

CITY OF THE VILLAGE OF CLARKSTON
375 DEPOT ROAD
CLARKSTON MI 48346

MINUTES OF JOINT MEETING
CITY COUNCIL AND PLANNING COMMISSION
THURSDAY, JUNE 25, 1998

Meeting called to order by Planning Commission Chairman Steve Secatch at 6:12 p.m.

Present for Planning Commission: Hunter, Huttenlocher, Robyn Johnston, Kelley, Secatch.
Absent: Marty Johnston, Sanderson, Ward

Present for City Council: Catallo, Clifton, Colombo, Gamble, Roeser,
Absent: Sanderson, Savage.

Also present were ZBA Members Robyn Johnston(PC & ZBA) and Bill Basinger: Building Inspector Sy Stone, City Attorney Tom Ryan, and City Engineer Gary Tressel, and Terry Croad of McKenna Associates, City Planner.

Planning Commission Chairman Secatch asked Terry Croad to review the proposed Zoning Ordinance draft and discussions followed.

Mr. Croad reviewed each Article of the draft as follows:

Article I: The intent of the Zoning Ordinance is based on the work of the Master Plan. Some sections are in simply to be able to deal with issues should they arise.

Article II: Definitions: Attempts were made to anticipate any situation in the future. Definitions were updated based on current and past case laws and should be more user friendly. Croad is to study the language for Kennels (page 2-22) as Clifton asked for clarification.

Article III: The Master Plan was the blue print for the Zoning Districts and Map as the Master Plan is not a regulating guide. The zoning map reflects the recommendations of the Master Plan and Planning Commission. There are three significant changes on the zoning map.

Colors: R-1 and R-1 are still single family; however, the R-1 will be the lower density and R-2 the higher density which is a reversal of the present zoning map.

Vehicular Parking District: This was eliminated and put into Village Commercial.

B-1 (Commercial): This has been expanded to Village Commercial.

Article IV: The significant change is the dealing with cellular towers. Cellular towers are usually on recreation property. Cellular towers do generate income. Deed restrictions are to be studied. Attorney Ryan stated that in 1996 the Federal Communications Act states that these facilities are allowed. Some regulations have to be in the ordinance.

Article V: R-1 and R-2. The Courts have said that care facilities cannot be prohibited in residential districts. Adult foster care with six or less can be in single family district. Greater than six residents becomes a special land use or in a multiple family district.

Schools: Courts have ruled in favor of schools. No building code or site plan review is required. Croad is recommending special land use treatment for schools. Parking, lighting, etc., are covered.

Manufactured homes cannot be prohibited. Croad is recommending that minimum standards be applied to all construction, not just mobile homes.

Section 5.2 will have A. removed.

Article VII: There is no major change from the original ordinance in the multiple family residential district. The three-unit is eliminated. More than two units will be considered multiple family. The Master Plan encourages more density nearer to the downtown area.

Article VIII: Residential planned development district would require more than one acre. This is the only time you can use contract zoning. This would be only residential zoning on one-acre lots. Attorney Ryan recommended that Article VII remain to be used as a development tool. The City would have control over development of P.D.D. and this is for residential only.

Article XI: Village Commercial District is designed and intended to promote the development of a pedestrian oriented and accessible, central commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the District and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other city services. Minimum two stories for new commercial development; building must be pedestrian friendly with no blank front facades and flexible shared parking is recommended. Parking requirements are flexible.

Colors were discussed. Croad felt the Historic District Commission guidelines are not strong enough.

Basinger stated that the Historic District Ordinance addresses this and he was willing to go through the Historic District Ordinance and make recommendations.

Pappas was instructed to send a copy of Article XI to the Historic District commission for review.

Croad recommends zoning ordinance have specific guidelines to be legally correct.

Article XII: Although no property is zoned Light Industrial, the draft is to minimize intensive industrial use. What is drafted is a more intense use of commercial. Attorney Ryan stated that this District might not be needed and he is to review this with Terry Croad.

Article XIII: Water frontage setback was discussed and there is no property zoned for this at present. Averaging was discussed. Croad is to put in language for averaging setbacks from water.

Article XV: No major changes in General Exceptions.

Article XVI: This article states who is responsible for enforcing regulations of ordinance--building official and building inspector or designated by Council. Code enforcement officer would be designated by the Council.

Article XVII: The language for the Zoning Board of Appeals is strengthened based on previous Court cases and when variances are granted is spelled out.

Article XX: Discussion was held on parking requirements. Developers are used to approaching the engineer; if developer can't meet parking requirements they may pay fee for additional parking, parking studies, etc.

Article XXII: All signs have to be regulated the same; temporary signs and permanent signs.

Article XXIII: Flood Hazard goals and objectives have been changed by the Federal Agencies. This will be reviewed.

The Final Draft will be furnished next week. The Council will adopt entire ordinance at can amend it after using it for a period, and then have a final adoption.

The Planning Commission will set the Public Hearing at its next meeting using the revised version. The final draft will be furnished by the end of next week.

The first meeting in August may be the Public Hearing date.

Prior to the Public Hearing, copies of the proposed ordinance will be made available in the Council Room and the Independence Township Library.

July 10 was the time set for the latest changes to the Zoning Ordinance draft.

The letter from the Planner for the Olsens was treated as public comments and to be considered for the Planning Commission.

Meeting adjourned at 9:13 p.m.

Respectfully submitted,



Art Pappas, Recorder