



STAFF REPORT TO THE PLANNING COMMISSION
Rezoning Petition: 101 Terre Coupe Rd.
November 8, 2021

I. GENERAL INFORMATION

Applicant:	Joe Carter
Status of Applicant:	Property Owner
Existing Zoning:	R1A and R2B Single Family Residential
Property Address:	101 Terre Coupe Rd. Buchanan MI 49107
Present Land Use:	SF Residential
Adjacent Use:	N – Residential S – Residential E – Residential W – Residential
Adjacent Zoning:	N – R1A Residential S – R1A Residential E – R1A Residential W - R1A Residential

The applicant has requested a rezoning of the property located at 101 Terre Coupe Rd. from the existing R1 residential zoning to C1 neighborhood commercial zoning.

The Planning Commission has two options to consider regarding a requested rezoning of land—The Plan Commission shall conduct the required public hearing, and then submit to the City Commission either:

(1) a recommendation for the approval of the rezoning of the property submitted by the applicant; or

(2) a recommendation for the denial of the rezoning of the property submitted by the applicant.

II. STAFF ANALYSIS:

Section 25.01 - Initiation. Amendments to this Ordinance may be initiated by the City Commission upon its own motion, by the Plan Commission, or may be proposed for consideration by the petition of the owners of property, which would be involved or

affected by such change or amendment. All proposed amendments not originating with the Plan Commission shall first be referred to the Plan Commission for study, review, and recommendation.

Section 25.02 - Plan Commission Procedures. Amendments to this Ordinance, after the review and recommendation of the Plan Commission, may be adopted and enacted by the City Commission. The procedures to be followed in the enactment of an amendment to this Ordinance are those prescribed by the City Charter of the City of Buchanan for the enactment of any other kind of ordinance and Public Act 207 of 1921 as amended.

3. Plan Commission Review and Recommendation. Within thirty (30) days following the public hearing, the Plan Commission shall review the application for the amendment and comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and take action to recommend approval or denial of the application to the City Commission. The decision shall be incorporated in a statement of conclusions relative to the amendment under consideration. The decision shall specify the basis for the decision, and any special circumstances utilized in arriving at the recommendation.

The recommendation of the Plan Commission on application shall be made in accordance with conformance with the City of Buchanan Comprehensive Plan, as from time to time is amended, and such standards contained in this Ordinance which relate to the matters under consideration. Immediately upon action by the Plan Commission, the application, and all supporting documentation including the written report of the Plan Commission shall be transmitted to the City Clerk for inclusion on the City Commission agenda.

Staff Comments in italics.

The front former service station building operated for decades as a commercial use but has been vacant for a number of years and reverted back to residential zoning, with a variance recently being granted for the property allowing for limited use of the property for a commercial kitchen. The front commercial portion of the building may not be appropriate for residential redevelopment and presents an opportunity for the property to once again be used a commercial amenity to the neighborhood. The proposed use is a creative solution in order to maximize its potential, benefitting the community. The proposed use of commercial to operate a restaurant is in line with the City's objectives to encourage food and restaurant related activities.

The building historically was used for several decades as commercial in the front and residential in the rear. The proposed use is to operate in a similar manner.

The concept of a neighborhood commercial use is a valuable and healthy amenity to a neighborhood that was developed in early traditional cities and small towns and includes the benefits of a shopping location, convenience, supporting independent local businesses, encouraging bicycle and pedestrian traffic, reducing the need to drive a vehicle, as well as delivering a commercial service use component that serves nearby neighbors. The fact that this location was originally a retail service center when it was a gas station for many years supports the use to come back again as commercial.

The Buchanan Master Plan 2021 recently adopted by the Plan Commission and City Commission includes the responses 455 residents which outline an overarching desire by

residents to have more restaurant and dining options in and around the downtown area. With the neighborhood commercial zoning designation, the property becomes a service hub for the neighborhood.

Additionally, The Buchanan Master Plan 2021 contemplates the implementation of Residential Mixed Use which would seem to encourage the creation of commercial use at key neighborhood corners such as the corner of Terre Coupe Rd. and West Front Street. See reference on page 78 of the document:

Residential Mixed Use

This is a new classification not currently represented in the zoning ordinance. This category can accommodate single and multi-family developments with appropriate commercial uses that serve the residential units. This district should encourage walkable neighborhoods. Some of the C-1 Neighborhood Commercial District elements would fit this designation. The C-1 Neighborhood Commercial District principal use is to provide for the retailing of commodities classed as "convenience goods," such as groceries and drugs, and the furnishing of certain personal services such as beauty shops, barber shops, and pickup stations for laundry and dry cleaning.

Section 24.05 Standards of Approvals Additionally the Plan Commission can look at both general and specific standards that they can consider in making the decision. Following are the Standards, with my commentary in *italics*. They are:

1. General Standards for Approval:

- A. Whether the location, use, nature, intensity of operation, and congestion and density of population will be in conflict with the principal permitted uses of the district or with the purposes of this Ordinance.

The location, use, nature, intensity of operation, and congestion and density of population will not in conflict with the principal permitted uses of the district or with the purposes of this Ordinance. Arguably, the proposed use as a restaurant will be less of an intense operation that it's historic use a service station.

- B. Whether the available sewage disposal and water supply facilities will be adequate and safe.

The parcel is served by city water and sewer and granting the variance will not strain the capabilities of the water and sewer systems as it has sufficient capacity and will operate in similar capacity of its previous use.

- C. Whether the lot size and yard area will be in harmony with the orderly and proper development of the district.

The lot size will not be changed as a result of this request.

- D. Whether adequate access to the building or use will be provided by either existing roads or other roads to be constructed.

The property has adequate access to operate as proposed. Applicant has mapped a working parking scheme that appears to be acceptable with our zoning ordinance.

- E. Whether the building or use will be objectionable to nearby properties and their owners by reason of traffic, noise, vibration, dust, blowing sand and erosion, disposal of waste or sewage, fumes, smoke, air pollution, fire hazard, or bright flashing lights.

Arguably the granting of a variance will not be objectionable as the historical use was a service station for many decades and the new use will be a less intense operation.

- F. Whether the building or use will discourage or hinder the appropriate development and use of lands and buildings in the general vicinity.

The granting of a variance will not discourage or hinder the appropriate development and use of lands and buildings in the general vicinity as the historical use was commercial for many decades and the new use will be of a similar nature.

The Plan Commission may issue a statement of positive findings that the rezoning of the property will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

Section 9.01 - Intent. *The Neighborhood Commercial District is established as a district in which the principal use of land is to provide for the retailing of commodities classed as "convenience goods," such as groceries and drugs, and the furnishing of certain personal services such as beauty shops, barber shops, and pickup stations for laundry and dry cleaning.*

The Zoning Ordinance was enacted by the city for the purpose of promoting the public health, safety, and general welfare of the City to enact such an Ordinance. The ZBA could issue a statement of positive findings due to the positive findings for each of the general and specific standards described above.

The City Plan Commission has divided the municipality into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other potential dangers; promote health, safety and the general welfare; provide adequate light and air; prevent overcrowding of land; avoid undue concentrations of population; facilitate adequate provision for transportation, water, sewerage disposal, schools, parks and other public improvements, and

The City Plan Commission has given full and reasonable consideration to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

III. DECISION

The Planning Commission should make findings of fact, stated on the record during the public meeting, to support any decision made, considering the factors above, to decide whether to recommend that the City Commission approve or deny the application's request to rezone.

Prepared by: Richard Murphy
Community Development Director