 8:01pm.

Kalla Langston, City Clerk