

MINUTES**I. PUBLIC HEARING****A. Call to Order**

The meeting was called to order by Vice Chair McDonald at 6:00 PM.

B. Roll Call

Present: Vice Chair McDonald, Secretary Tony Houser, Mayor Sean Denison, Jacob Brown, Peter Lysy, Matt Pleasant, and Jen Garry

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 an amendment to the Buchanan Zoning Ordinance initiated by MCAP Buchanan Propco, LLC, the owner of the property commonly known as “Buchanan Meadows”, located at 809 Carroll St., Buchanan. The proposed amendment to the Buchanan Zoning Ordinance would allow (i) Convalescent and Nursing Care to be provided in the R-3 Multi-Family Residential Zoning District upon issuance of a special use permit; (ii) reduce the required lot area per resident square footage for group home and adult foster care facilities; and (iii) limit the number of licenses for adult foster care facilities operating as a single integrated development in the R-3 Multi-Family Residential Zoning District or R-4 Multi-Family Senior Residential Zoning District to no more than five (5) licenses, each authorized to provide care to up to 20 residents.

D. Announcement of the Rules of the Hearing

Vice Chair McDonald read the announcement of the Rules of the Hearing.

E. Presentation by the Applicant: Kevin Willis Senior Vice President of Development for MCAP

➤ **Background on MCAP, Business Strategy and Theory, Why This Makes Sense for the City:**

MCAP is an acquisition-based firm buying and improving assisted living senior facilities for over 20 years now. We’ve done 40 projects with 8 properties in Michigan. Affordability of senior housing is a challenge, but we pride ourselves on the programming and staffing we provide. We understand what works from a business perspective but also for the residents and clients. The building here with 40 beds is on the smaller side, and we are only using 50% of the site. There’s demand and expanding scale helps fund better services while maintaining rates. We found 60 is the minimum that works for our model but the way the ordinance is written is a barrier.

➤ **Ordinance and Licensing Information:**

The building was built prior to the enactment of the current ordinance and even predates the old ordinance. It is an existing legal non-conformity. Chapter XXI limits the site to one adult foster care license, that’s 20 residents. We already have two adult foster care licenses. We see an expansion to either three adult foster care licenses or moving to one home for the aged license which doesn’t come in increments of 20. There is nuance the licensing stuff but it’s essentially the same care, providing the same services, and the same standards. You have some different regulations mostly on numbers. In Chapter XXI there is a requirement for 3,000 sq ft of land area for each resident

over 6. Based on our model a 5-acre site would support ~70 +/- residents. That didn't look right, based on our portfolio of 40 projects approximately half or more have densities in excess of that.

➤ **Goals in Summary:**

This is a hearing about making amendments to the ordinance. The saving clause in here is that it still requires a special use permit to be issued to do any of these things. So, all you're doing is giving yourself the flexibility to approve a project if you think it makes sense upon review.

F. Presentation by the Opposition

No opposition, no public in attendance. McDonald asked for the record that all notice requirements were met. The Public Hearing was published in the Berrien County Record on March 21st and March 28th, 2024, as well as the sent out to the adjacent property owners within 300 feet. All notice requirements were met.

G. Applicant's Rebuttal

H. Closing of Hearing

The public hearing was closed at 6:16 PM by Vice Chair McDonald.

II. Regular Meeting - Call to Order

The regular meeting was called to order by Vice Chair McDonald at 6:16 PM.

III. Pledge of Allegiance

The pledge of Allegiance was recited.

IV. Roll Call

Present: Vice Chair McDonald, Secretary Tony Houser, Mayor Sean Denison, Jacob Brown, Peter Lysy, Matt Pleasant, and Jen Garry

City Staff: Community Development Director, Rich Murphy & City Clerk, Kalla Langston

V. Approve Agenda

Motion made by Denison, supported by Houser, to approve the agenda. Roll call vote carries unanimously.

VI. Public Comments - Agenda Items

VII. Approve Minutes

A. Consider approving the meeting minutes from February 13th, 2024.

Motion made by Houser, supported by Lysy, to approve the minutes with corrections of spelling. Roll call vote carries unanimously.

VIII. Old Business

IX. New Business

A. Consider an ordinance amending the city of Buchanan zoning ordinance; Article VII- R-3 Multi-Family Zoning District; Article XXI Group Homes and Adult Foster Care Facilities.

Rich Murphy presents the Staff Report to the Plan Commission (Attachment A): Received a call from Kevin over a year ago, he introduced himself as the operator of Buchanan Meadows and had an interest in expanding the assisted living facility. They noted the issue in our zoning code. Assisted living facilities are significant, multimillion dollar investments that benefit our tax base

and create new jobs. The data from our Master Plan research showed a need for elderly housing. The amendment proposed by Kevin and his team, aligned the Master Plan with our existing zoning code, and the new business model in keeping with adult care facilities today. We have a successful and orderly operation, adjacent land, and a developer who's expressing an interest in expanding potentially spending millions of dollars on something we need.

Process of Zoning Amendments: This is a text amendment to the zoning code so, while it does impact the petitioner in their operation, it's a change of text to the law explained in the public notice and first paragraph of my report. The Planning Commission, City Commission, or individual can petition the zoning amendment. In this case we have a private entity proposing. Planning Commission has two options to consider; one is a recommendation of approval of the zoning ordinance amendment or a recommendation of denial of the amendment submitted.

Proposed Amendments:

1. Article VII Section 7.03 – add new Section F which would allow Convalescent and Nursing Care as a use permitted by issuance of a special use permit
2. Article XXI Section 21.01 – modifying the language in Paragraph 3 to reduce the square footage per resident requirement for group homes and adult foster care facilities from 3,000 to 2,000 square feet for each resident over 6 residents
3. Article XXI Section 21.03 – add new Paragraph 3 to allow operation of up to 5 licensed adult foster care facilities each authorized to provide care to up to 20 residents, within a single, integrated development

Discussion: Chapter XXI is prohibitive; these amendments retain the special use review. Special use standards do give a lot of control to the Planning Commission. Regarding density, we need to consider what other municipalities do, what's the industry standard, and what does the state of Michigan mandate? Make sure the new ordinance project adopted doesn't undo what we do today. Ideally convert from R-3 and R-4 license to one home for the aged license.

Motions on Proposed Amendments: See Attachment A for finding of facts.

1. Article VII Section 7.03

Houser motions, supported by Brown, to approve and recommend *Article VII R-3 Multi-Family Residential District Section 7.03 Uses Permitted by Special Use Permit* amendments as presented to the City Commission, with the finding of facts. Voice vote carries unanimously.

2. Article XXI Section 21.01

Houser motions, supported by Lysy, to approve and recommend *Article XXI Group Homes and Adult Foster Care Facilities Section 21.01 Applicability* amendments as presented, with the finding of facts. Voice vote carries unanimously.

3. Article XXI Section 21.03

Pleasant motions, supported by Houser, to approve and recommend *Article XXI Group Homes and Adult Foster Care Facilities Section 21.03 R-3 and R-4, Residential Districts, Uses Special Uses* amendments as presented, with the finding of facts. Voice vote carries unanimously.

- B. Consider appointing Officers.

Motion made by Denison, supported by Pleasant to appoint Ralph McDonald to Chairperson. Roll call vote carries unanimously.

Motion made by Brown, supported by Lysy to appoint Tony Houser to Vice Chair. Voice vote carries unanimously.

Motion made by Houser, supported by Denison to appoint Jen Garry to Secretary. Voice vote carries unanimously.

X. Public Comment - Non-Agenda Items Only

None.

XI. Community Development Director Comments

We have a final draft for Buchanan Riverfront Master Plan Project. The final product will be presented to the Planning Commission at the next meeting, May 14th, and Abonmarche will be here.

XII. Commissioner Comments

Denison: None.

Lysy: I wanted to review what we did with the awning on the south side of the building. When we approved it we said if he can remove the pipe then he should remove the pipe and center the awning across the air conditioning units. A week later I saw the awning was up and the pipe is still there, and I wonder if he ever did report as to whether he could or could not remove the pipe because that was our condition.

Brown: None.

Pleasant: None.

Garry: Thanks for having me I appreciate it

Houser: None.

McDonald: Just a couple of things, I generally give the report and hand out the minutes for the trail meetings however I don't have anything to report, I did not make the meeting so I will bring those to our next meeting.

XIII. Adjournment

Motion made by Denison, supported by Brown, to adjourn at 7:20 PM. Voice vote carries unanimously.

Ralph McDonald, Chairperson

Kalla Langston, City Clerk