

CITY OF OAK PARK PLANNING COMMISSION
October 10, 2016
MINUTES

Meeting was called to order at 7:30 p.m., in the City Council Chambers, Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, by Vice Chairperson Brown and roll call was made.

PRESENT: Vice Chairperson Brown
Commissioner Burns
Commissioner McClellan
Commissioner Seligson
Commissioner Walters-Gill

ABSENT: Chairperson Torgow, Commissioner Eizelman, Commissioner Tkatch, Commissioner Tungate

OTHERS PRESENT: City Planner, Kevin Rulkowski
Community & Economic Development Director, Kimberly Marrone
City Clerk, T. Edwin Norris

APPROVAL OF AGENDA OF OCTOBER 10, 2016

MOTION by Walters-Gill, SECONDED by Burns, to approve the agenda as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

APPROVAL OF MINUTES OF SEPTEMBER 12, 2016 - APPROVED

MOTION by Seligson, SECONDED by Walters-Gill, to approve the Planning Commission meeting minutes of September 12, 2016 as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

COMMUNICATIONS/CORRESPONDENCE:

A. Memorandum on Administrative Approval of Hutch Jewelry, 23400 Greenfield, Site Plan – no action required by Planning Commission.

TO: *Planning Commission members* DATE: *September 28, 2016*
FROM: *Kevin Rulkowski, AICP, City Planner* FILE: *C:PLANADM/Hutch
JewelersAA201609*
SUBJECT: *Hutch Jewelry, 23400 Greenfield Road – Administrative Approval*

Hutch Jewelry submitted a Site Plan to construct a 600 square foot storage room addition on the rear of the Hutch Jewelry building, 23400 Greenfield Road. The building addition does not change any site features of the existing property. The inclusion of the building addition will not require any additional parking due to an existing surplus of parking spaces on site. Hutch Jewelry is a relatively new business to Oak Park having relocated from Northland Mall when it closed.

Because the Site Plan describes improvements that do not exceed 2,000 square feet, Planning Commission and City Council approval is not required. I have approved the Site Plan as presented. Please contact me at (248) 691-7450, if you have any questions or concerns.

PUBLIC HEARING:

- A. Public Hearing to consider a request from Pioneer Health Care Management for the proposed rezoning of 13200 Oak Park Boulevard, from R-1, One Family Dwelling District to RM-1, Low-Rise Multi-Family Residential District; and**
- C. Public Hearing to receive comments on proposed text amendments to the R-1, One Family Dwelling District, R-2, Two Family Dwelling District, and the RM-1 & RM-2, Multi-Family Residential District.**

Vice Chairperson Brown opened the public hearing at 7:45 p.m.

Fahim Uddin and Odessa Uddin, Pioneer Health Care Management, provided a broad overview of the project.

Sharon Campbell, 24001 Eastwood, voiced concerns that the facility will negatively affect property values and that the parking structure, which is proposed to be located directly behind her home, will create security and traffic issues. Ms. Campbell also expressed concern that the facility will become a long-term care facility as licensed rather than the short-term rehab facility presented.

Nynier Hall Brown, 13151 Oak Park Blvd., was opposed to the rezoning, based on concerns with a 24-hour facility changing the demographic of the neighborhood from residential owners, the negative effect the facility could have on property values, and the increased noise the facility would cause.

Barbara Mahaffey, 24021 Dante, echoed concerns about traffic, noise and negative effect on property values.

Donna Phillips 24041 Eastwood, opposed the proposed location in a residential area.

Cherrise Brown, 24036 Berkley, expressed concerns with safety and increased traffic.

Ms. Uddin addressed concerns raised by residents, noting:

- A license for a skilled nursing facility includes both long- and short-term care. Pioneer Health Care Management intends to operate a short-term rehab facility.
- The facility will be home to its residents, who also want a safe, quiet neighborhood.

- State regulations require this type of facility be designed as a home.
- The industry is highly regulated in terms of traffic impact, noise and other issues which concern residents.

Mr. Uddin stated Pioneer Health Care Management desires to be a good neighbor and to add value to the community. He commented on the financial investment he is making in the City and the jobs he is bringing to Oak Park. Mr. Uddin indicated 10-12 months' time frame for occupancy once approval of the site plan is received from the City.

Vice Chairperson Brown closed the public hearing at 8:30 p.m.

B. Planning Commission action regarding the request from Pioneer Health Care Management for the proposed rezoning of 13200 Oak Park Boulevard, from R-1, One Family Dwelling District to RM-1, Low-Rise Multi-Family Residential District.

City Planner Rulkowski presented the report of the Planning Division, dated October 5, 2016:

The Planning Division has received a request from Pioneer Health Care Management, to rezone the property at 13200 Oak Park Boulevard, from R-1, One Family Dwelling District to RM-1, Low-Rise Multi-Family Residential District.

A Public Hearing was scheduled for the October meeting to hear public comments on the rezoning request by Pioneer Health Care Management for 13200 Oak Park Boulevard, from R-1, One-Family Dwelling District to RM-1, Multi-Family Residential District. The proposed rezoning is the property identified as Property Identification # 25-29-301-015 on the attached map. The property is currently owned by the Chaldean Catholic Church of USA. The Pioneer Health Care Management proposal would demolish an existing building on the site and replace it with a one story, 66 bed Skilled Nursing and Rehabilitation Center. Enclosed is a preliminary site plan to illustrate the proposal. This preliminary site plan is not included as part of a formal Site Plan Review process and only the rezoning request is being considered at this time.

The following considerations were noted during the review of this rezoning request:

1. *The Zoning Ordinance, Section 600, Intent, of the RM-1, Multi-Family Residential District states "The RM-1 low-rise multi-family residential districts and the RM-2 mid-rise multi-family districts are intended to provide areas for multiple family dwellings and related uses, which will generally serve as zones of transition from lower density residential districts to more intense use districts, while providing appropriate housing alternatives in a properly planned setting." Currently there are no skilled nursing facilities in Oak Park providing specialized care in a residential setting.*
2. *The City's Master Plan states "As the population ages, new housing opportunities are needed to keep long-term residents in Oak Park after retirement".*
3. *The City's Strategic Economic Development Plan (2014) states "a diverse housing stock will increase the attractiveness of Oak Park to a broader range of prospective residents, especially a greater mix of multi-family options that*

appeal to the two largest demographic groups in the country: Millennials and the aging Baby Boomers. It also encourages long-term investment in the city by providing the opportunity to transition into housing that matches their life-stage without having to leave the community”.

4. *The proposed rezoning is for property 4.5 acres in size.*
5. *All the adjacent parcels surrounding the subject parcel are zoned for single family residential use. The subject property and the property to the west have been used as Places of Worship for many years. At the nearby intersection of Coolidge Highway and Oak Park Boulevard are the City of Oak Park municipal campus and the Oak Park High School.*
6. *The RM-1, Multi-Family Residential District permits, as a Special Land Use, “convalescent or rest homes”.*
7. *The setback requirements for the RM-1, Multi-Family Residential District and R-1, One-Family Dwelling District are very similar in their requirements. Both districts have 25 foot setbacks from the front property lines.*
8. *The proposed zoning change should have no significant impact to the traffic conditions in the area.*
9. *The City of Oak Park Master Plan identifies this area as a quasi-public land use. A skilled nursing care facility is consistent with this classification.*
10. *Currently there is a partially reconstructed community meeting facility on the property that never was never operational.*
11. *The proposed zoning change would be consistent with the intent of the Master Plan to create more diversification in its housing inventory.*
12. *The proposed zoning change would be consistent and compatible with existing land uses in the area.*

The proposed zoning district change is appropriate for this location and is consistent and compatible with existing land uses in the area. Both the Oak Park Master Plan and the Strategic Economic Development Plan identify the need for greater housing diversification which would include residential-type uses such as skilled nursing facilities.

The proposed zoning change would be consistent with the intent of the Master Plan by creating new housing opportunities and greater diversification of the available housing stock. Based on the above considerations, the Planning Division recommends rezoning the subject property, 13200 Oak Park Boulevard (Property Identification # 25-29-301-015), from R-1, One-Family Dwelling District to RM-1, Multi-Family Residential District.

MOTION by Walters-Gill, SECONDED by McClellan, based on the information presented in the Planning Division Report, and additional findings of fact discussed during the public hearing, to **approve** the rezoning the subject property, 13200 Oak Park Boulevard (Property Identification # 25-29-301-015), from R-1, One-Family Dwelling District to RM-1, Multi-Family Residential District.

VOTE: Yes: Brown, Burns, McClellan, Seligson, Walters-Gill
No: None

MOTION CARRIED

D. Planning Commission action on proposed text amendments to R-1, One Family Dwelling District, R-2, Two Family Dwelling District, and the RM-1 & RM-2, Multi-Family Residential District.

City Planner Rulkowski presented the report of the Planning Division, dated October 5, 2016:

The Department of Community & Economic Development proposed at the September meeting to make some changes to the residential provisions and a few definitions to strengthen our code enforcement efforts. The Planning Commission at that time scheduled a Public Hearing for the October meeting to hear public comment on the proposed changes.

There are four specific areas the proposed Zoning Ordinance text amendments address:

Boarding Houses and Bed and Breakfasts.

The Zoning Ordinance provisions currently allow for both Boarding Houses and Bed and Breakfasts in single family residential areas. The Boarding House is a fairly antiquated concept while Bed and Breakfast uses seem to be more suitable for high tourist areas. Unfortunately, the Technical and Planning Department has recently uncovered a number of unlicensed (through the State of Michigan) adult foster care facilities that are claiming to be either Boarding Houses or Bed and Breakfasts. We believe the simplest and most effective way to deal with this new situation is to eliminate these unnecessary permitted uses.

ARTICLE IV. - R-1 ONE-FAMILY DWELLING DISTRICT

Sec. 401. - Permitted uses.

B. Accessory uses, buildings or structures customarily incidental to the aforesaid use as hereinafter stated and/or under the conditions hereinafter specified:

5. *The operation of a boarding house, as defined in Article II, provided that no more than two rooms may be used for boarders or roomers. One non-illuminated sign, not over one square foot in area, indicating such use may be displayed on the premises. DELETE*

7. *The operation of a bed and breakfast as defined in Article II, subject to all of the following criteria:*

- a. Has ten or fewer sleeping rooms, including sleeping rooms occupied by the owner or occupant, one or more of which are available to rent to transient tenants;*
- b. Serves meals at no extra cost to its transient tenants; and*
- c. Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor. DELETE*

Related definitions:

Boarding house. The term boarding house, rooming house, and lodging house are used synonymously in this ordinance. A one-family residential dwelling occupied in such a manner that certain rooms in excess of those used by members of the immediate family and occupied

as a home or family unit are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. **DELETE**

Bed and breakfast. An owner-occupied, one-family residential structure where the owner or operator provides overnight accommodations to guests in return for payment. **DELETE**

Parking Vehicles in Open Areas of Residential Rear Yards

It was recently determined that the current Zoning Ordinance language did not clearly state that “operable” machinery, equipment, vehicles, or other materials could not be stored in the open in residential rear yards. By removing the words regarding “discards or items in need of repair” the language would prevent the accumulation of machinery, equipment, vehicles in residential rear yards.

ARTICLE IV. - R-1 ONE-FAMILY DWELLING DISTRICTS

ARTICLE V. - R-2 TWO-FAMILY DWELLING DISTRICTS

ARTICLE VI. - RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICTS

Sec. 403, 503, 603. - Required conditions.

A. No front yard space ~~in any R-1 district~~ shall be used for the storage or parking of vehicles or any other materials or equipment; provided vehicles which are currently licensed and in normal driving condition may be parked in a service driveway or garage.

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, ~~either discards or showing evidence of need for repair or maintenance~~ shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

Paving Your Entire Residential Yards

A resident recently inquired about the possibility of paving his entire rear yard. This action would potentially create a number of issues, not the least a problem with storm water runoff onto neighboring properties. The Zoning Ordinance currently has no specific provision that prevents complete paving of your yard. A method some communities have incorporated is a maximum percentage of allowable impervious surfaces. The Zoning Ordinance currently has a definition for Impervious Surface but no regulations accompanying it.

“Impervious surface. Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.”

After careful analysis, which included input from the Engineering and Building Divisions and reviewing other community's regulations, we believe it would be reasonable to limit impervious surfaces to 70% of the lot area.

ARTICLE IV. - R-1 ONE-FAMILY DWELLING DISTRICTS

ARTICLE V. - R-2 TWO-FAMILY DWELLING DISTRICTS

C. The total area of all impervious surfaces shall not exceed 70% of the lot area.

Buildings vs. Structures

To more distinctly define the difference between Buildings and Structures, we propose to make a small but important change to the definition of a Building.

*Building. Any **permanent** structure, ~~either temporary or permanent~~, having a roof supported by columns, or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.*

The current definition for Structure will remain unchanged.

Structure. Any constructed or erected material, the use of which requires locations on the ground or attachment to something having location on the ground, including, but not limited to, buildings, towers, sheds, and signs, but excepting walks, drives, pavements, fences, and similar access or circulation facilities.

If the proposed Zoning Ordinance text amendments are acceptable to the Planning Commission the Department of Community & Economic Development recommends approving the attached proposed ordinance.

MOTION by McClellan, SECONDED by Walters-Gill, based on the information presented in the Planning Division Report, and additional findings of fact discussed during the public hearing, to recommend to City Council **approval** of the proposed text amendments to R-1, One Family Dwelling District, R-2, Two Family Dwelling District, and the RM-1 & RM-2, Multi-Family Residential District as submitted.

VOTE: Yes: Brown, Burns, McClellan, Seligson, Walters-Gill
No: None

MOTION CARRIED

CONSENT AGENDA: No Items Eligible This Month

OLD BUSINESS: None

NEW BUSINESS: None

PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only. None.

PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING: None.

ADJOURNMENT

There being no further business, Vice Chairperson Brown adjourned the meeting at 8:36 p.m.

T. Edwin Norris, Recording Secretary