



**MEETING MINUTES  
Cadillac Zoning Board of Appeals  
5:30 P.M.  
March 21, 2019**

**CONVENE MEETING**

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on March 21, 2019.

**ROLL CALL**

MEMBERS PRESENT: Nichols, Genzink, Ault, Walkley, and Knight  
MEMBER ABSENT: Bontrager, Paveglio  
STAFF PRESENT: Coy

**APPROVAL OF MEETING AGENDA**

Motion by Knight to approve the March 21, 2019 agenda. Supported by Ault. The motion was unanimously approved on a roll call vote.

**APPROVE THE NOVEMBER 15, 2018 MEETING MINUTES**

Motion by Genzink to approve the November 15, 2018 meeting minutes as presented. Support by Walkley. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy. Using a power-point presentation Coy went through the staff report prepared for this public hearing.

**PUBLIC HEARINGS**

A Variance Application from PS Equities, Inc. 1302 S. Mission Rd., Mt. Pleasant, MI 48858 for the properties located between 820 S. Mitchell and 902 S. Mitchell Street. There are seven separate lots which the applicant plans to combine into one site for the construction of senior independent living apartments. The applicant is asking for a variance to cover up to 30 percent of the site with covered structures including the apartment building, carports, and a small storage shed.

Phillip Seybert, President of PS Equities attended this meeting and was available to answer questions and explain the project.

Using a power point he showed pictures of PS Equities senior apartment complex in Clare which is named Clare Castle. The proposed apartments are for independent living seniors over 55 years old.

The site is calculated at 59,207 square feet (1.36 acres) by the applicant's surveyor. The property is zoned B-3 General Business which allows for up to 25 percent of coverage with

structures and not need a variance. The new concept for the site is a smaller apartment building than presented in September of 2018. The downsized apartment building is 10,138 square feet which will take up 17.1 percent of the total site. He added that with this smaller apartment building the developer would be able to include 22 carports without needing a variance.

Coy explained that the property site is abutted to the south and north by properties zoned B-3 General Business. The properties across Mitchell Street to the east are also zoned B-3. The properties to the west across Aspen Street are zoned RM-2 Multi-family residential. He added that in the RM-2 district structures can cover up to 35 percent of the underlying site and not need a variance. The Cadillac Castle site will be a through lot from Mitchell Street to Aspen providing vehicle access from both streets.

Coy read the standard in Section 46.69(2) from the City Code of Ordinances that reads “To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.”

**Finding -**

Next Coy went over the standards in Section 46-69(4) of the Cadillac City Code. He added that the findings are in the opinion of staff. The standards state that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

**Standard** – *The variance will not impair an adequate supply of light and air to adjacent property.*

**Finding** – “The requested variance is not anticipated to impair an adequate supply of light and air to adjacent properties.”

**Standard** - *The requested variance will not unreasonably increase congestion in public streets.*

**Finding** – “The variance request will have a slight impact on traffic volumes. The MDOT traffic study of South Mitchell Street recorded 14,851 vehicles in a 24 hour period. The site will be a through lot west from Mitchell Street to Aspen Street. It is anticipated that residents wishing to travel north on Mitchell Street will use the Aspen Street access and travel up to South Street, then able to use the traffic light onto Mitchell Street.” Coy added that the traffic volumes into the apartments will be less than that of current neighboring businesses.

**Standard** – *The requested variance will not increase the danger of fire or endanger the public safety.*

**Finding** – “The requested variance is not anticipated to increase the danger of fire or endanger the public safety. Coy referenced the letter from the Fire Marshal that was included with the staff

report the ZBA received.” He added that the access to Cadillac Castle from both Aspen and S. Mitchell Streets is something our Fire Marshal strongly supports.

**Standard** – *The requested variance will not unreasonably diminish or impair established property values within the surrounding area.*

**Finding** – “Staff feels the requested variance will increase surrounding property values.” Two neighboring businesses who submitted letters of support for the project have mentioned increasing property values as a benefit to the South Mitchell Street business district.

**Standard** – *The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.*

**Finding** – “The requested variance is not anticipated to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.”

Coy spoke about other multiple-family developments which also take up more than 30 percent of the site with structures. He showed a picture of Marina Shores Condominiums which are a couple blocks from the proposed Cadillac Castle site. Marina Shores including their garages cover greater than 33 percent of the site’s square footage. He added that the apartments and condominiums at 301 N. Lake Street with their garages cover approximately 43 percent of the site with structures.

Coy brought up that the low profile of the carports will have less of a visual impact including lighting than the canopies covering fuel pumps at the Shell, Admiral, and PBS convenience stores.

Coy lastly added that this ZBA approved up to a 42 percent lot coverage in 2018 for the redevelopment of the new Ace Hardware site which is in a B-3 District.

### **PUBLIC NOTICES**

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site 15 days prior to this meeting as was a notice placed in the Cadillac News. It was also posted on the City Website.

Coy mentioned the two letters of support from surrounding business property owners that were included in the ZBA packets. He also said that they’ve received inquiries from people asking questions about the senior apartments. The inquiries relate to items such as when will they be built, the cost to rent, and the age requirements for this senior housing development. Coy spoke with the contact person Mr. Seybert gave the city last fall who is taking calls from interested seniors. She told Coy they have a list of 32 names to contact when more information is available about the project.

Coy added that (Darrell Isch) who lives across Aspen Street from the site contacted him this afternoon. Darrell is also a landlord with rental homes on Aspen Street. He opposes the project.

Coy concluded his presentation with “based on a finding of compliance or non-compliance with the standards of the ordinance, the Board shall approve, approve with conditions, or deny the

variance application.” Reasonable conditions may be attached to an approval in-order to achieve compliance with the standards of the ordinance.

### **PUBLIC COMMENTS RELATED TO THIS APPLICATION**

Nichols asked Mr Seybert if he wished to speak. Seybert spoke about his history in affordable housing development and the proposed Cadillac Castle senior independent living apartments for persons over 55 years in age. Coy had a picture of Clare Castle on the over-head screens. Seybert said the Cadillac Castle project will have a similar look to the picture shown. In the new design he has shrunk the footprint. There are no setback issues with the new design and with the smaller footprint there are 51 parking spaces which is ample for residents and guests.

Seybert mentioned his first application to the Michigan State Housing Development Authority (MSHDA) submitted October 1, 2018. He added that the market study done for the MSHDA recommended fewer than the 46 apartment units his plan had in it. He disagrees with their study and mentioned that the person who did the study lives in Atlanta, Georgia and has never visited Cadillac. He also said that the MSHDA report did recommend carports for the senior apartments.

His new application to the MSHDA is due April 1, 2019 and there are no guarantees he will be successful in qualifying for the program this time either. He mentioned that in the September of 2018 ZBA Variance Application he withdrew the carports to avoid the need for a coverage variance. With the small footprint of the new concept he now wishes to include a carport for each of the 37 units. He added that the typical age of the tenants at his other apartments average in age from 68 to 75 years. These seniors do not wish to scrape ice off their windshields in the winter.

Ault asked if all the parking spaces will be covered. Seybert answered no and the parking spaces in the front of the building are not covered. He likes to keep the front of his buildings open to view. These parking spots included handicap parking spaces.

Knight asked about lighting and will they be recessed? Seybert said the carports will have a recessed light fixture for each of the carports for night time safety along with the planned light poles. He still believes that with the walkability and having shopping nearby is important and will make the application to the MSHDA attractive other.

Seybert added that other commercial uses for this site may have a negative impact on traffic and the neighbors. He specifically mentioned that a fast food, drive-thru restaurant is an allowed use in a B-3 District.

Sandy Cole who lives on Aspen Street spoke and asked Mr. Siebert a question about the income requirements for low-income seniors that may be interested in renting and what the rents may be? She also asked if there will be something in the leases addressing residents having “parties”? Seybert answered that the tenants in his senior apartments are usually “quiet by 7:00 pm”. (Note; This got a laugh from everyone in the room.)

Seybert talked about the sliding scale for what rent will cost based on an occupant’s income based on the Wexford County median income. He said six units will be for persons with a median income of 30 percent. The estimated monthly cost for a one bedroom is \$254 and \$304 for a two-bedroom

apartment plus utilities. There will be seven units for persons with a median income of 60 percent. The estimated monthly cost for a one bedroom is \$585 and \$701 for a two-bedroom apartment. For persons with a median income under 80 percent would pay an estimated monthly rent of \$735 for a one bedroom and \$745 for a two-bedroom.

Genzink asked about apartments for persons who make above the median income. Seybert said market rate apartments have been taken out of the plan being submitted to the MSHDA.

Knight asked about landscaping shrubs or trees to help block the view of the metal carports for vehicles traveling south on Mitchell Street? Seybert said there will be landscaping and yes, he can add something on that side. Ms. Cole asked where the carports will be located and Seybert showed her on the site plan. Coy spoke and showed a couple pictures of the Clare Castle site which gave only a limited view of its landscaping. He added that a landscaping plan will need to be included for a final site plan approval by the Community Development Director.

Genzink asked about storage for tenants. Seybert said no storage areas above what will be inside the apartments is planned for tenants. The small storage building earlier referred to is for items like a snowblower and leaf blower as gasoline cannot be stored in the apartment building. He added that there will be bike racks and at one of his complexes so many seniors have bicycles that this winter they enclosed two carports to store everyone's bike during the winter.

There being no other public comments or questions from this Board of Appeals, Nichols asked for a motion.

Knight made a motion to approve the request from the applicant for a zoning variance to use up to 30 percent of the site for covered structures. Support by Genzink. The motion passed with a unanimous vote.

### **BOARD COMMENTS**

Coy for a couple minutes spoke about the success of the Ace Hardware site that one year ago was a blighted property on North Mitchell Street. This Zoning Board of Appeals, the Planning Commission, City Council, and staff all helped the developer put the necessary pieces in-order for the revitalization of this site to happen. Coy on the overhead screens showed pictures from one year ago and a current photo.

### **ELECTION OF OFFICERS**

Genzink made a motion to elect Louis Nichols, Chairperson and Shari Ault, Vice Chairperson of the Zoning Board of Appeals for 2019. Support by Walkley. The motion passed with a unanimous vote.

### **BOARD MEMBER COMMENTS –**

### **ADJOURN**

Chairperson Nichols adjourned the meeting at 6:19.