



# **Joint Meeting CC, DDA, PC,**

**January 19, 2020**

# Introduction

City Commission  
Planning Commission  
Downtown Development Authority

# ROWE Planning Department

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Planner



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Planner

# Purpose for Plans / Rules

“Would you tell me please which way I ought to go from here?” asked Alice.

“That depends a good deal on where you want to get to,” said the Cat.

I don't much care where...” said Alice.

“Then it *doesn't matter which way you go,*” said the Cat.

From Alice Adventures in Wonderland, by Lewis Carroll



# Purpose for Plans/Rules Basics – PPP

- ▶ **People** – Our community, the people that work, live, and play.
- ▶ **Places** – Our community image, attractions, and businesses that draw people in and stay here.
- ▶ **Prohibits** – Keeping the unattractive, unsafe, or harmful to public welfare from coming into the community or regulated to not harm others.



# Basic Role and Flow

# Roles and Responsibilities

Legislative Body (City Commission)	Planning Commission (PC)	Downtown Development Authority (DDA)	City Staff
Appoint ZBA, DDA, & PC Members	Keepers of Zoning Ord and Master Plan	Approve projects in DDA Area	Advise PC and ZBA on decisions
Approve Budget		Approve funding for DDA activities	Accept Applications
	Approve Site Plans, Special Land Uses, etc.		Day to Day Questions and Duties
Adopt/Initiate Text Amendments/ Zoning Ordinance/ Zoning Map	Recommend/Initiate Text Amendments/Rezoning		Drafting Language for Zoning Ord or Master Plan
Final Approval of Master Plan (Optional)	Conduct Five Year Review of Master Plan	Can review Master Plan	Hire Staff (City Manager)

# Roles and Responsibilities (Cont.)

Consultant	Applicants
Review Applications	Individuals that are submitting the various applications
Drafting Text Amendments	Important to treat them all the same
Attend PC or ZBA meetings as requested	Treat like a customer (Decorum)
Acts in a staff capacity Tuesdays and Thursdays	Base decisions on compliance/ standards
Advise and facilitate applications	Provide information up front – checklists, variances, time frames
	Members should not talk about City Business outside of the meeting with applicants (will get to later)



# Flow & Procedure



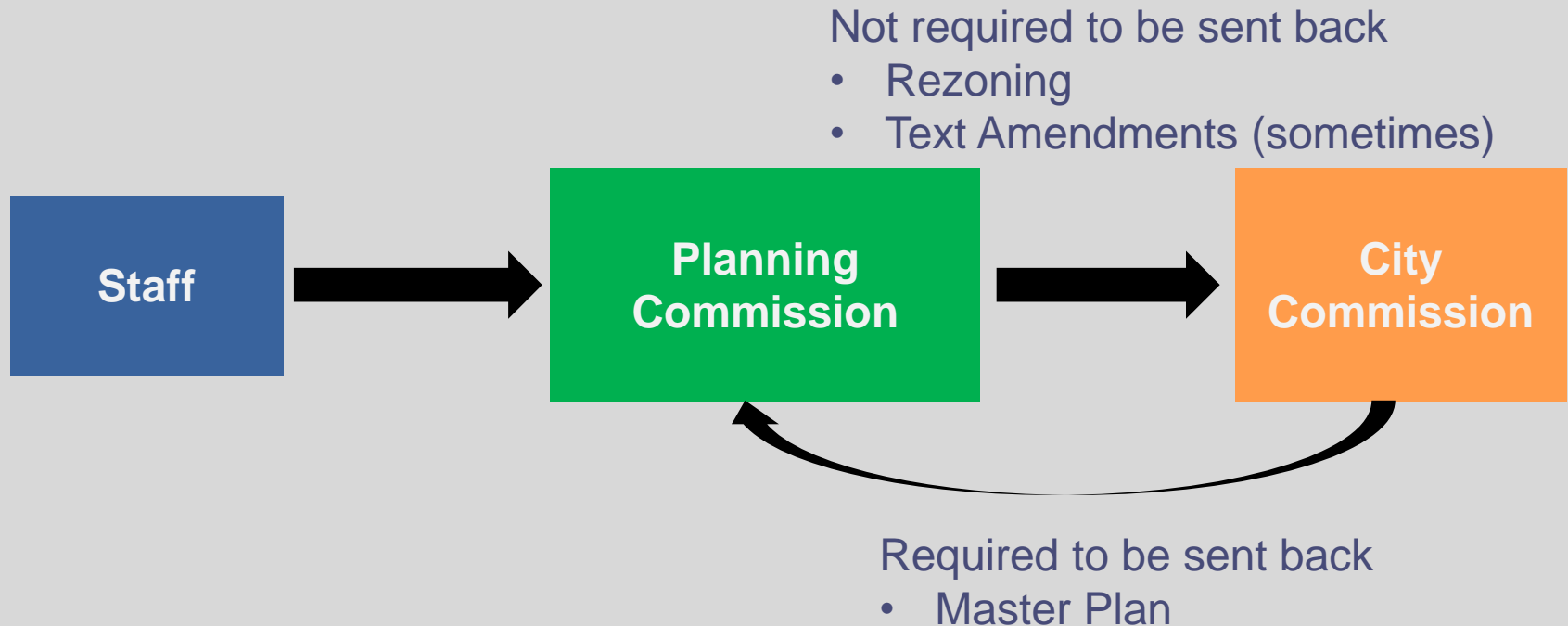
- Beyond general questions regarding City business
- When information requires research

# Planning Flow and Procedures

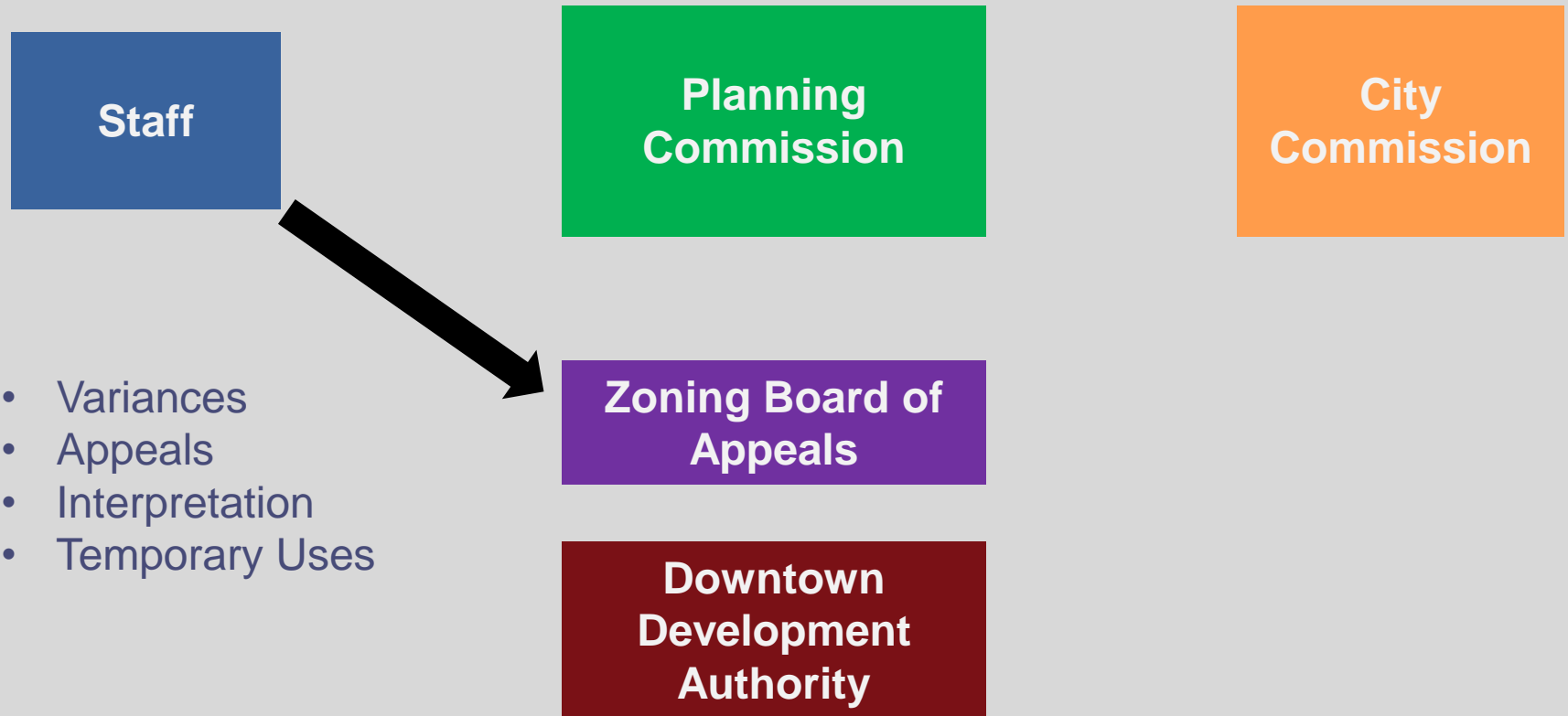


- Site Plan Reviews
- Special Land Use

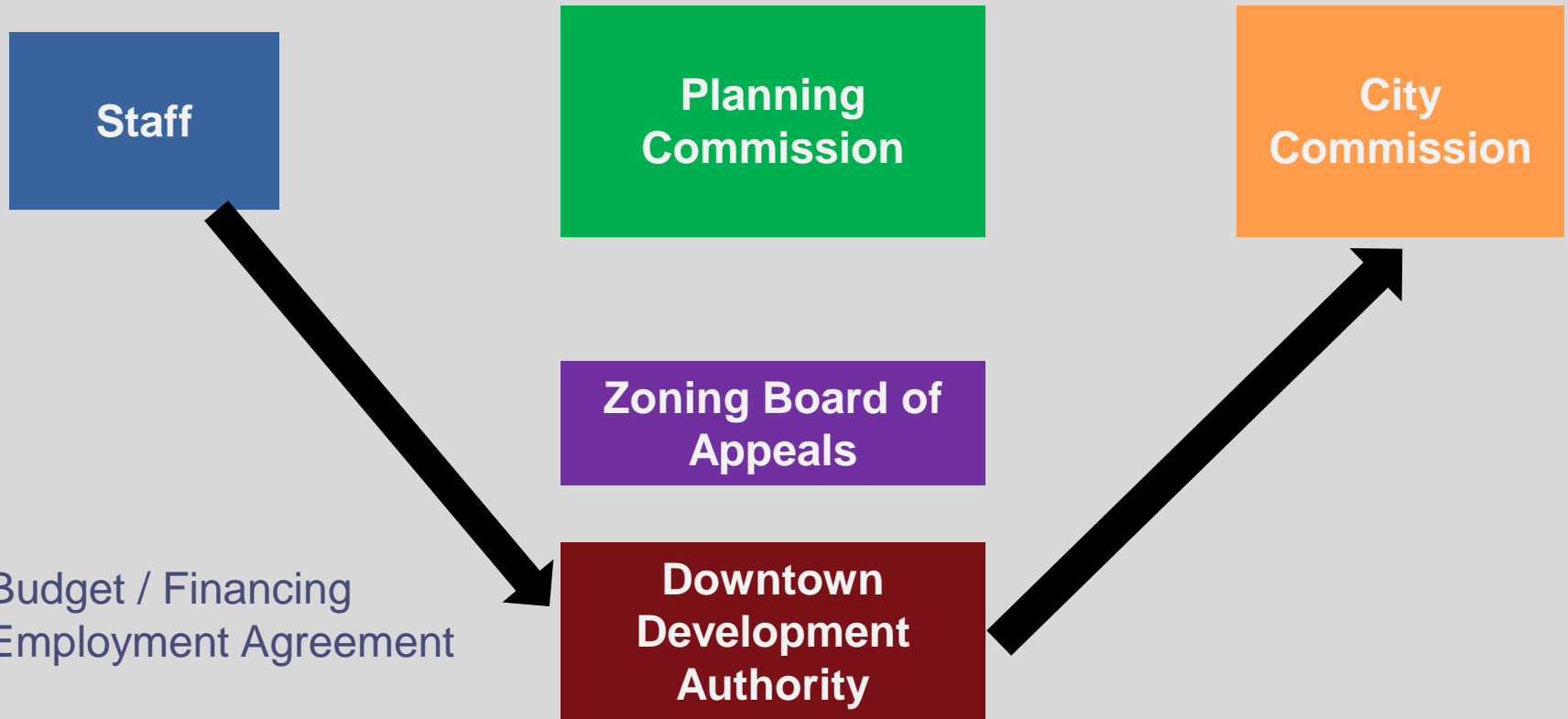
# Planning Flow and Procedures



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# Planning Flow and Procedures



# Who Reviews

	Planning Dept. Staff	Other City Staff	Consulting Engineer	Planning Commission	City Commission	Building Official
Master Plan Change	Review & Recommend	May Provide Input	–	Approval Authority	May Approve Authority	–
Rezoning	Review & Recommend	May Provide Input	–	Review & Recommend	Approval Authority	–
Special Land Use Permit	Review & Recommend	May Provide Input	–	Approval Authority	–	–
Full Site Plan Review	Review & Recommend	Review & Recommend	Review & Recommend	Approval Authority	–	Review & Recommend
Administrative Review	Review & Recommend	May Provide Input	May Provide Input	–	–	Review & Recommend
Subdivision or Site Condo	Review & Recommend	Review & Recommend	Review & Recommend	Review & Recommend	Approval Authority	Review & Recommend
Cluster Housing, PUD, etc.	Review & Recommend	Review & Recommend	Review & Recommend	Review & Recommend	Approval Authority	Review & Recommend

# Relationship Between Planning and Zoning

- ▶ “*Master Plan*” means any plan adopted or amended under this act. This includes, but is not limited to, a plan ...used to satisfy the requirement of Section 203(1) of the Michigan Zoning Enabling Act.
- ▶ Plans serve as the policy basis (the rationale) for zoning ordinances.
- ▶ Zoning Ordinances are one of the many tools that are used to implement the plan

Section 3 (g) of the Michigan Planning Enabling Act  
PA 33 of 2008

# Planning to Zoning Documents

Zoning Ordinance	Master Plan
Zoning Districts	Future Land Use Classifications
Zoning Map	Future Land Use Map (Sort of)
Zoning Regulations	Objectives and Strategies

## Additional Police Power Ord:

- Land Division
- Subdivision
- Signs

## Other Docs:

- Bylaws
- Checklists



# Different Terminology

Plot Plan	Site Plan
Low level of detail that is used usually for administrative reviews of accessory buildings	High level of detail used for administrative or Planning Commission review

- Level of detail required to be provided
- Range of those involved in the review
- Level of standards required to be complied with

Permitted Use (Use by Right)	Special Land Use
Land and/or buildings in this district that may be used for the purposes listed by right	Uses which may be permitted by obtaining special land use approval when all specific requirements are met

- Compatibility with Zoning District
- Concern with public health safety and welfare
- Concern of nuisance to surrounding area

# Questions?



# Meeting Best Practices

# Best Practices – Open Meetings / Freedom of Information

- ▶ All meetings of the PC, DDA and the legislative body must comply with the Open Meetings Act which requires:
  - Meetings to be open to the public
  - All decisions be made at a meeting open to the public
  - Prohibits requiring a person to register as a condition of attending a meeting
  - Must allow members of the public to record a meeting (can establish rules of recording)
  - Members of the public must be allowed to address a meeting but rules may limit public comment to a prescribed time
  - A record of its proceedings is filed in the office of the clerk and be part of the public record

# Best Practices – Conflicts of Interest

A conflict of interest shall be defined as potential or real interest where the decision of a member may be affected by self-interest. Examples of conflict of interest include instances in which property that is subject to review by the Planning Commission is either

- ▶ Owned, leased or rented by the member,
- ▶ Person with whom a member has close ties such as an immediate family member,
- ▶ Property owned by a relative or employment supervisor of a member,
- ▶ A person with whom a member shares financial interest such as partner, borrower, lender, renter, or investor.

**Not sure? Ask – Better Safe than Sorry**

**Protect the public perception and show transparency**

# Procedures – Ex Parte Communication

A member could discuss a pending issue with an applicant during a visit to the site.

- This type of discussion outside the meeting, referred to as “*ex parte contact*” is generally not prohibited (but should be discouraged) in cases where the governmental body is not making the final decision. Examples of when it is **inappropriate**:
  - PC is considering a site plan or special land use
  - ZBA is considering an appeal, interpretation or variance
  - City Commission when reviewing a text amendment or rezoning

# Procedures – Ex Parte Communication

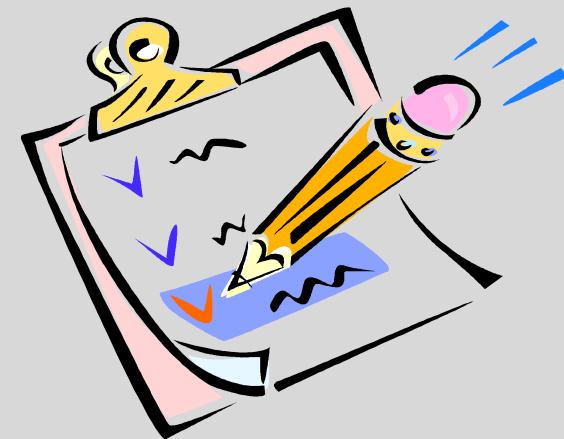
If someone contacts you concerning a matter that falls under these standards, simply explain to them that you should not discuss the issue with them outside the meeting.

- If you go to visit the site of a proposed site plan, variance, etc., and the applicant wants to “*show you around*”, let the property owner know that you should not discuss their case with them.
- The basis for this rule is that to have discussions in private with the applicant (or someone who opposes a request) can “*taint*” your decision making process and lead to an appearance of bias.

# Procedures – Findings of Fact

- All administrative decisions (site plan and conditional use requests) made by the board should include “findings of fact”
- The facts that serve as the basis for the motion should be included in the motion
- Some communities have a separate motion to agree to the findings of fact and one to approve/disapprove

Staff Findings in Support	Staff Findings in Opposition
N/A	
Applicants Comments:	
Planning Commission Comments:	Public Comments:





# Conditions

- ▶ In some instances, conditions can be placed on motions.
- ▶ Go back to the standards for the said approval (**does not** include conditional rezoning)

# Procedures – Creating Motions

- Important to include in a motion
  - **Action** – Approval, Denial, Postpone, etc.
  - **Location** – Parcel Number or Address
  - **What is being done** – Site Plan, Variance Size & Direction
  - **Conditions** – Limit Hours of Operation, Additional Trees, etc.
- We provide suggested motions: including approval, denial, or postpone.
- It is important these **full motions are read out loud** so that the public and applicant are clear on what is being voted on.

# RRC Training Policies

- ▶ City Commission –2 Hours each year
  - Contact City Manager
- ▶ Planning Commission & ZBA – 2 Hours each year
  - Contact Planning Department
- ▶ Lapeer Neighborhoods, Incorporated (LNI) and Lapeer Housing Commission/Lapeer Riverview Towers, LLC (LHC/LRT) – 30 Minutes per year
  - Contact Housing Improvement Department

# RRC Training Policies

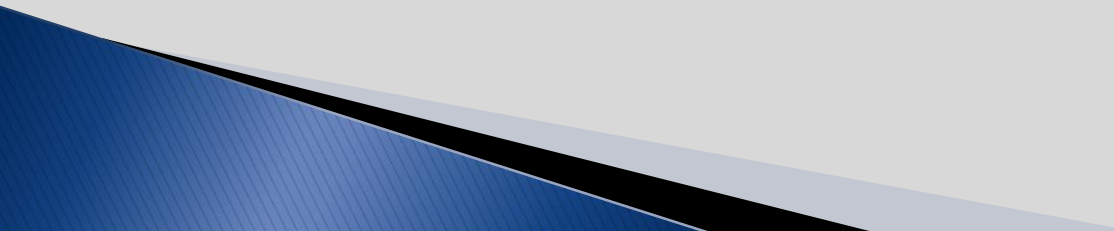
- ▶ When attending a training session, prior to attending the training, send an email or written correspondence to indicate:
  - The organization hosting the training
  - The date, time and location
  - Hours of training time
  - Cost of training

# Questions?



# Hot Topics

# City Commission

- ▶ Continue efforts with old White Junior School
  - ▶ Complete the RRC Program for Lapeer
  - ▶ Finish Existing Phases of non-motorized Path
- 

# Redevelopment Ready Community (RRC)

- ▶ RRC certified communities offer a transparent, predictable, and efficient development experience.
- ▶ Our status –

Categories										
Plans	1.1.1 Master Plan	1.1.2	1.1.3	1.1.4	1.2.1	1.2.2	1.2.3			
Zoning	2.1.1	2.1.2 Concentrated Development		2.1.3	2.1.4	2.1.5	2.1.6	2.1.7	2.1.8	
Development Review	3.1.1	3.1.2	3.1.3	3.1.4		3.1.5		3.1.6		
	3.1.7		3.1.8		3.1.9		3.2.1		3.2.2	
Board Recruitment	4.1.1		4.1.2		4.2.1		4.2.2		4.2.3	4.2.4
Redevelopment Ready Sites	5.1.1		5.1.2		5.1.3		5.1.4		5.1.5	5.1.6
Community Prosperity	6.1.1 Economic Development Strategy Plan			6.1.2 Economic Development Strategy Reporting			6.2.1 Marketing Strategy		6.2.2 Community Website	



# Redevelopment Ready Community (RRC)

- ▶ **Master Plan** – Anticipated to be adopted in February 2021
- ▶ **Economic Development Strategy** – Initial data collection has begun. PC will establish a steering committee to help develop the plan – Required to be adopted by June 30, 2021
- ▶ **Zoning Ordinance Update** – Will discuss with next slide...

# Redevelopment Ready Community (RRC)

## NEW – RRC 2.0

- ▶ Two options for communities
  - Allowing them to choose the path that best fits local capacity and goals.
  - Updated set of best practices, reorganized, and removed some best practices
  - Some new ones do appear, the number of best practice criteria will decrease overall.
  - In conjunction with RRC 2.0, the team will be releasing updated guides, Trello boards, RRC Library, training modules and more.

**Questions**

# Planning Commission

- ▶ Adopt Master Plan
- ▶ Update Zoning Ordinance
- ▶ Explore best practices and go to trainings involving other communities to be well-rounded

# Zoning Ordinance

## ▶ Review Process

- Planning Dept – Develop Technical Analysis (TA)
  - Internally discuss if any other concerns with City Staff
- Review TA with Planning Commission (PC)
- Review Drafts with PC

Ref #	Section	Comment	Recommendation	Decision

# Zoning Ordinance

- ▶ 2021 – A targeted Zoning Ordinance Update
- ▶ Topics Include:
  - **Signs** – Content Neutrality, simple, canopy letter height
  - **Landscaping** – Existing tree inventories (Credits & , required ratios excessive), existing site compliance
  - **Architectural Standards** – Multiple Family & Commercial vs. Industrial standards
- ▶ Master Plan
  - Review list of uses in each zoning district
    - Explore mixture of housing types
    - New uses– like entertainment
  - Encourage low–impact development
  - Encourage Historical Elements in traditional downtown
  - Review Administrative Process

**Questions & Additional Topics**

# Site Inspection Process

## Complete Construction

- Lead by Building Official – Notifies Planning, Fire, DPW, & Assessing Depts to conduct inspection

## Conduct Inspection

- Each Dept reviews site for compliance with their respective codes and approved site plan
- **Planning Dept** – focuses on compliance with approved site plan. There are limited features that can be amended without PC's oversight

## Report Out

- Each Dept reports back to the Applicant & Building Dept on Outstanding Issues

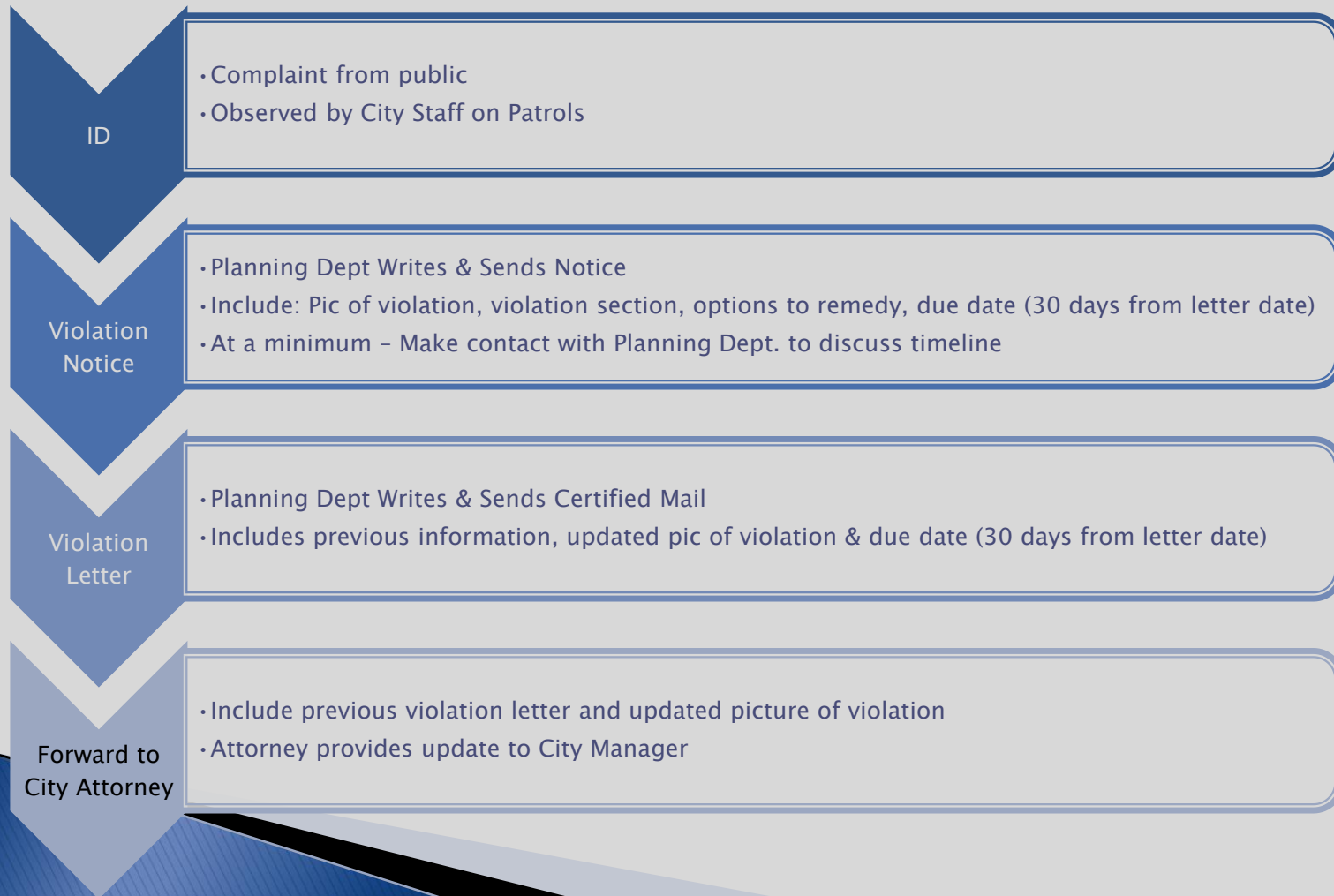
- If necessary – A **performance bond** is place on the property for 110% of the cost to complete the outstanding items – Then a **temporary CFO** can be issued by the Building Dept
- Additional Site Visits may be conducted to verify addressed concerns.

## Final CFO

- Upon all outstanding issues being addressed, the Building Dept may issue the Final CFO

# Violation Process

## ▶ Planning Dept.



Skip if violation is a threat to public safety

# Top Priorities – DDA

- ▶ Historical Designation
- ▶ Development of the Riverfront
- ▶ DDA owned Pavilion

**Questions**



End

