



July 11, 2017

Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55
Cadillac, MI 49601

RE: Request for Proposals: Professional Planning Services

Wexford Joint Planning Commission:

It is my distinct pleasure to provide the Wexford Joint Planning Commission with Spicer Group's response to the Professional Planning Services Request for Proposals. Spicer Group's Planning Services Department has been providing quality services to communities for over 15 years. Our diverse and talented staff of national award-winning planning professionals provide exceptional planning resources and services for our clients throughout Michigan.

Spicer's Planning Services Department has grown and strengthened in its level of expertise, providing direct planning and zoning assistance to Counties, Townships, Cities, and Villages. We are an award-winning team that has received three awards for Small Town and Rural Planning by the American Planning Association (APA). Spicer Group has also worked successfully in the past with many Townships throughout the State to keep them on the roadmap to success in their planning efforts.

Spicer's planners are also certified by the American Institute of Certified Planners (AICP). We actively pursue new training opportunities and seek ways to share the new knowledge with our clients. We are also regular contributors at the Michigan Association of Planning's annual conference.

If you have any questions about our submittal, or would like to meet with our team to further discuss our qualifications, please give me a call at (989) 921-5522. We look forward to the opportunity to work with the Wexford Joint Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Bean", written in a cursive style.

Alan Bean, AICP
Project Planner II

SPICER GROUP, INC
230 S. Washington Avenue
Saginaw, MI 48607
(989) 921-5522
alanb@spicergroup.com



Qualifications to Provide Professional Planning Services to the Wexford Joint Planning Commission

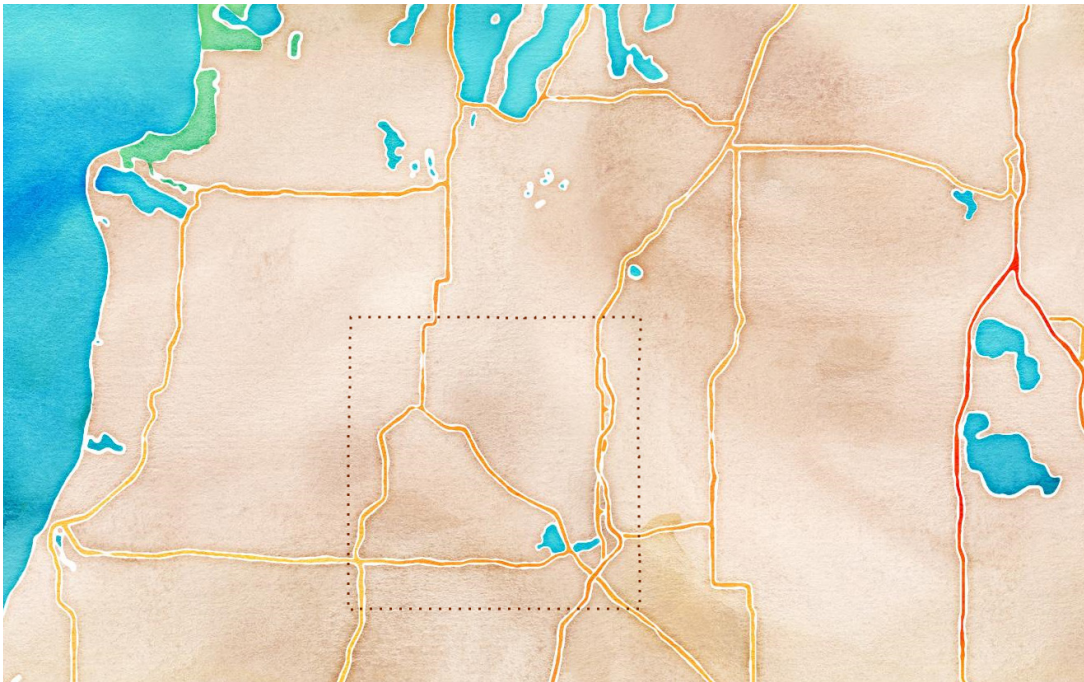
Submitted by:



July 11th, 2017

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Firm Overview

Stronger.

Almost all successful projects can be attributed to strong project management. Our project managers understand that successful management of projects is a result of having a strong team that remains in constant communication with all stakeholders including the client, contractors, permitting officials and the community.

Safer.

We continually update our safety training, integrate safety into our designs, and actively practice key safety measures out in the field. Safety plays a key role in all our projects, from the day the design starts to the day ground is broken, all the way to project closeout.

Smarter.

Seven decades of service has helped us grow into a smarter firm. We look for creative solutions to difficult problems. We think outside the box. We realize that the smartest solution is an honest solution. Honesty and trust are key ingredients in all of our client relationships. We believe that remaining up front with our clients is one of the main reasons they keep coming back.

Spicer Group is a full-service consulting firm providing engineering, surveying, architecture and planning services to clients throughout Michigan. Since 1944, Spicer Group has grown from a one-man operation to a firm with more than 200 employees. We have offices located in St. Johns, Dundee, Grand Rapids, Manistee and Lansing and our headquarters is located in downtown Saginaw. Our qualified staff provides assistance to municipal, county, state, federal, private, industrial, commercial and institutional clients.

Spicer Group is incorporated in the State of Michigan and provides a wide range of services to meet our clients' needs, that include:

- Community Planning
- Urban Design
- DDA Assistance
- Recreation Planning
- Park Design
- Pathway and Trail Design
- Architectural Services
- Landscape Architectural Services
- Grant Writing/Fund Development
- Web Site Development
- GIS/Data Management
- Mapping Services
- Construction Engineering
- Electrical Engineering
- Environmental Engineering
- Structural Engineering
- Survey Services
- Transportation Engineering
- Utility Services
- Water/Wastewater Engineering
- Watershed Management

Firm Overview

Key Considerations

Professional Planning Services have been a strong component of Spicer Group for over 15 years. Upon evaluating our qualifications for the Planning Consultant, please consider these unique abilities that Spicer Group will bring to the Wexford Joint Planning Commission:

- Spicer's Professional Planning Services focus on assistance to local governments such as counties, townships, cities, and villages. Our client base tends to be smaller communities, and we believe we have the unique ability to help connect our reports and communications with that type of audience. The successful execution of our work in the Planning Services Department depends on our ability to attend Planning Commission meetings and relating to the people attending those meetings.
- Spicer's planners are members of the Small Town and Rural Planning Division of American Planning Association (APA). We are also involved in the APA and the MAP. As such, we are always engaged with current planning trends and best practices. We keep up-to-date through various training and certification requirements, and also do our part to be leaders in the planning profession by contributing and sharing our ideas in publications and at conferences. We have received three awards from the Small Town and Rural Planning Division of the APA.
- Spicer's planners are exceptional writers. In all the reports that we write, our narratives are written in a style that targets the intended audience. We don't over-use jargon and we strive to make complex ideas more understandable by using lay terminology when appropriate. Furthermore, every member on our team relies on each other for helpful reviews, critiques, edits, and suggestions before we share our documents with clients. We depend on this process to ensure client satisfaction and quality control of our work.
- Spicer's planners are technically proficient with graphics presentation. Our software includes sophisticated applications such as Photoshop, Illustrator, InDesign, ArcGIS, and Google Earth Pro. We also have access to in-house architects and designers that know how to use Sketch Up for 3-D renderings. The graphics we produce for reports and presentations make them more user-friendly.
- In addition to the graphic programs, we are proficient with Microsoft Office (including WordPerfect), and ArcGIS. Our firm has printing and plotting capabilities in-house and our planning department has their own Administrative Assistant.
- We are fully equipped to engage in audio/video conferencing. We are able to utilize Skype, GoTo Meeting, and we also have in-house software that can facilitate audio or video calls with desktop access. We offer this to our clients as an efficient and reliable communication tool.
- We will offer all of our experience, knowledge, and resources to assist the Wexford Joint Planning Commission. We are great listeners and take great care at public meetings to

Firm Overview

consider all points of view to ensure everyone understands the issues at hand as well as the applicable regulations. We have great ideas and award-winning planning professionals ready to work for you.

- Spicer also has experience with MEDC's Redevelopment Ready Communities program. We have worked with the City of Davison, the City of Mt. Pleasant, Saginaw Township, and the City of Yale to ensure their new Master Plans identify a strategy for redevelopment, including Redevelopment Ready Sites, with an eye towards delivering a planning document that meets MEDC's certification criteria.
- We plan to participate in community meetings at your discretion. However, if given the choice, we would prefer to be present at Joint Planning Commission meetings. We feel this is the best way to engage the community. However, the aforementioned services are available if the Joint Planning Commission would prefer us to participate from a distance.
- We will use our experience and knowledge to offer you unbiased and professional guidance on planning concepts. Our planners stay up to date on recent planning and zoning trends and we will use our resources to ensure you are given the best advice that is pertinent to your community needs.
- In addition, our planners can also offer training to the Planning Commission. This training can vary from basic planning and zoning, the role of the Planning Commission or ZBA members or proper meeting procedure.
- Spicer Group planners have practical knowledge of Planning Commissions. Three of our planning department staff sit on Planning Commissions in their communities (City of Frankenmuth, Independence Township, Bridgeport Township).

Specialized Training & Certifications

- American Institute of Certified Planners, American Planning Association
- Certified Zoning Administrator, Michigan State University Land Policy Institute Planning & Zoning Center
- Spicer offers creative ways to gather community input. Every member of our project team is experienced in using technology to get feedback, including online surveys and social media. These tools allow citizens to interact and share their ideas in new and useful ways, and Spicer Group knows exactly how to use this technology to target an audience in order to get as much feedback as possible. In addition, Spicer Group is a member of the International Association for Public Participation (IAP2), an organization that seeks to promote and improve the practice of public participation in relation to individuals, governments, institutions, and other entities that affect the public interest.

Firm Overview

Presentations

- Easy and Effective Ways to Share Your Data with Social Media and Other Online Tools. Planning & Zoning Center at Michigan State University, 2014 Saginaw Bay Watershed Conference, Saginaw Valley State University, 6/12/2014.
- Getting Good Data and Creating Cool Infographics: New Visuals for Your Planning Documents. Michigan Association of Planning, 2013 Annual Conference, Kalamazoo, 10/4/2013.
- Hacking the Public Presentation. Michigan Association of Planning, 2012 Annual Conference, Traverse City, 10/18/2012.
- Site Plan Review for Wind Farms – Case Study: Gratiot County. Michigan Association of Planning, 2011 Annual Conference, Grand Rapids, 10/20/2011.
- Planning for Wind Energy: Best Practices for Updating Your Planning Documents. Webinar hosted by the Michigan Association of Planning, 1/22/2010.
- Innovative Techniques for Developing a 21st Century Recreation Plan. Michigan Recreation and Park Association, 2009 Annual Conference, Dearborn, 2/5/2009.

Publications

- “Michigan Wind Energy Update and Future Perspectives for Planners,” Alan Bean, AICP. Michigan Planner, Vol. 17 No. 6, November/December 2013, pp. 6-9.
- “Oscoda Charter Township Bicycle and Non-Motorized Pathway Plan,” Alan Bean, AICP. Planning & Zoning News, Vol. 28 No. 11, Sept 2010, pp. 14-15.
- “Planning for Wind Energy in Michigan,” Alan Bean, AICP. Michigan Planner, Vol. 14 No. 3, March/April 2010, pp. 1-6.

Awards

- Outstanding Small Town or Rural Plan: Oscoda Township Bicycle and Non-Motorized Pathway Plan from the American Planning Association: Small Town and Rural Planning Division in 2010.
- Outstanding Planning Initiative for a Small Town or Rural Area: Oliver Township Wind Energy from the American Planning Association: Small Town and Rural Planning Division in 2007.
- Outstanding Rural Planning Project: Tobacco Township Land Use Plan from the American Planning Association: Small Town and Rural Planning Division in 2000.

Professional Staff

Spicer Group has put together an exceptional team of experienced professionals that will excel at providing planning consulting services to the Wexford Joint Planning Commission. Our team has more than three decades worth of combined planning experience and resumes are available upon request.

Robert R. Eggers, AICP – *Principal in Charge*

As head of the planning department, Mr. Eggers has over 20 years of experience managing projects ranging from recreation planning, park design, master planning, grant funding assistance, zoning ordinances, DDA plans, streetscapes, site plan reviews and amendments, and housing studies. Mr. Eggers assists a number of municipal, township, and county clients. He has presented at MRPA numerous times, has participated in national presentations, has received three National Awards from the American Planning Association for Outstanding Rural Planning, a MRPA Award for Landscape Design for the Saginaw Valley Rail Trail, and has received recognition from the HUD for Design Excellence. Mr. Eggers has extensive experience in park and trail design, gathering community input and working with diversified groups of people. He is certified with MDOT for Access Management and has managed numerous recreation plans and resulting grants totaling over \$15 million.

Alan R. Bean, AICP – *Project Planner*

Mr. Bean has a bachelor's degree in natural resources and a master's degree in planning, both from the University of Michigan. He has served as project manager and lead planner on a variety of complex planning projects that bring together a wide variety of stakeholders for communities across Michigan. Mr. Bean recently served as the Interim Planning Director in the City of Mt. Pleasant. One of Mr. Bean's strengths is his use of mapping, digital renderings, and online tools such as Google Earth, and social media. These tools help during community outreach and also help clients visualize concepts and data for their projects. When conducting meetings, he is thorough and organized, with a strong grasp of the particular needs of the client and the project. Mr. Bean is a member of the International Association of Public Participation (IAP2) and he values public engagement strategies that are effective and inclusive.

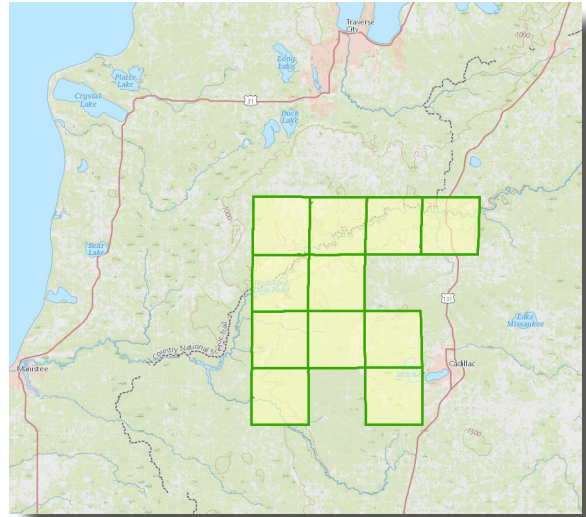
Jennifer L. Clawson – *Project Planner*

Ms. Clawson works as a Community Planner for Spicer Group and provides planning services to our clients throughout Michigan. She earned her Bachelor's Degree from Ball State University in Urban Planning and Development. She has worked on various projects regarding master planning, recreation planning, grant writing, zoning, and site development. Recently she has worked with Goodland Township, Plainfield Township, the City of Charlevoix, and the City of Bad Axe on writing and updating Recreation Plans which meet the DNR's guidelines for Parks and Recreation Master Plans. She has also written Michigan National Resources Trust Fund grants for Goodland Township and the Village of Capac. Through clear and concise writing she has the ability to transform a client's wishes from ideas to a finished document, which can then be used as an effective tool in assisting the client to bring their visions and goals to light. She is also adept in digital graphics and programs including Adobe Photoshop, Illustrator, and InDesign, ArcMap, Sketch-up, and Google Earth Pro.

Project Understanding & Scope of Work

We understand the Wexford Joint Planning Commission is seeking assistance from qualified consultants to provide Professional Planning Services.

Our proposed team for the Wexford Joint Planning Commission includes two planners who are certified by the American Institute of Certified Planners (AICP) as well as other experienced planning and zoning support staff. We will provide you with the exact level of assistance you require. We have exceptional experience in providing this type of service and hiring a well-qualified planning consultant like Spicer Group will help the Joint Planning Commission address various planning issues.



Spicer Group will be there when needed, whether it be in the office, at Joint Planning Commission meetings, meeting with developers and applicants, or with the Zoning Board of Appeals. We are very confident in our ability to assist the Wexford Joint Planning Commission with any planning-related issue. In the **Experience & References** section is our most current experience in providing Professional Planning Services to similar communities.

The following are examples of the kind of work Spicer Group regularly provides to communities, where we function as the professional planning staff:

- Assist the Joint Planning Commission in maintaining updating and amending the Wexford County Master Plan according to the MPEA specifications
- Assist the Joint Planning Commission in maintaining a current and easy to understand zoning ordinance. We can assist in basic updates pertaining to site plan review standards or more complex issues such as temporary signs, medical marijuana, or alternative energy of which we have experience in writing.
- Work closely with Wexford County mapping to assist and create pertinent, clear and effective maps. We have a staff skilled in ArcGIS and are fully capable of doing mapping data for the Joint Planning Commission. However, we will work with the County if the Joint Planning Commission would prefer the mapping data stay in-house.
- Ensure an accurate understanding of the current County Master Plan, Joint Zoning Ordinance, subdivision regulations, and various other Joint Planning Commission codes and policies.
- Represent the Joint Planning Commission to residents and applicants in a respectful manner.
- Spicer Group will also make reasonable efforts to accurately estimate the cost of application-related services.
- Spicer Group will maintain positive working relationships with Joint Planning Commission staff, developers, property owners, residents, and the public.
- Organize the Joint Planning Commission's application process so that it provides critical information to applicants, enabling them to understand procedures that must be followed and notifying them of the information they must provide with land use applications.

Project Understanding & Scope of Work

- Meet with developers and applicants when applications are more complex and review their proposal together in order to identify the proper submittal guidelines. Also, Spicer Group will be there to assure applicants there is a clear understanding of what is required for a complete application.
- Provide administrative support to the Joint Planning Commission by preparing and maintaining records and completing directives of the Joint Planning Commission.
- Coordinate with staff and monitor recording of legal documents relating to land use.
- Review and prepare staff reports on zoning and land use applications. Spicer Group will consult with Joint Planning Commission staff/representative prior to developing each report in an effort to seek project feedback, historical knowledge, and an overall understanding of the Joint Planning Commission's point of view.
- Review and prepare reports on Preliminary and Final Plats, with input from appropriate consultants and/or departments.
- Provide information in a timely fashion to the Joint Planning Commission and County so that they can comply with statutory decision deadlines.
- Coordinate permit review with appropriate commissions, consultants and/or departments.
- Provide code compliance services. Includes preparation of written records and reports of investigation and violations of zoning codes; provide on-site field verification or direct others to perform inspections documenting compliance; encourage voluntary compliance and, when necessary, coordinate enforcement of zoning ordinances through communication with land owners and cooperation with the County Attorney; order the issuance of citations where appropriate; testify in court concerning inspection results if necessary.
- Attend regular monthly meetings of the Joint Planning Commission and attend meetings (if planning issues are to be discussed and decisions made), and make appropriate presentations as needed.
- Spicer Group will provide effective communication at all times in writing and at public meetings.
- If requested, Spicer Group can provide training sessions related to planning and zoning matters to the Planning Commission, Council's, ZBA, and staff.
- Spicer Group will keep Planning Commission, County officials, and relevant personnel updated on pertinent planning statutes and case law decisions.

As the Wexford Joint Planning Commission's Planner, Spicer will strive to:

- Provide effective communication at all times in writing and at public meetings.
- Maintain positive working relationships with the Township staff, developers, property owners, residents, and the public.
- Ensure an accurate understanding of the Township's Master Plan, zoning ordinance, and various other Township codes and policies.
- Represent the Township to residents and applicants in a respectful manner.
- Make reasonable efforts to accurately estimate the cost of requested services.
- Willing to work with Mr. Kurt Schindler, AICP, Distinguished Senior Educator Emeritus with the Michigan State University Extension office.

Representative Work

Regular deliverables Spicer Group would provide to the Wexford Joint Planning Commission will be in the form of a memo or a staff report. This type of deliverable is one of the most efficient approaches to address any planning issue that is put on the agenda for the Planning Commission (or other Boards). Therefore, to highlight our experience and actually show our work, the following describes each report type demonstrating our ability to meet or exceed the level of service required by the Joint Planning Commission.

- **General Communications with Applicants**

- » The first document is indicative of Spicer Group's communications to developers and applicants. Included is an e-mail from Spicer Group to a developer in Mt. Pleasant.

- **Variances**

- » The next report is for a variance request in the City of Davison. Included is background information about the site, including a colorful aerial, the applicant's request, and finally, Spicer's analysis to guide ZBA members on determining if there is practical difficulty.

- **Presentations at Public Meetings**

- » The next document is from a recent PowerPoint presentation that we provided to the Mt. Pleasant Planning Commission for a proposed mixed-use redevelopment project along the Mission Street corridor. Included are site photos, close up detail from submitted site plans, and our assessment if zoning ordinance requirements were met by the developer.

- **Site Plan Reviews**

- » Following the presentation is a document for a combined Special Use Permit and Site Plan Review staff report for a redevelopment and rehabilitation of a three-story building in downtown Mt. Pleasant. This review included traditional mixed-uses (restaurant on the ground floor, offices and apartments on the upper floors), a request for a Redevelopment Liquor License, a new outdoor seating area, and MSHDA and SHPO review to consider funds for the project's historic components.

- **Staff Report to Planning Commission**

- » The next document is a combined Special Use Permit and Site Plan Review staff report for the redevelopment of private student housing on a non-conforming lot in the City of Mt. Pleasant. The redevelopment of private student housing (rooming dwellings) on a non-conforming lot in Mt. Pleasant is a two-step process that begins with the ZBA. After the ZBA makes its determinations on which non-conformities can be permitted, the proposal goes before the Planning Commission for a Special Use Permit. After a decision is made on the Special Use Permit, the site plan is then considered. This is a unique review process in Mt. Pleasant because the two-step process ensures two public hearings prior to the Planning Commission making a final decision on the sometimes controversial redevelopment of rooming dwellings in the City's traditional neighborhoods.

Representative Work

- **Amending the Zoning Ordinance**

- » The final document is a staff report and recommendation to the Planning Commission regarding a change to the zoning map. Included is Spicer's analysis and a colorful map that we generated in our GIS system to accurately reflect the bounds of the proposed rezoning.

- **Wind Energy**

- » Spicer Group is well-versed in zoning regulations pertaining to utility-scale wind energy. We have written zoning ordinance provisions for many communities in Bay, Tuscola, Sanilac, and Huron Counties. We have also worked with a number of Townships on the reviews of applications and site plans pertaining to proposed wind farms. For example, for Akron Township in Tuscola County, we reviewed plans for 40 wind turbines proposed by Consumers Energy, which required a public hearing for the Special Use Permit application, and multiple Planning Commission meetings to address site plans for each of the 40+ wind turbines, substation, and lay down yard. Spicer Group organized and facilitated each meeting. We have also written articles for the Michigan Planner magazine published by the Michigan Association of Planning on this subject. Documents included here are maps from a wind zoning analysis for Frankenmuth Township, draft wind zoning text from Moore Township, and an article we wrote in 2010 for the Michigan Association of Planning.

Bean, Alan R.

From: Bean, Alan R.
Sent: Friday, May 16, 2014 11:30 AM
To: Mrdeza, William; Kameron Williams
Cc: Kench, Brian; Sponseller, Michelle
Subject: RE: Business Start Up Inquiry

Hi Kameron,

My name is Alan Bean and I am the Interim Planning Director for the City of Mt. Pleasant. I would like to go over some initial considerations with you regarding the City's zoning ordinance.

The site at 802 N. Main is zoned C-3, and while the FEC use is not specifically called out, it would generally correspond to Indoor Commercial Recreation. For reference, the City's zoning ordinance is available online at http://www.amlegal.com/mtpleasant_mi/. (To navigate directly to the zoning provisions, click the "View Code" button, on the left side frame, then click the plus symbol (+) at "Mount Pleasant, Michigan, Zoning Ordinances", then click + at "MOUNT PLEASANT, MICHIGAN ZONING ORDINANCES", and then click + at "CHAPTER 154: ZONING ORDINANCES" to be able to view all the chapter headings.)

In Section 154.067 (C-3 General Business Districts), I want to direct your attention to (B) "Principal uses permitted," and please note that any retail business or service establishment permitted in the C-1 and C-2 zones is allowed, so therefore, in the C-2 zoning district under "Principal uses permitted subject to special use permits, (Section 154.066 (D)) " Indoor Commercial Recreation may be allowed as follows:

These uses shall only be permitted in locations on the periphery of the site rather than within the core retail shopping areas: Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district. Such uses shall also be located so that they do not conflict with efficient pedestrian walking patterns.

In looking at the City's zoning map (http://www.mt-pleasant.org/docs/maps/zoningmap_printable.pdf), the site is less than 100 feet from any of the front, rear or side yards of the adjacent residential properties to the south and east. Based on this, it is likely that before any application to the Planning Commission is submitted, that an application to the Zoning Board of Appeals would be required first. Such an application means that you are seeking legal permission from the City to "break the rules," so to speak, as they relate to certain zoning ordinance requirements. In this case, you would likely need to ask the Zoning Board of Appeals to grant you variance(s) from the 100-foot separation requirement as it relates to adjacency between the proposed Indoor Commercial Recreation use and the neighboring residentially-zoned properties.

General information about the City's Zoning Board of Appeals: http://www.mt-pleasant.org/boards_and_commissions/zoning_board_of_appeals.asp

Pertinent sections in the zoning ordinance relating to the Zoning Board of Appeals are Section 154.162 through Section 154.167.

Application to the Zoning Board of Appeals: <http://www.mt-pleasant.org/docs/dept/planning/ZBAApplication.pdf>

In looking at an aerial image of the site on Google Maps (<https://goo.gl/maps/fqQdO>), I have tried to get a sense of the general layout for a future parking lot. One of the first considerations in this regard would be to better understand the

setback requirements for a parcel zoned C-3. In Section 154.095, setbacks for C-3 include a Front Yard of 50 feet and Side Yards at 6.5 feet each. These setbacks are important because that is where the required landscaping screen of at least 10 feet in width would be placed (Section 154.121(L), also, see Sections 154.105 through 154.106). All parking lots are to be paved (Section 154.121(K)). In terms of the number of parking spaces that would be required, see Section 154.120 under "Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats" where the minimum required parking is calculated as 1 space for each 100-sf of usable floor area. My initial rough visual calculation estimates that about 60 to 80 parking may be required. I would encourage you to do your own estimate in order to have confidence that the site, with setbacks and required landscaping, could accommodate the required number of paved parking spaces.

There are additional zoning requirements that would apply to the site, so my comments are not comprehensive or exhaustive. I could advise you further if you had a preliminary site plan drafted. If you already have such a drawing, then I would encourage you to come to Mt. Pleasant to meet with Bill, myself, and others so that your questions could be addressed in one setting.

If you have any additional questions, please don't hesitate to contact me.

Sincerely,

Alan Bean, AICP

Project Planner II

Spicer Group, Inc.

230 South Washington Avenue

Saginaw, MI 48607

Phone: (989) 921-5522

Fax: (989) 754-4440

mailto: alanb@spicergroup.com

www.spicergroup.com

Stronger. Safer. Smarter. *Spicer.*

From: Mrdeza, William [mailto:wmrdeza@mt-pleasant.org]

Sent: Thursday, May 15, 2014 9:42 AM

To: Kameron Williams

Cc: Kench, Brian; Bean, Alan R.; Sponseller, Michelle

Subject: RE: Business Start Up Inquiry

Good Morning, Kameron:

Refuse service is the responsibility of the property owner. Information regarding personal property tax issues can be had by contacting Laura Delamater at (989) 779-5384 or ldelamater@mt-pleasant.org in the City's Finance Department. Questions regarding real property needs to be answered by the County Treasurer's office at (989) 772-0911 ext. 258. The site you are looking at does have some environmental issues associated with it. The property owner might have information on this, but would require at least an updated Phase I Environmental Assessment be completed and most likely a Phase II. This expense would be the responsibility of the purchaser or perhaps negotiated with the property owner. Also, a Baseline Environmental Assessment would protect the purchaser from liability for any contamination currently on site and would be

recommended. The BEA needs to be completed within 45 days of closing. If contaminants are present (and I believe they are), a Due Care Plan would also need to be prepared as part of the environmental due diligence. Again, these costs are typically borne by either the purchaser or seller—the City has no funds or programs to assist with this.

Should cleanup be required, there is a possibility the City could create a Brownfield plan for the site whereby eligible costs could be reimbursed to the developer over a period of up to 10-15 years. In order for this to occur, however, the value of the initial investment would have to generate enough in taxes over that period to repay the costs incurred. Approval of a Brownfield plan requires action by the City's Brownfield Redevelopment Authority and the City Commission.

Finally, any proposed development for the site would need to go before the Planning Commission as part of the Site Plan Review process. The application for this can be found here: <http://www.mt-pleasant.org/docs/dept/planning/sprapp.pdf> It also appears a Special Use Permit may be required as well, based on the current zoning of C-3 and your proposed use: <http://www.mt-pleasant.org/docs/dept/planning/supapp.pdf> The purpose of these application is to ensure compliance with the City's zoning ordinance and other regulations. If the proposed use cannot meet the requirements of the zoning ordinance, you would need to first seek a variance from the Zoning Board of Appeals. Typically, these discussions are held with the applicant ahead of time to answer any questions and to make you aware of the various requirements, deadlines, and the approval process. I hope this helps to answer some of your additional questions.

Sincerely,

Bill Mrdeza

William R. Mrdeza

Community Services and Economic Development Director

City of Mt. Pleasant

320 W. Broadway

Mt. Pleasant, MI 48858

(989) 779-5311

wmrdeza@mt-pleasant.org

www.mt-pleasant.org



From: Kameron Williams [<mailto:kwilliams0859@gmail.com>]

Sent: Thursday, May 15, 2014 7:21 AM

To: Mrdeza, William

Subject: Re: Business Start Up Inquiry

Bill,

October 20, 2014

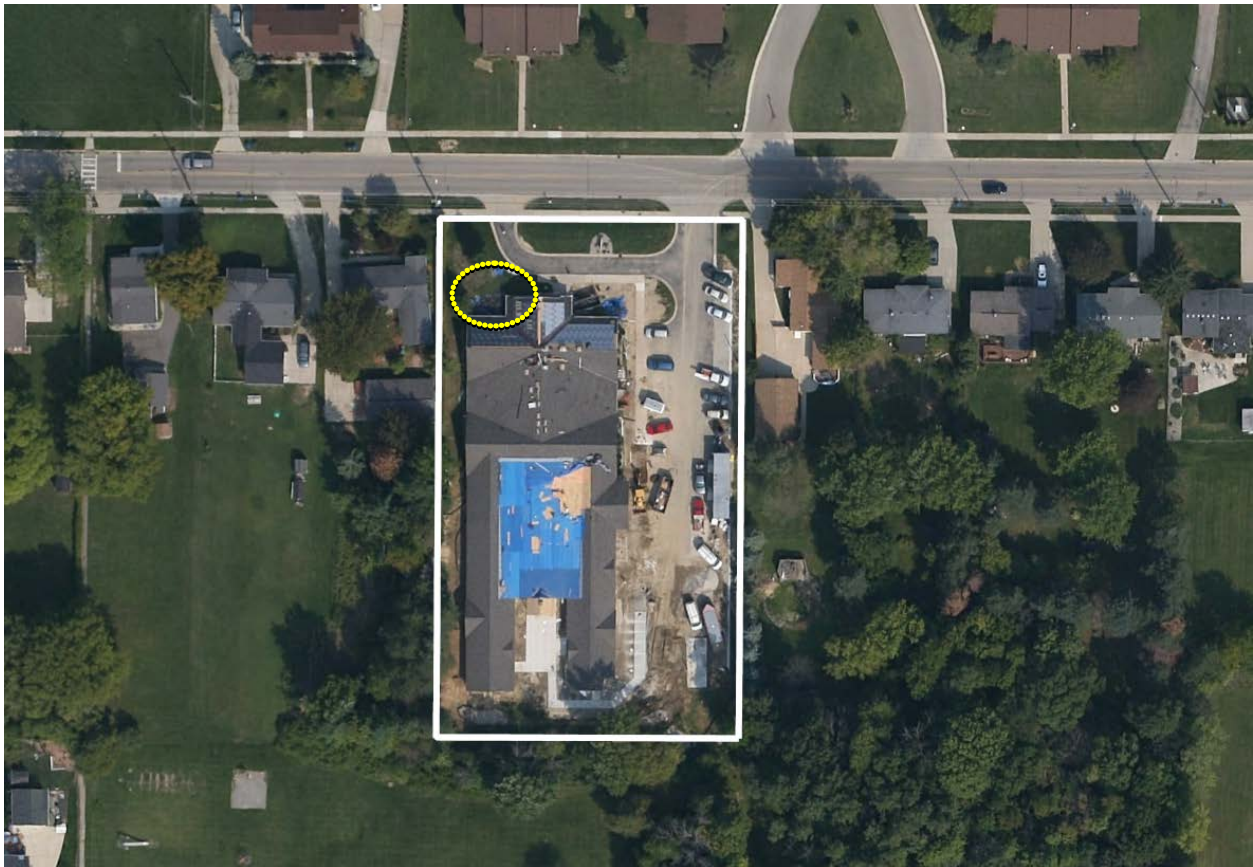
To: City of Davison Zoning Board of Appeals

From: Alan Bean, AICP – Planner

RE: Variance Request – 432 E. Clark St. (Sterling House of Davison)

Background

- The applicant is PDC Midwest on behalf of Brookdale Senior Living for the Sterling House on Clark Street. The site is zoned B-1, parcel #52-10-551-019, area of 192' x 326' (1.43 acres), located at 432 E. Clark St.
- In 2012, the applicant completed construction for an addition to the original Sterling House facility. This newer part has been very successful, however, it has come at a cost. The older original portion of the building has become less desirable and currently has a high vacancy rate. To address this, the applicant will likely make changes to its business approach and convert this older portion into a memory care unit (attached). To be in compliance with State law, the applicant needs to provide a secured area for its memory care residents. The proposed location of the outdoor area is connected to the older part of the Sterling House facility, which would be converted to a memory care unit. This secure outdoor area would be located at the northwest portion of the building, within the front yard setback area, see image below. A plan has been submitted (attached) which shows the location of the proposed outdoor area.



Applicant's Request

- The applicant is seeking to build an 850-square foot outdoor area attached to a future memory care unit. The outdoor area will be fenced per State licensing requirements for memory care units. To build a secure fenced-in outdoor area, the applicant will need three variances the City's zoning ordinance:
 - a) **Fence Height** Section 1288.25(c): Fences in Residential Districts – Applicant proposes to build a secure fence enclosure around the outdoor area for its memory care unit at a height of 8'0" which exceeds the maximum requirements in this portion of the zoning ordinance.
 - b) **Fence Opacity** Section 1288.25(c): Fences in Residential Districts – Applicant proposes an opaque board fence, which is a State requirement for outdoor areas related to memory care units. The zoning ordinance requires fences to have openings of at least 50% of the total fence surface.
 - c) **Fence Material** Section 1288.25(h): Fence Maintenance – Within the front yard area, applicant proposes an opaque board fence. This section of the zoning ordinance prohibits board fences in the front yard area.
- Section 1264.05(c)(1) empowers the ZBA to consider and decide upon variance requests, and requires that the applicant demonstrate to the ZBA that a practical difficulty exists, by explaining the following:
 - A. How the property, if developed in strict compliance with the requirements in the Zoning Code, would be prevented from being used for a permitted purpose, or how compliance with the Zoning Code requirements would be unnecessarily burdensome.
 - B. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
 - C. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
 - D. The conditions and circumstances unique to the property which were not created by the owner, or his or her predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

Davison's zoning ordinance also stipulates that for each variance, the variance requested is the minimum necessary to permit reasonable use of the land.

Analysis

- The ZBA will need to review the application and supporting documentation to see if each of the three variances may be granted per Sections 1264.05(c)(1)(A) through (D), practical difficulty as noted above.
- In essence, the applicant is asking the ZBA to relax certain parts of the City's fence rules in order to allow the use of a fenced enclosure to secure an outdoor area that would be required by State regulations for a memory care unit. The applicant is able to comply with all other requirements of the zoning ordinance related to the proposed project.

- The memo provided by the applicant dated 10/13/2014 from Tim Einwalter of PDC Midwest (attached) addresses all four components of demonstrating practical difficulty listed in Sections 1264.05(c)(1)(A) through (D) of the zoning ordinance, though generally. At the 10/22/2014 ZBA meeting, the applicant will need to explicitly state how all four components of practical difficulty are addressed.



Planning Commission Meeting

September 4, 2014

Special Use Permit 14-12

915 E. Broomfield Street



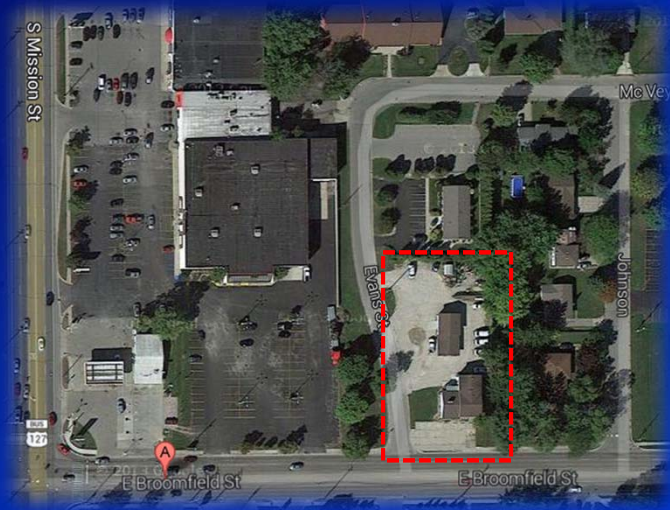
Site Location

915 E. Broomfield Street





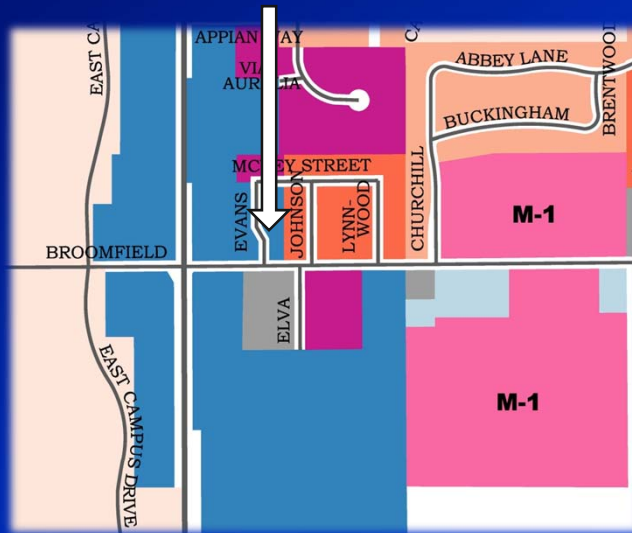
Aerial View



Zoning

C-3

General Business District





Land Use Analysis

	Land Use	Zoning
North	Commercial	C-3, General Business
East	Single Family Residential	R-3, Single Family Residential
South	Multiple Family Residential	OS-1, Office Service
West	Commercial	C-3, General Business

Future Land Use: Urban Residential



Background – General

- **The current site has been occupied by Charter Communications.**
- **The proposed site will include:**
 - 2,500-sf of unspecified commercial space. The site's two buildings will include 19,650-sf of floor area.
 - 10 residential units for 36 occupants,
 - Two (2) two-bedroom units and
 - Eight (8) four-bedroom units
- **The site is being proposed as a preferred development form in the Mission Redevelopment Overlay Zone.**





Site Plan



Site Plan



915 E. BROOMFIELD RD. | BROOMFIELD LOTS | PLANNING REVIEW | 7/20/2018 | 08/11/2018

progressivepp



154.095: The proposed development reduces the front yard setback from the conventional 50' in the C-3 General Business District to 8'. This aligns with the guidelines of the Mission Redevelopment Overlay Zone.

[illegible][illegible]



Site Plan Review

Off Street Parking – 154.120:

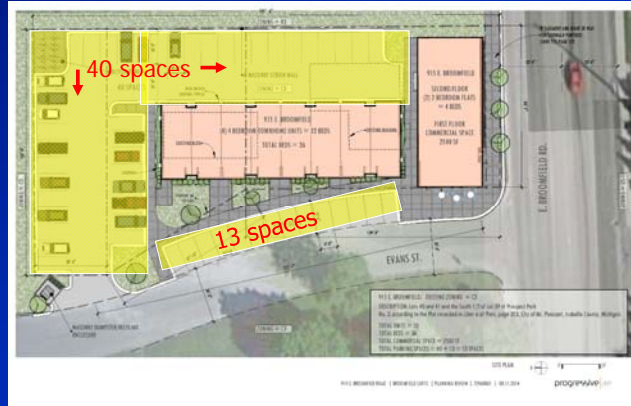
The minimum required number of parking spaces is met for the proposed site:

Rooming dwelling:
1 space for each occupant
(36 total)

Commercial use (Retail):
1 for each 150-sf of
usable floor area, with
approx. 1,875-sf of
projected usable floor
area (13 total)

49 spaces required.

53 spaces proposed.



Site Plan Review

Signs – 154.146: The applicant should work with the Building Official to ensure the proposed signs meet the requirements of the Zoning Ordinance:

- Maximum of 200-sf of sign frontage for all signs.
- Minimum overhang of 6' for any sign, and a maximum projection of one foot for each five feet of building frontage.





Planning Commission Staff Report

Special Use Permit SUP-14-04 / SPR-14-05 – 200 E. Broadway

February 28, 2014

Reviewer: Dan Power & Alan Bean, AICP (Spicer Group, Inc.)

APPLICANT: Table 74 LLC

PROPERTY OWNERS: Swindlehurst Ventures LLC / Table 74 LLC

LOCATION: 200 E. Broadway

REQUESTS: Special Use Permit to allow a Class I Restaurant along with commercial and multiple-family rooming dwelling units at 200 E. Broadway. The proposed development is located in a *Redevelopment Liquor License District* composed of portions of the City's Central Business District Tax Increment Finance District (CBD-TIFA) and Mission-Pickard Downtown Development Authority District (DDA). The proposed Class I Restaurant is subject to a Special Use Permit in the C-2 Central Business District. The applicant has applied for a Redevelopment Liquor License (RLL) with the City of Mount Pleasant.

Site Plan review for the proposed redevelopment and rehabilitation of the existing building to house a Class I Restaurant, 16 apartments, and commercial/office uses.

SITE AREA: 0.2 acres

ZONING DISTRICT: C-2, Central Business District

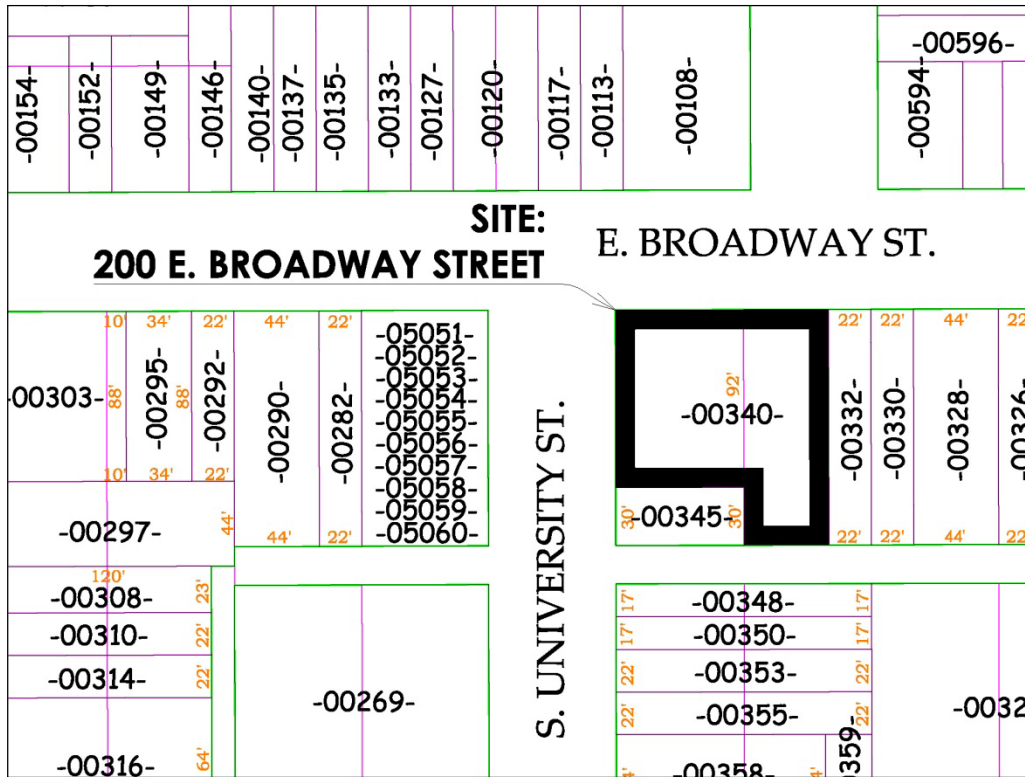
FUTURE LAND USE: Central Business District

BACKGROUND:

The applicant is proposing the redevelopment of an approximately 14,189 square foot property (inclusive of the site footprint on the ground) with approximately 39,761 square feet of total floor area (wholly contained within the building envelope) in the C-2 Central Business District. The applicant proposes approximately 7,000 square feet of office space use on the building's first floor along with the approximately 5,000 square foot restaurant use, with the remaining approximately 27,800 square feet of floor space on the second and third floors being used as 16 multiple family residential dwelling units. The applicant has provided statements supporting the development's ability to attract economic activity and cohere with the area's historic architectural character by restoring the historic brick façade of the structure at 200 E. Broadway. The site includes several changes to the layout and structure of the current property including the removal of the building's current façade and a refurbishment of its historic brick veneer, the development of an outdoor seating area, the addition of an entrance on the corner of the building at South University and East Broadway Street, and a change to the ingress / egress on the building's south / rear side.

Staff notes that the proposed new development must meet applicable standards set forth by the Building Code and Department of Public Safety (DPS) and Department of Public Works (DPW) in addition to the site plan review and special use standards, district standards, and other regulations set forth by the City Zoning Ordinance.

Location Map



The property under consideration is located in what the City of Mount Pleasant defines as the existing the Central Business District Tax Increment Finance District (CBD-TIFA). This area, which has boundaries roughly buffering Broadway Street between Fancher to the east and the Tuscola & Saginaw Bay Railway Line to the west, abuts the existing Mission/Pickard DDA, and together these two areas comprise the boundary of a proposed Redevelopment Liquor License (RLL) District. The City Commission is enabled to review and make local decisions on RLL applications as a mechanism to support economic development and redevelopment in this District.

The applicant applied for a Redevelopment Liquor License on January 15, 2014 under the terms of the Redevelopment Liquor License policy created by the City of Mount Pleasant in accordance with Section 521a of the Michigan Liquor Control Code, or "LCC" (1998 PA 58, as amended, MCL 436.1521a). The LCC allows the Liquor Control Commission to issue on-premise liquor licenses in addition to the quota licenses as a mechanism for redevelopment. The LCC includes regulations ensuring that a certain threshold of investment in real and personal property is occurring in the redevelopment project area and defines minimum requirements for public access to dining, entertainment, or recreation activities in proposed new developments. Contingent upon the applicant satisfying all requirements of the RLL application, including the procurement of a Special Use Permit from the Planning Commission, the City Commission is enabled to provide a formal resolution of support to the Michigan Liquor Control Commission, which then may issue RLLs under the LCC.

All requirements of the RLL application have been submitted to the City Commission, except for the required Special Use Permit approval by the Planning Commission, to be considered on March 6, 2014. These requirements include description of the property, a map verifying its location within the Redevelopment Area, a statement that the business and property owner are not delinquent in the payment of City taxes, charges and fees, information on the projected amount of investment, a description of previous experience, investment and financial figures, site drawings, and an application fee as set by the City Commission.

Staff notes that the proposed new development includes interior structural and layout changes to the existing property including the replacement of the existing façade with a refurbished historic brick façade, the redesign of the building's angled corner on South University and East Broadway Street, an additional entrance at this intersection, manipulation of the ingress/egress on the back / south side of the building, new signage, and a proposed outdoor seating area.

The development of a new Class I Restaurant in the C-2 Central Business District, as a key component of the proposed site also containing uses by right including office and upper-floor residential uses, requires both a Special Use Permit and a Site Plan Review. Because all of the proposed improvements are integral to one another, they are being reviewed together in this report.

Land uses and zoning on the surrounding properties are as follows:

	Land Use	Zoning
North	Commercial	C-2, Central Business District
East	Commercial	C-2, Central Business District
South	Commercial	C-2, Central Business District
West	Commercial	C-2, Central Business District

SPECIAL USE PERMIT:

The proposed Class I Restaurant is subject to a Special Use Permit under the terms of section 154.066 (D) of the Zoning Ordinance (*C-2 Central Business Districts*), which lists Class I Restaurants as uses allowed by Special Use Permit anywhere in the District, subject to four listed conditions. These conditions include the following:

1. The establishment shall provide the City Manager with reports and business records, in the form and manner required by an administrative order prepared by the City Manager and approved by the Commission, to permit the city to review and determine continued compliance with the requirements and performance standards of § 154.003 for a Class I Restaurant.
2. The requirements and performance standards of § 154.003 for a Class I Restaurant and the reporting requirements of this subsection shall be a written condition of all Special Use Permits issued to Class I restaurants. ***The requirements and performance standards of section 154.003 (Class I Restaurants) include the following, and should be addressed by the applicant as follows:***

- a. Culinary facilities shall at all times be maintained and provided for the preparation and cooking of food for consumption on the premises. ***No action is needed by the applicant presently but he should take action to ensure culinary facilities are maintained as such.***
 - b. The establishment shall offer a varied menu of food items consisting of not fewer than ten such food items cooked or prepared on the premises. ***Prior to opening, the applicant should provide a menu displaying a variety of not fewer than ten food items.***
 - c. Not more than 50% of the gross floor area open to the general public shall be used for purposes other than seating for diners consisting of tables, chairs, booths and necessary aiseways. Public rest room facilities shall not be considered in this determination. ***The applicant has provided a site plan showing that over 50% of the proposed development's gross floor area appears to be used for diners including tables, chairs, booths and necessary aiseways.***
 - d. During any given 90-day period no more than 50% of the gross revenues of the establishment shall be derived from the sale of any alcoholic liquor as defined by the Michigan Liquor Control Act. Admission charges or cover charges which exceed 10% of the establishment's gross revenues shall be considered as derived from the sale of alcoholic liquors for purposes of determining the percentage of sales of alcoholic liquors. ***No action is needed by the applicant presently but he should take action to ensure these figures are met.***
3. Trade secrets or commercial or financial information received by the City Manager pursuant to this section shall be exempt from disclosure to the public as a public record and shall not be published pursuant to the provisions of M.C.L.A. § 15.243(g) if the proprietor requests that the records be kept confidential and the premise of confidentiality is authorized by the City Manager at the time the promise is made, except that such records shall be admissible before all courts and administrative tribunals in proceedings brought for the purpose of enforcing this chapter.
 4. The Zoning Administrator or Building Official shall make periodic investigations of developments authorized by Special Use Permit. Any violations shall be corrected within 30 days after an order to correct has been issued by the Building Official. Violations not so corrected shall automatically cancel the certificate of occupancy and compliance. If the Building Official finds conditions prohibited by §154.003 for a Class I Restaurant continue unabated for seven days during any 30-day period after a notice of violation and order to correct have been issued, the Special Use Permit shall be suspended and the certificate of occupancy and compliance canceled until the proprietor of the restaurant provides adequate assurances that the adverse conditions have been remedied, which assurances may include the requirement of a cash bond in an amount sufficient to reimburse the city for any unusual expenses and the adjacent property owners for any damages suffered; or if no adequate assurances can be provided, shall revoke the Special Use Permit and the certificate of compliance and occupancy subject to review as provided by §§ 154.163 of this code.

The granting of a Special Use Permit for the proposed development at 200 E. Broadway is subject to the terms of section 154.171 of the Zoning Ordinance (*Special Use Permits*), which states that “*The Special Use Permit shall be granted if the Planning Commission finds that the proposed use conforms, or can be altered to conform, to all of the criteria for approval for Special Use Permits*”. This criteria includes:

- **A finding that the use will reflect or enhance the character of the surrounding neighborhood within 300 feet of the proposed development.**

- **A finding that the use will not interfere with the general enjoyment of the surrounding area including adjacent properties, and that it will be adequately served by the existing capacity of public facilities and services.**
- **A full development site plan, a rendering of the proposed development, and a written indication that the requirements for a Special Use Permit have been satisfied.**
- **A statement indicating that the special use will be designed, constructed and maintained in a manner which reflects or enhances the character of the surrounding neighborhood within 300 feet measured from lot line to lot line.**
 - **Note: The applicant has noted extensive renovations to the interior and exterior to the building and hours of operation from 11 am – 12 am daily, and potentially until 2 am on weekends.**

The applicant has complied with all listed criteria and application requirements for a Special Use Permit under section 154.171 **and as noted above.**

SITE PLAN REVIEW:

General Requirements for Class I Restaurants – The requirements and standards for Class I Restaurants listed in section 154.003 (*Class I Restaurants*) as described previously must be met by the applicant.

Height, Bulk, Density, and Area – The maximum height of structures in C-2 Central Business Districts under section 154.095 of the Zoning Ordinance (*Height, Bulk, Density and Area requirements*) is 75'. Based on elevation drawings provided by the applicant, the proposed development is 43'4" in height and complies with this requirement. There are no standards for minimum lot area, minimum lot width, required front, side, or rear yard setbacks, minimum floor area per unit, minimum land area per occupant, or minimum land area per unit for the C-2 Central Business District under the conditions of section 154.095.

The applicant proposes an outdoor seating area suitable for up to 16 occupants for the purposes of serving food and/or alcohol. As stated in section 154.066(c)(3) (*Required Conditions for C-2 Central Business Districts*), "*All businesses except for off-street parking, loading and those open air uses indicated as being subject to special conditions in division (D)... shall be eligible to license sidewalk area for displays, food and alcohol service according to the policy established.*" The proposed new development is thus eligible to apply for a sidewalk license and is eligible to develop the proposed patio area in accordance with the criteria described in the City of Mount Pleasant sidewalk licensing policy. Though section 154.095 of the Zoning Ordinance does not specify minimum front, rear, and side yard setbacks for C-2 Central Business District uses, the applicant must satisfy right-of-way standards and other requirements of the *City of Mt. Pleasant downtown sidewalk and street parking license policy for merchandise displays, food and alcohol service* (to be referred to as the "sidewalk licensing policy" in this report). These include requirements that the location of all furniture, displays or other materials shall be placed to assure safe ingress/egress to buildings and that 4' (four feet) of unobstructed pedestrian sidewalk shall be maintained at all times. The full list of criteria is available in the attached *sidewalk licensing policy*.

Parking – According to the intent of the C-2 Central Business District as stated in section 154.066(A) of the Zoning Ordinance, "*The C-2 Central Business Districts... are generally characterized by an integrated or planned grouping of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.*" As aligned with this intent, section 154.121(E) of the Zoning Ordinance states that no off-street parking is required for any use in the C-2 Central Business

District where municipal parking facilities exist within 300' of the site. The applicant has provided the attached map indicating that municipal parking facilities exist within 300' of the site in "Jockey Alley", a large municipal parking lot on the north (rear) side of land uses abutting the north side of East Broadway Street. Staff notes that the applicant shall make annual parking permits available to tenants of the 16 proposed dwelling units.

Walls, Berms, Greenbelts and Landscaping requirements – No walls, berms or greenbelts are required under the requirements of section 154.106 of the Zoning Ordinance in the C-2 Central Business District where commercial uses do not abut a residential district. There are no minimum open or landscaped space requirements in the C-2 Central Business District.

The applicant proposes the removal of two tree planters as part of the layout of the redesigned first floor of the proposed development and the associated seating patio. The applicant must satisfy section 99.10 of the City Code (*Tree Protection*), which states that "*During any construction, repair, alteration or removal of any building or structure... No tree, bush or shrub shall be moved or removed from any public highway or public place without the written consent of the Director of Public Works.*" Staff also notes that the sidewalk licensing policy requires that "*Landscape areas and areas containing trees and the dirt around such trees shall not be disturbed or used in conjunction with licensed area activities, and shall not be designated as the area reserved for pedestrian use.*" The applicant must work with the DPW to ensure that adequate steps have been taken to mitigate or nullify landscape disturbances and tree removals as part of the proposed seating patio, in accordance with the attached sidewalk license policy and DPW requirements.

Signs – The applicant shows two new signs on the site elevation drawings as part of the proposed new development. The applicant should ensure that these signs meet the requirements of section 154.145 of the Zoning Ordinance (*Signs in the C-2 Central Business District*). The area of proposed new signs does not exceed a total of 60 square feet for any one establishment within the new development in accordance with section 154.145(B), with the largest proposed sign being 45 square feet, including the overhanging frame, for the proposed residential use. The proposed permanent marquee on the corner of South University and East Broadway Streets, which overhangs 3 feet from the building and has 16'2" of vertical clearance, meets the maximum allowed overhang and minimum required vertical clearance requirements of 3.5 feet and 16', respectively, found in section 154.145(C). The signs proposed for each use have the following area dimensions:

Residential: 45 square feet.

Class I Restaurant: 12 square feet.

Commercial / Office: 12 square feet.

Sidewalks – The proposed 485.5 square foot patio encroaches approximately 12'10" into the existing sidewalk right-of-way **but retains 11'5" of unobstructed pedestrian sidewalk which exceeds the requirements of the sidewalk licensing policy.** With this exception, the applicant proposes no changes to the layout of the existing sidewalks on South University or East Broadway Streets. The applicant should ensure that sidewalks meet the design specifications of the Director of Public Works on all public right-of-ways to insure pedestrian movement and safety, in accordance with the requirements of 154.022 (A) of the Zoning Ordinance (*Sidewalks*). The applicant should also ensure that the requirements pertinent to sidewalk layout and pedestrian safety found in the attached sidewalk licensing policy are met. The applicant should also work with the DPW to ensure the proposed clear vision area for the Broadway and University Street corner has been met. At the time of this report, the applicant had not correctly shown the clear vision line as being from the edge of the lane at the corner of South University and Main Street as indicated by the DPW.

Trash Container/Enclosure – Site plan shows trash can location. Staff notes that the existing trash dumpster in the alley will continue as is until the City improves the alley and subsequent trash dumpster consolidation is initiated with multiple businesses in the vicinity. Any new dumpster shall meet the requirements of section 154.025 of the Zoning Ordinance.

Access Management – This property is not subject to meeting the access management standards of the Zoning Ordinance.

Lighting –In accordance with Mount Pleasant City Code section 96.13(C)(1), the applicant should submit the location of all freestanding, building-mounted and canopy outdoor light fixtures on the site plan and specifications and details for the type(s) of outdoor light fixture(s) being proposed including the method of shielding. The proposed development must meet the standards for lighting specified in section 96.13(D) of the Mount Pleasant City Code.

Other requirements – The applicant provided a revised site plan on February 25, 2014 with clear property lines and right-of-way lines. The applicant shows the building code use group of the proposed development as separated into A-2 use for the restaurant, B for the commercial/office use, and R-2 for the residential use. The applicant should ensure that the location of fire hydrants and the FDC comply with the applicable standards of those use groups. The applicant must also determine the basement layout prior to seeking a building permit from the City.

The portion of the proposed site encompassed by the Class I Restaurant has an elevation 1’8” above the top of the sidewalk and is 12 feet in height. The preliminary layout of the 16 dwelling units on the second and third floors of the proposed development has been reviewed by the Michigan State Housing Development Authority (MSHDA). The applicant is seeking MSHDA assistance through its rental rehabilitation program. The dwelling units will be in the R-2 use group of the International Building Code and will be sprinkled. Staff notes that the proposed residential development uses on the second and third floor are framed by the building’s previous use as an opera house. The second floor, which has a height of 11 feet, has an elevation of 13’8” above the sidewalk. The third floor, which has a height of 13’, has an elevation of 24’8” above the sidewalk.

Upon seeking a building permit, the applicant will have to comply with applicable standards of Chapter 152 of the City Code (*Housing Licensing Code*). These include criteria described by chapters 3 through 8 of the 2003 version of the International Property Maintenance Code for occupancy, ventilation, heat and fire safety, as required by section 152.007 of the City Code (*Referenced Codes and Standards*). These requirements include, but are not limited to, the following:

- **Occupancy**
 - **404.4.1 Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- **Ventilation**
 - **403.1 Habitable spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.
 - **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square

feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

- **Heating**
 - **602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
 - **Exception:** In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F shall be maintained.
- **Fire Safety**
 - **702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

DIVISION COMMENTS:

Division of Public Works (DPW):

Project Description: Restaurant, Office and Residential Redevelopment

Submit final site plan and storm water detention calculations for D.P.W. site plan review and D.P.W. permit fees determination.

Engineering:

- Grease/Oil trap will be required
- Comply with storm water management requirements and submit plans and calculations for review.
- Comply with Isabella County SESC requirements.
- Sewer capacity charge will apply based on water meter size.
- All broken sidewalk must be replaced.
- Verify that the outdoor patio location will not be a sight obstruction to drivers at the intersection of University and Broadway.
- Any sidewalk reconstruction work shall comply with ADA requirements.
- Provide detailed site drawing showing sidewalk and curb locations and dimensions, rights-of-way, patio dimensions, sidewalk dimensions, sidewalk grades, and proposed utility locations.

Water Department: Need water service size and location and water meter sizes and number of meters. Jim

Wastewater Department: Grease trap must be properly sized for projected use, and accessible for inspection. S. Hein

Division of Public Safety (DPS):

DPS comments have not been received at the time of this report.

ANALYSIS:

Applications for Special Use Permits are subject to meeting the conditions listed in Section 154.171(A). The applicant has provided the attached written response to the seven criteria listed in that section. It would appear that the proposed development meets the criteria.

Following the public hearing, if the Planning Commission determines that all of the criteria can be met by the use as proposed, or with conditions, the Special Use Permit may be granted. If the Commission determines that the criteria cannot be met, then the Special Use Permit should be denied.

Staff would note that the applicant provides investment and employment figures to support claims that the proposed development will bring substantial economic activity to the downtown area. The project includes several improvements to the façade of the building in order to make it more aesthetically appealing and complimentary to the historic character of the downtown. These added benefits must be legitimated through the addressing of pertinent codes and policies for fire safety, occupancy, heat and ventilation, and sidewalk use. With the findings and analysis stated in this report, the following actions are offered for consideration by the Planning Commission.

RECOMMENDATION:

Special Use Permit:

The Planning Commission should approve the request for SUP-14-04 from Table 74, LLC for the property located at 200 E. Broadway to allow the construction of a 39,671 square foot (inclusive of the building envelope, which sits within the 14,189 square foot site) mixed use development including office uses, a dining establishment, and 16 multiple family dwelling units, with the following conditions:

- 1. The applicant shall comply with all site plan review requirements.**
- 2. The applicant shall comply with the requirements of Section 154.066(D)(3) of the Zoning Ordinance and the performance standards listed in Section 154.003 related to Class I restaurants.**
- 3. Use of the property as a Class I restaurant shall be subject to issuance of a liquor license and compliance with the requirements of the City Commission and the Michigan Liquor Control Commission.**
- 4. Prior to opening, the applicant should provide a menu indicating a variety of not fewer than ten (10) food items served at the proposed Class I Restaurant as required by section 154.003 (*Class I Restaurants*).**
- 5. The applicant shall comply with the attached *City of Mt. Pleasant downtown sidewalk and street parking license policy for merchandise displays, food and alcohol service policy*.**
- 6. The applicant should submit a landscape plan as developed in conjunction with the requirements of the DPW to address tree removals in the proposed patio area.**
- 7. Upon seeking a building permit, the applicant should ensure that the proposed location of fire hydrants and the fire department connection meets the requirements of the associated building use groups and their location indicated on the site plan document.**

8. **Upon seeking a building permit, the applicant should ensure that the proposed clear vision area, as it relates to the proposed outdoor patio, satisfies DPW requirements.**
9. **The applicant shall comply with the requirements of the Division of Public Works (DPW) and the Division of Public Safety (DPS).**

Site Plan Review:

The Planning Commission should approve the request for SPR-14-05 from Table 74, LLC for the property located at 200 E. Broadway to allow the construction of a 39,671 square foot mixed use development (inclusive of the building envelope) based on the site plan drawings provided by Kincaid Henry Building Group, inc.

Attachments:

1. City of Mt. Pleasant downtown sidewalk and street parking license policy for merchandise displays, food and alcohol service.
2. Map of municipal parking facilities existing within 300' of the site.



Planning Commission Staff Report

Special Use Permit SUP-13-15 / Site Plan Review SPR-13-21

November 26, 2013

Reviewer: Dan Power & Alan Bean, AICP (Spicer Group, Inc.)

APPLICANT: Joe Olivieri, Olivieri Homes / LaBelle Properties, LLC

LOCATION: 1014 S. Main St.

REQUESTS: Special Use Permit to permit the redevelopment a new two-unit rooming dwelling structure on a non-conforming lot. This will include the demolition of the existing on-site structure and the construction of a new 2-unit dwelling structure for 11 occupants. New parking would accommodate this structure.

SITE AREA: Site Plan review for the proposed new site construction.

ZONING DISTRICT: 0.23 acres

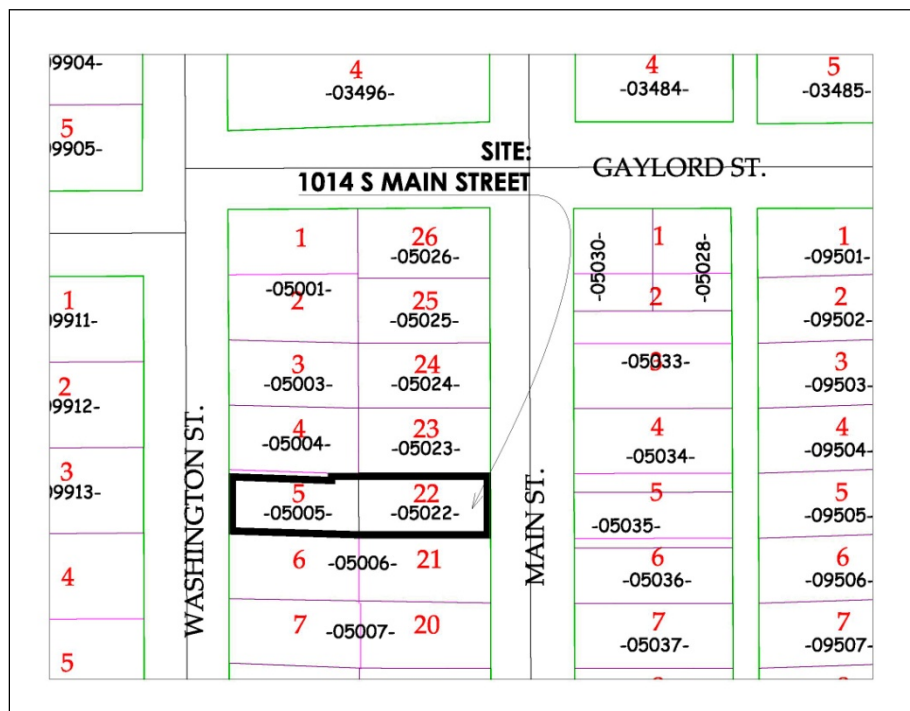
FUTURE LAND USE: M-2, Multiple Family Residential
M-2, Multiple Family Residential

BACKGROUND:

The applicant is proposing the construction of a new rooming dwelling with improved parking, landscaping, and other site improvements. The existing apartment building would be demolished for new building construction and parking expansion. The project includes several site improvements including new building materials and features including new concrete-paved parking and landscaping intended to increase compatibility with surrounding land uses within 300 feet of the site. The site is situated on a double-fronted lot because it abuts both Main Street and Washington Street. A double-fronted lot is defined in section 154.009 of the Zoning Ordinance as a lot in any district where a lot runs through a block from street to street and front yards are required. Double-fronted lots are generally exempted from rear yard zoning requirements. The site is illustrated on the Location Map, on the next page.

In addition, for informational purposes, the applicant is seeking three variances from the ZBA. The ZBA will consider those requests at their meeting on November 27, 2013, case ZBA 19-2013:

- a) Reduction in the required minimum land area per occupant of 900 feet in accordance with section 154.095 (E) of the Zoning Ordinance. The minimum land area per occupant will be maintained as 890.82 square feet of land area per occupant.
- b) Reduction in the required minimum lot width of 66 feet in accordance with section 154.095 of the Zoning Ordinance. In staying consistent with the layout of the current parcels 05005 and 05022, the lot width will be maintained as 50 feet.
- c) Reduction in the side yard setback in accordance with section 154.095 of the Zoning Ordinance, which will allow the reduction of the side yard setback from 6.5 feet to 4 feet on the portion of the north side yard where the covered porch extrudes into the yard.

Location Map

The redevelopment of a new two-unit rooming dwelling structure requires both a Special Use Permit and a Site Plan Review. Because all of the proposed improvements are integral to one another, they are being reviewed together in this report.

Land uses and zoning on the surrounding properties are as follows:

	Land Use	Zoning
North	Multiple Family Rooming Dwelling/s	M-2, Multiple Family Residential
East	Multiple Family Rooming Dwelling/s	M-2, Multiple Family Residential
South	Multiple Family Rooming Dwelling/s	M-2, Multiple Family Residential
West	Multiple Family Rooming Dwelling/s	M-2, Multiple Family Residential

SPECIAL USE PERMIT:

The proposed rooming dwelling structure is subject to a Special Use Permit and must meet the requirements of Section 154.054(C)(1), which specifies spatial standards and regulations for Rooming and Boarding House dwellings. The proposed structure must also satisfy the requirements of section 154.007(B)(5) of the Zoning Ordinance, which specifies the requirements for non-conforming lots and uses. The proposed structure must also meet the requirements of section 154.171, which requires the following conditions for a non-conforming use to change to a new non-conforming use:

- The ZBA must find that the new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses.

A copy of the conditions is attached for reference. With the following exceptions, these conditions will be met:

- The minimum land area per occupant being 900 square feet.
- The minimum lot width being 66 feet.
- The minimum side yard setback distance being 6.5 feet on the north edge of the property.

These requirements are discussed further in the site plan review section, below.

SITE PLAN REVIEW:

Height, Bulk, Density, and Area – Minimum lot area and maximum structure height requirements were met for the proposed new rooming dwellings. Attached elevation drawings should show the dimension of the roof of the building being shorter than 35 feet as required by section 154.095 of the Zoning Ordinance. A minimum front setback of 20 feet required for M-2 use is also satisfied on both Washington and Main Street. The site plan shows an unenclosed porch extending no further than 6 feet into the front yard, in compliance with the requirements of section 154.050 (H) of the Zoning Ordinance. The structure has average floor areas of 2,550 feet for each of its two units, and units one and two include 425 square feet and 510 square feet of floor area per occupant, respectively. The structure therefore satisfies bulk density requirements found in section 154.095 (E) of the Zoning Ordinance, which specify a minimum floor area of 600 square feet per unit and a minimum of 300 square feet per occupant.

With a lot area of 10,219-sf, the land area per occupant of 890.8-sf is below the minimum requirements under section 154.095 (E) of the zoning ordinance, which specifies 900-sf of land area per occupant. The minimum side lot requirement of 6.5 feet as specified by section 154.095 of the zoning ordinance is not satisfied on the north edge of the property, where a covered porch extrudes into the yard only 4 feet from the property line. As the existing lot which is 50 feet in width will be maintained, the minimum lot width of 66 feet required under section 154.095 of the Zoning Ordinance will not be satisfied. Variances for these items are to be considered by the ZBA at their November 27 meeting.

Parking – Section 154.120 of the Zoning Ordinance requires 1 parking space per occupant for properties with rooming dwellings. The applicant satisfies this requirement with the installation of 11 spaces. Requirements for parking space and access aisle dimensions and surfacing material are all satisfied. The applicant satisfies the maximum driveway entrance width for uses other than single-family and duplex units of 30 feet in accordance with section 154.120 (G) of the Zoning Ordinance. The applicant should clearly indicate that adequate radii will be provided to other vehicles necessary to service the site in accordance with section 154.120 of the Zoning Ordinance.

The applicant should ensure that the layout of off-street parking shall include spaces for the handicapped in accordance with the provisions of Public Act 230 of 1972, being M.C.L.A. section 125.1501 and 125.1531, as amended, as required by section 154.121(F) of the Zoning Ordinance, and provisions for Accessible Parking found in the Americans with Disabilities Act (ADA), as amended. All other requirements are satisfied in accordance with Section 154.120 of the Zoning Ordinance.

Walls, Berms and Greenbelts – The applicant has proposed a landscaped greenbelt greater than 10' in width where the off street parking abuts a street right-of-way in accordance with section 154.121(L) of the Zoning Ordinance. The applicant has proposed the use of arborvitae as a screen, which satisfies the

requirements for acceptable plants under the conditions of section 154.106 (C)(3)(g) of the Zoning Ordinance. The applicant should ensure that the proposed greenbelt satisfies all other requirements found in section 154.106(C) of the Zoning Ordinance (*Greenbelts*).

Signs – The applicant is not proposing any new wall or freestanding signs on the site.

Sidewalks – The applicant demonstrates no changes to existing sidewalk width or placement on Washington or Main Street public rights-of-way. The applicant specifies proposed 4-foot wide concrete sidewalks leading to the building's front entryway and from the rear parking area to the rear entryway.

Trash Container/Enclosure – The applicant shows trash can locations on a concrete pad on site and demonstrates screening as required by section 154.025 of the Zoning Ordinance.

Access Management – This property is not subject to meeting the access management standards of the Zoning Ordinance.

Lighting – In accordance with Mount Pleasant City Code section 96.13(C)(1), the applicant should submit the location of all freestanding, building-mounted and canopy outdoor light fixtures on the site plan and specifications and details for the type(s) of outdoor light fixture(s) being proposed including the method of shielding. Also, to propose a site within a residentially zoned district, the applicant is required to provide a photometric grid overlay indicating the light intensity in foot candles of light at the property lines by the requirements of 96.13(C)(2).

Schematic Design – The applicant has provided schematic design documents which demonstrate architectural compatibility with surrounding residential uses. The documents include elevation drawings which demonstrate decorative shingle siding, 2-post columns and other building materials in conformance with the surrounding area.

DIVISION COMMENTS:

Division of Public Works (DPW) – DPW comments have not been received at the writing of this report.

Division of Public Safety (DPS) – DPS comments have not been received at the writing of this report.

ANALYSIS:

Applications for Special Use Permits are subject to meeting the conditions listed in Section 154.171(A). The applicant has provided the attached written response to the seven criteria listed in that section. It would appear that the proposed new rooming dwelling construction meets the criteria.

Following the public hearing, if the Planning Commission determines that all of the criteria can be met by the use as proposed, or with conditions, the Special Use Permit may be granted. If the Commission determines that the criteria cannot be met, then the Special Use Permit should be denied.

Likewise, the site plan for the proposed new building complies with the minimum requirements of the Zoning Ordinance, assuming the granting of requested variances by the ZBA.

Staff would note that the project includes several improvements evident in the site plans for the new rooming dwelling in comparison with existing structure. These include features such as expanded parking and landscape screening, which will alleviate traffic and noise concerns by allowing more parking access on-site, stop residents from parking on adjacent grassy areas, and provide landscaping buffers to alleviate visual and noise disturbance. The new structures also integrate architectural features which conform to the residential character of surrounding areas. Staff appreciates the parking changes and the applicant's willingness to consider other hardscape improvements that were not part of the previous dwellings. With the findings and analysis stated in this report, the following actions are offered for consideration by the Planning Commission.

RECOMMENDATION:

Special Use Permit:

The ZBA may act to approve the requested variances at their November 27, 2013 meeting. Should the ZBA act and approve the requested variances, it is recommended that the Planning Commission approve the request for SUP-13-15 from Joe Olivieri for the property located at 1014 S. Main to allow the construction of a 5,100 square foot rooming dwelling along with redesigned parking and landscape improvements, with the following conditions:

- 1. The applicant shall comply with all site plan review requirements.**
- 2. Should the ZBA approve the proposed site plan at the ZBA meeting on November 27, 2013, the applicant shall comply with the ZBA requirements that pertain to the three variances that are granted for the proposed plan in case ZBA 19-2013.**

Site Plan Review:

Should the ZBA act and approve the requested variances at their November 27, 2013 meeting, the Planning Commission should approve SPR-13-21 to allow construction of a 5,100 square foot rooming as well as parking and site improvements at 1014 S. Main Street based on the site plan and schematic design drawings prepared by Olivieri Builders with the following conditions:

- 1. Submit a planting list for the landscape screening zone along the northwest corner and the northern edge of the parking area to demonstrate compliance with the planting requirements for greenbelts indicated in 154.106(C) of the Zoning Ordinance.**
- 2. Submit information demonstrating the height and the materiality of fencing or landscape screening separating the proposed parking area from the neighbor to the north.**
- 3. Submit specifications and photometrics for the lighting fixtures to demonstrate compliance with the requirements of Section 96.13 of the City Code.**
- 4. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).**

Attachments:



MEMORANDUM

TO: Planning Commission
FROM: Alan Bean, AICP & Dan Power (Spicer Group, Inc.)
DATE: August 29, 2013
SUBJECT: Zoning Ordinance Amendment – U University Zoning District

The City of Mount Pleasant would like to amend its Zoning Ordinance and Zoning Map to create the ***U University Zoning District***, which will encompass the area of the City that is occupied by Central Michigan University (CMU). As a guide, this area is generally thought of as Mission Street to the east, West Campus Drive and Crawford Road to the west, Bellows Street to the north, and Bluegrass Road to the south. Depicted more accurately, the proposed District with its underlying current zoning districts is shown on the following page outlined in a thick yellow border, which is the same border on the attached map with aerial.

Copies of the proposed zoning ordinance language and the proposed amendment to the zoning map are attached. Together, these documents work in concert to create the ***U University Zoning District***.

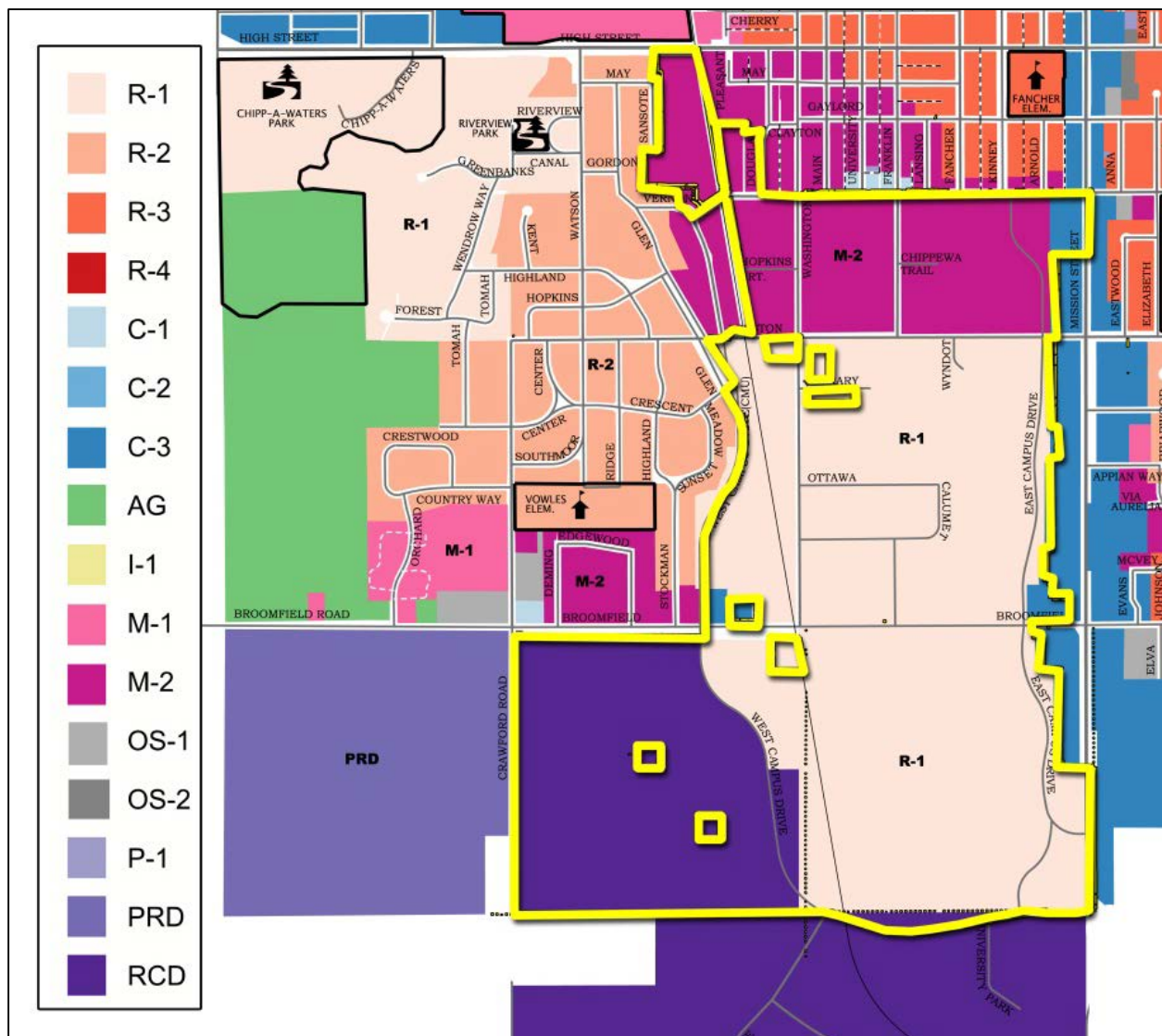
As a state-owned university, CMU is not subject to City-level zoning regulation. It should be noted, however, as depicted on the following map, land under the proposed ***U University Zoning District*** is currently zoned as follows, with most of the land already zoned R-1:

- **R-1:** Residential w/ min lot 15,000-sf
- **M-2:** Multiple-Family Residential
- **RCD:** Research Center District
- **C-2:** Central Business District

If the ***U University Zoning District*** is adopted by the City Commission, after recommendation by the Planning Commission, the lands contained within the thick yellow border on the following map will be rezoned to the new ***U University Zoning District***.

The creation of similar zoning districts has been cited by some municipalities in Michigan as a way to protect the cultural and architectural character of public higher educational facilities. For the City of Mount Pleasant, the ***U University Zoning District*** will do this as well, while establishing a uniform zoning designation for CMU. The creation of the ***U University Zoning District*** will also make it clear that the regulations, procedures, site plan requirements, and other provisions in the City's Zoning Ordinance do not apply to any property, building, or premises located within the proposed district. In short, the ***U University Zoning District*** allows the City to recognize CMU while removing ambiguity with regard to development and taxation.

Overall, the approach is consistent with Michigan Public Act 48 of 1963 (The Central, Eastern Northern, and Western Michigan Universities Act), which states that CMU's Board of Control shall have general supervision of its institution, the control and direction of all funds of the institution, and such other powers and duties that relate to facilities and capital investment. The proposed amendment specifies that if CMU conveys any portion of the land within the main campus and ceases to use that conveyed land as



*Proposed location of the new **U University Zoning District***

part of the University, that land will be treated as if it were zoned C-2 Central Business District. Generally, a range of uses can be permitted in C-2, which include retail businesses, service establishments, offices, restaurants, theaters, assembly halls, concert halls, colleges, residential uses, bus stations, indoor commercial recreation, religious institutions, and accessory structures, to name a few.

State and City regulations require that revisions to the Zoning Ordinance be reviewed at a public hearing with the Planning Commission making a recommendation regarding adoption to the City Commission. For cases such as the creation of a new Zoning District, the public hearing must include reviews of both the proposed language describing the **U University Zoning District** and the new district boundaries that will be depicted on a revised Zoning Map. The hearing must be publicly noticed by mail and publication in the Mount Pleasant Morning Sun. These notices were properly executed by City staff.

RECOMMENDED ACTIONS:

Following the public hearing, staff would recommend that the Planning Commission take up the following actions regarding the proposed *U University Zoning District*:

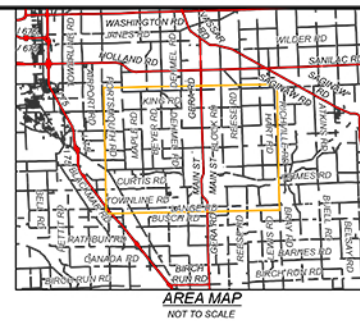
- **The Planning Commission recommend that the City commission approve a text amendment to the Mount Pleasant Zoning Ordinance by adding Section 154.087 U University Zoning District.**
- **The Planning Commission recommend that the City Commission approve an amendment to the Zoning Map, as part of Section 154.036, District Boundaries; Zoning Map, that depicts the proposed boundary of the *U University Zoning District* and effectively rezones the underlying properties to this new zoning district.**

Attachments:

1. Text amendment for proposed Section 154.087 U University Zoning District.
2. Map amendment depicting the proposed U University Zoning District.

FRANKENMUTH TOWNSHIP WIND ZONING ANALYSIS SAGINAW COUNTY, MICHIGAN

Wind Energy



Notes

- 1) All setback distances and areas anticipated to be undevelopable on this map are shown in red
- 2) Hypothetical leased/participating parcels are not shown
- 3) Distance from homes 1,400 Feet
- 4) Distance from roads: 750 feet (1.5x turbine height)
- 5) Distance from railroads: 750 feet (1.5x turbine height)
- 6) Distance extending from Tiny Zehnder Airfield denotes a three-mile airport approach that will likely prohibit utility-scale wind turbine development

1 inch = 1,600 feet

0 800 1,600 3,200 FEET

Legend

- Bauer Substation
- Frankenmuth Twp Home
- Cass River
- City of Frankenmuth
- Tiny Zehnder Airfield
- Undevelopable Wind Farm Area
- Airport Buffer 3 Miles
- Cass River Boundary 2,640 Feet
- Urban Limit Buffer 2,640 Feet

BY	MARK	REVISIONS	DATE
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THE WORK REPRESENTED BY THIS DRAWING WAS DESIGNED BY THE ENGINEER FOR THIS PROJECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT. THE ENGINEER'S DESIGN IS NOT TO BE USED FOR ANY OTHER PROJECT. THE ENGINEER'S DESIGN IS NOT TO BE USED FOR ANY OTHER PROJECT.

FRANKENMUTH TOWNSHIP WIND ZONING ANALYSIS
SAGINAW COUNTY, MICHIGAN

1,400 FEET FROM HOMES

Spicer
group

SAGINAW'S OFFICE
230 S. Washington Ave.
Saginaw, MI 48607
Tel: 989-754-4747
www.SpicerGroup.com

DE. BY: KJS CH. BY: KJS PROJ. NO. 124329SG2017
DR. BY: KJS APP. BY: KJS

STDS. SHEET 1 OF 1 DR
DATE: MAY 2017 FILE NO. D-5393-1
SCALE: 1" = 1,600'

FRANKENMUTH TOWNSHIP WIND ZONING ANALYSIS SAGINAW COUNTY, MICHIGAN



Notes

- 1) All setback distances and areas anticipated to be undevelopable on this map are shown in red
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BY	MARK	REVISIONS	DATE

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FRANKENMUTH TOWNSHIP WIND ZONING ANALYSIS
SAGINAW COUNTY, MICHIGAN

1,600 FEET FROM HOMES



SAGINAW'S OFFICE
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Tel: 989-754-4747
www.SpicerGroup.com

DE. BY: KJS	CH. BY: KJS	PROJECT NO. 124329SG2017
DR. BY: KJS	APP. BY: KJS	

STDS.	SHEET 1 OF 1	DR
DATE: MAY 2017	FILE NO. D-5393-2	1
SCALE: 1" = 1,600'		

FRANKENMUTH TOWNSHIP WIND ZONING ANALYSIS SAGINAW COUNTY, MICHIGAN



Notes

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Legend

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FRANKENMUTH TOWNSHIP WIND ZONING ANALYSIS
SAGINAW COUNTY, MICHIGAN

1,800 FEET FROM HOMES



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DE. BY: KJS	CH. BY: KJS	PROJECT NO. 124329SG2017
DR. BY: KJS	APP. BY: KJS	
STDS.	SHEET 1 OF 1	DR
DATE: MAY 2017	FILE NO. D-5393-2	1
SCALE: 1" = 1,600'		

Moore Township Zoning Ordinance

Work in Progress – For the 4/30/2015 Public Hearing

Add to the end of Section 15.01 (Procedures for Special Approval Uses)

- The scale drawing submitted with the application shall be prepared in conformance to Article XIV (Site Plan Review Requirements) of this Ordinance.
- The applicant shall submit an application fee paid for processing the Special Approval Use, and if required, an escrow deposit, both determined by the Township Board of Trustees, and shall be paid prior to review.

Add to the end of Section 15.04 (Procedures for Special Approval Uses)

- In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Approval Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Approval Use Permit may be postponed to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to postpone.
- Conditions:
 - The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Approval Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Approval Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, communicated to the applicant in writing, and based directly on the intent of this Ordinance. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on both the Special Approval Use Permit application and the site plan from both the applicant and the Planning Commission Chair.
 - The breach of any condition shall be cause for the Planning Commission to revoke Special Approval Use Permit.
- An application for a Special Approval Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.

Moore Township Zoning Ordinance

Work in Progress – For the 4/30/2015 Public Hearing

Add a new Section 15.06

- **APPEALS.** An appeal to the decision of the Moore Township Planning Commission regarding a Special Approval Use Permit application is to be considered by the Circuit Court and shall not be considered by the Zoning Board of Appeals.

Add to Section 4.02 (Agricultural Residential District – Uses Permitted After Special Approval)

- L. **UTILITY GRID WIND ENERGY SYSTEMS:** A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Approval Use. Prior to the installation of a Utility Grid wind energy system, an application for a Special Approval Use permit shall be filed in accordance to Article XV and shall include the following:
- 1) **Applicant Identification:** Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a utility grid wind energy system shall also be dated to indicate the date the application is submitted to Moore Township.
 - 2) **Project Description:** A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
 - 3) **Procedure:**
 - a) The Planning Commission review of a Special Approval Use application for a utility grid wind energy system is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Article XV. The second step, which may occur at a separate meeting for a utility scale wind energy system, is the site plan review process by the Planning Commission as described in Article XIV. A decision on the Special Approval Use application by the Planning Commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), underground electrical lines, junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
 - b) The complete application package must be submitted to the Zoning Administrator at least twenty-five (25) days before the Planning Commission meeting at which it will be considered.
 - c) Fifteen (15) copies of the application package shall be submitted to the Zoning Administrator.

Moore Township Zoning Ordinance

Work in Progress – For the 4/30/2015 Public Hearing

- 4) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include
 - a) The project area boundaries,
 - b) The location, height, and dimensions of all existing and proposed structures and fencing, and anti-climbing devices.
 - c) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
 - d) Existing topography,
 - e) Water bodies, waterways, wetlands, and drainage channels, and
 - f) All new infrastructure above ground related to the project.
- 5) Insurance: Proof of the applicant's public liability insurance. Applicant/owner/operator shall procure and maintain comprehensive general and public liability and such other policies of insurance customary to the wind energy system industry. Applicant/owner/operator shall provide such insurance coverage in such amounts and with such limits as are acceptable to the Township Board. The applicant/owner/operator/ shall maintain these insurances for the duration of the installation, operation, decommissioning, removal and site restoration of the Utility Grid wind energy system. Certificates of said insurance shall be provided to the Township Board prior to issuance of a Special Approval Use Permit, and current certificates of insurance shall be provided to the Township Board annually within 30 days after the policy anniversary or issuance date. The insurance carrier shall be instructed to notify the Township Board if such insurances expire for any reason. Failure of the applicant/owner/operator to maintain these insurances at all times shall result in revocation of the Special Approval Use Permit.
- 6) Sound Pressure Level: Copy of the modeling and analysis report.
- 7) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through *Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116*, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction.
- 8) Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
- 9) Environmental Impact: Copy of the Environmental Impact analysis.
- 10) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.

Moore Township Zoning Ordinance

Work in Progress – For the 4/30/2015 Public Hearing

- 11) Shadow Flicker: Copy of the Shadow Flicker analysis.
- 12) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- 13) Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
- 14) Complaint Resolution: Description of the complaint resolution process.
- 15) An applicant shall remit an application fee and if required, an escrow deposit, in the amount specified in the fee schedule adopted by the Board of Trustees. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required those costs shall be borne by the applicant with his consent.
- 16) STANDARDS AND REQUIREMENTS. The Utility Grid wind energy system project shall meet the following standards and requirements:
 - a) Setbacks from Inhabited structures: Each wind turbine, as measured from the centerline of its tower base shall be set back from the nearest wall of an inhabited structure by a distance of no less than 1,320-feet.
 - b) Setbacks from Property Lines:
 - i. Participating Parcel: A setback for a wind turbine from the property lines of adjacent participating property is not required.
 - ii. Non-Participating Parcel: The distance between a wind turbine and the property lines of adjacent non-participating properties shall be no less than 1,295-feet.
 - c) Wind turbines and access roads: Wind related facilities shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.
 - d) Other Setbacks:
 - i. The distance between a wind turbine and the centerlines of roads and other public rights-of-ways (does not include County drain easements) shall be at least 1.5 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
 - ii. The distance between a wind turbine and the nearest above-ground public electric power line or telephone line shall be at least 1.5 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.

Moore Township Zoning Ordinance

Work in Progress – For the 4/30/2015 Public Hearing

- e) SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The setback shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
 - f) Sound Pressure Level: The sound pressure level generated by a Utility Grid wind energy system shall not exceed 45 dB(A) as measured at an inhabited structure on non-participating parcels. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 - g) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
- 17) Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. In addition, the application shall include documentation that the applicant has contacted any area airport Zoning Ordinance Administrator(s) to determine what is required by each airport in terms of any required Airport Zoning Permits and how any proposed structures related to the utility grid wind energy system may be affected by any imposed height limitations as determined by the airport(s).
- 18) Safety: All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or

Moore Township Zoning Ordinance

Work in Progress – For the 4/30/2015 Public Hearing

Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

- 19) Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any parts of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan. There shall be no illumination other than that required of the FAA.
- 20) Environmental Impact: The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
- a) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the Utility Grid wind energy system.
- 21) Avian and Wildlife Impact: The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- a) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- b) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where

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appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

- c) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions.

22) Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for global positioning system correction systems (RTK), radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

23) Shadow Flicker: The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all inhabitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Approval Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated.

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24) Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:

- a) The anticipated life of the project,
- b) The estimated decommissioning costs net of salvage value in current dollars (“net decommissioning costs”),
- c) Confirmation that each Wind Turbine and foundation will be removed to a depth of forty-eight (48) inches below original grade, or to the level of bedrock, whichever is less. The Zoning Administrator may approve a land owner’s request for any concrete foundations or other infrastructure to remain for other uses,
- d) The method of ensuring that funds will be available for decommissioning and restoration. A surety bond is the preferred method and may be required to assure payment of the cost of decommissioning.
- e) The anticipated manner in which the project will be decommissioned and the site restored.
- f) A provision to give notice to the Township one year in advance of decommissioning.
- g) The standard for inactivity shall be twelve (12) months. “Inactivity” means the Utility Grid Wind Energy System has ceased to generate electric power.
- h) Provisions to provide Moore Township with a surety agreement in order to establish an adequate decommissioning fund:
 - i. The Planning Commission may require the applicant to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event Moore Township must remove the Utility Grid Wind Energy System, of an amount and form determined to be reasonable by the Planning Commission, but in no event to be less than one-and-a-half times (1.5x) of the system’s net decommissioning costs. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer.
 - ii. No later than thirty (30) days after the fifth anniversary of the date of execution of an agreement and each subsequent fifth anniversary of the date of such an agreement, the applicant shall deliver to Moore Township an updated report inclusive of a review of the initial net decommissioning costs and such report, after approval by Moore Township, may be the basis for amending the amount of the existing surety agreement or obtain replacement surety in an amount that is agreed-upon by both the applicant and Moore Township and meeting all the all requirements set forth in subsection (24) herein. The applicant shall maintain a surety in an amount at least one-and-a-half times (1.5x) of the system’s net decommissioning costs as the same may be adjusted from time to time as provided above.

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- 25) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.
- 26) Waste Management: All solid waste and hazardous waste shall be managed and disposed of in a manner consistent with all applicable federal, state, and county rules and regulations.
- 27) Maintenance Records: Upon request and by official notice by the Moore Township Supervisor, the owner and/or operator of the Utility Grid Wind Energy System shall provide within thirty (30) days of the request, maintenance and repair records pertinent of the operation of the Utility Grid Wind Energy System.
- 28) Permit Ownership: All conditions and approvals associated with the permit(s) shall be observed and remain in effect upon sale and/or transfer of ownership of an approved Utility-Scale Wind Energy System.
- 29) Conflicting Provisions: In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Utility-Scale Wind Energy Systems, the provisions of this section shall control.
- 30) Electrical Collection Lines: The electrical collection system shall be placed underground within the interior of each parcel at a recommended depth of five (5) feet below the surface. The collection system may be placed overhead adjacent to Township and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

Add to Section 19.01

- Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- ANSI: American National Standards Institute.
- dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- Decommission: To remove or retire from active service.
- Height of Structure: The height of the structure is to the highest point on the tip of a fully vertical rotor blade.

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- **Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
- **IEC:** International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- **ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
- **Non-Participating Parcel:** A property within Moore Township that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for a Special Approval Use for the purposes of constructing a utility grid wind energy system.
- **Participating Parcel:** A property within Moore Township that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Approval Use Permit application for the purposes of developing of a utility grid wind energy system.
- **Rotor:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- **SCADA Tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
- **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.
- **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- **Utility Grid Wind Energy Systems:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
- **Wind Energy Conversion System (WECS):** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
- **Wind Site Assessment:** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

MICHIGAN PLANNER



American Planning Association
Michigan Chapter

Making Great Communities Happen

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PLANNING FOR WIND ENERGY IN MICHIGAN

By Alan Bean, AICP, project planner, Spicer Group, Inc.

Today, Michigan has 143 megawatts (MW) of installed wind generating capacity, or a total of 93 utility-scale wind turbines that are providing energy to the electric grid. And yet only three years ago, there was barely 3 MW installed – a total of 6 wind turbines – just a fraction of where we are at today.

Nationally, the picture is similar. The American Wind Energy Association reports that almost 10,000 MW of new wind generating capacity was installed in 2009. This accounts for over 25 percent of the total installed wind capacity in the United States, which is about 35,000 MW.

It is clear that utility-scale wind energy development is growing. Here in Michigan, the development of wind energy facilities is expected to expand due to wind energy potential and the renewable portfolio standard.

The wind energy potential of Michigan has only recently been realized. In 2004 the National Renewable Energy Laboratory of the U.S. Department of Energy developed Michigan wind maps and show regions of the state with strong enough winds to support the development of utility-scale wind turbines. Compared to other states, Michigan ranks fourteenth, which is relatively high in terms of the development of wind energy.

The Public Act 295 of 2008, the Clean, Renewable, and Efficient Energy Act, establishes a 10 percent renewable portfolio standard (RPS) by 2015 for all Michigan electricity suppliers. An RPS is a flexible market driven policy designed to increase electricity generation from a renewable source, such as wind, solar, geothermal, and biomass. This means that within five years, 10 percent of the annual electricity sold to Michigan's retail customers must come from renewable energy sources. Because of this requirement, and due to the fact that the development of wind energy is one of the least expensive sources of alternative energy, developers now view Michigan



HARVEST WIND FARM Located in Oliver and Chandler Townships (Huron County), it comprises 32 turbines and has a rated capacity of 52 MW, or 1.65 MW per turbine. The project was completed in 2007.

PHOTO CREDIT: DARCY CZARNIK-LAURIN, SPICER GROUP

as having a viable market for the development of utility-scale wind turbines.

To meet the 10 percent RPS by 2015, much effort by many stakeholders including elected officials, planning commission members, and professional planners is required. To put this in perspective, the Michigan State University Land Policy Institute has estimated that approximately 1,250 turbines will need to be installed to meet the 10 percent RPS. Therefore, in the next five years, over 1,100 new utility-scale wind turbines will need to be built. Due to separation requirements between turbines, the land area required to accommodate the anticipated 1,250 turbines equates to about 50,000 acres, or about 79 square miles. Individually, while each turbine will likely have a physical footprint of a quarter-acre, the total area required for siting purposes is about 40 to 50 acres.

Already, wind developers are working hard in Michigan. They are working with land owners and negotiating agreements to secure access and long-term use of land for the development of extensive wind farms. These wind farms are expected to include about 100 to 200 utility-scale turbines each, and

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the sheer scale of such development proposals will challenge local officials and planners. While the development of a utility-scale wind project represents an opportunity to promote a renewable energy resource and reduce carbon emissions, on the other hand, the change to the landscape and other localized effects from a wind project may not be what a community wants, or may not be supported in the master plan. Navigating through such complexities is what the planning profession does best. With some basic knowledge about the development of utility-scale wind projects, planners can take the lead and move communities forward to plan for and address development requirements for wind energy proposals. Such planning can very well ease divisive public debate and create a process that encourages wind energy development in appropriate areas.

KNOWLEDGE IS POWER: SIMPLE DEFINITIONS AND TECHNICAL JARGON DE-MYSTIFIED

When thinking about utility-scale wind development in Michigan, there is some basic information that should be understood up front, such as definitions and some of the regulatory players besides local decision-makers.

The following definitions are meant to

address and de-mystify some of the technical aspects of utility-scale wind development. While the following list is not comprehensive, it does cover a practical level of information. For example, wind developers are usually hesitant (for various reasons) to discuss upfront how many turbines they plan to build in a single wind energy project. When asked, a typical response is like, 'we would like to be able install up to 200 megawatts in your community.'

After reviewing the following definitions, you should be able to think of an excellent follow-up question to that response, one that will get you to a range of the planned turbines.

What is a **utility-scale wind turbine**?

It is a wind turbine that is designed and built to provide electricity to the electric utility grid. These turbines are over 100 kilowatts (kW) in capacity and are typically part of a larger project such as a wind farm. (A wind farm is collection of wind turbines, especially a large-scale array, used to generate electricity.) The electricity is collected and fed into utility power lines and eventually delivered to utility customers.

What is a megawatt? It is a unit of electric power equal to 1,000 kilowatts (kW), or 1,000,000 watts (W). A megawatt is abbreviated a MW. Electricity production and consumption are commonly measured in kilowatt-hours (kWh). A kilowatt-hour means one kilowatt of electricity produced or consumed for one hour. A 5 MW turbine can produce more than 15 million kWh in a year, enough to power more than 1,400 households.

What is capacity factor? Capacity factor compares a wind farm's actual production over a given period of time

MAP Wind Energy Policy

The Michigan Association of Planning adopted a Wind Energy Policy in January 2009.

The policy summarizes the issues and articulates a number of policy statements relating to the various environmental, social, economic, and siting components of the development of wind energy in Michigan.

The policy is available on MAP's website at www.planningmi.org.

with the amount of power the wind farm would have produced if it runs at full capacity for the same amount of time. Wind farms are "fueled" by the wind, which blows steadily at times and not at all at other times. Although modern utility-scale wind turbines typically operate 65 percent to 90 percent of the time, they often run at less than full capacity. Therefore, a capacity factor of 25 percent to 40 percent is common, although they may achieve higher capacity factors during windy weeks or months.

What is an anemometer? It is a device to measure wind speed, as well as wind pressure. Data generated by an anemometer is used for site assessments which are conducted to determine the feasibility of using a site for a potential wind project. Data generated by anemometers during a site assessment is considered proprietary information and is not usually disclosed by the developer.

What about the height of a wind turbine? Graphic 1 depicts the two main turbine heights that are discussed during proposals for utility-scale wind projects. The base of a wind turbine is attached to a concrete foundation, which is at the ground level. The distance measured from the ground



GRID INTERCONNECTION *Underground power lines transmit energy from individual wind turbines and connects to a substation which then distributes the energy to the power grid.* | PHOTO CREDIT: ALAN BEAN, SPICER GROUP

level up to the center of the turbine hub is called the hub height. The hub is where the propeller blades (rotor) attach to the gearbox and generator casing (nacelle). The tip height is the distance measured from the ground level to the furthest vertical extension of the propeller blades (rotor). Differentiating between these two measurements is an important step toward establishing setback requirements in a zoning ordinance. Consideration must be given to an expected fall zone, in the event of a turbine failure. A fall zone calculation should take into account the overall height of a turbine, which is based on the tip height. The tip height is then considered as the baseline measurement for establishing turbine setbacks from property lines, structures, and other considerations. Communities can expect utility-scale turbine hub heights at around 270 feet, with an overall tip height of about 400 feet.

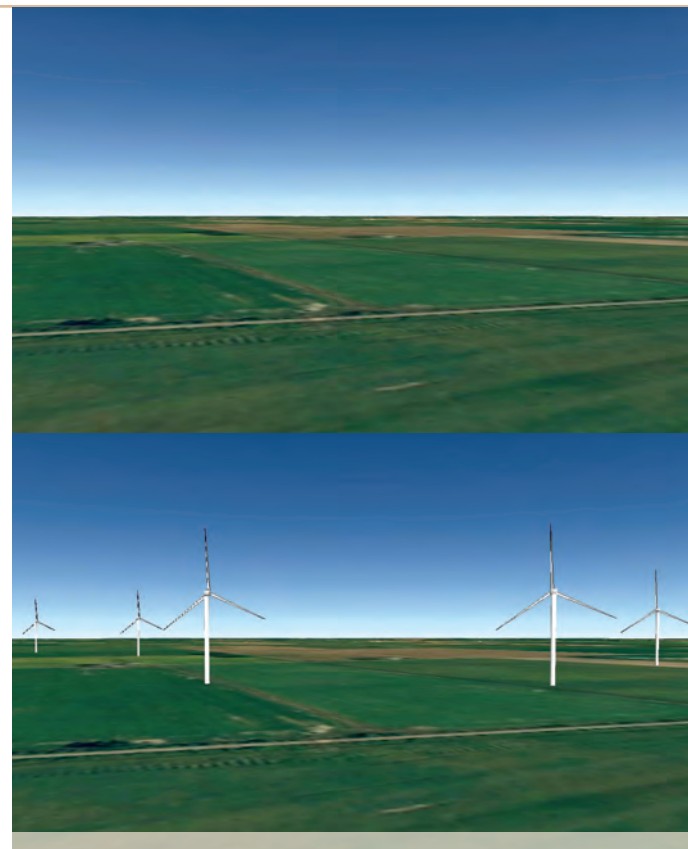
Important players involved in the development of a utility-scale wind project not only include local planning commissions and state regulatory

agencies such as the Michigan Public Service Commission, but also two other organizations: the Midwest Independent System Operator (MISO) and the International Transmission Company (ITC).

The Midwest Independent System Operator is the independent transmission organization serving Michigan. MISO operates the transmission systems in 15 states, consists of 100,000 miles of high voltage transmission lines, and is responsible for coordination of electric reliability in this area. MISO also manages the wholesale energy markets in the area. When a utility-scale wind project is planned in Michigan, the developer needs to request to interconnect with the electric transmission grid through MISO. As such, MISO tracks all requests for grid interconnection and the current queue (the waiting list) can be viewed on www.midwestiso.org which shows all interconnections and requests on a map.

The International Transmission Company, an electric transmission company based in Novi, Michigan, is in charge of the electric transmission system formerly owned by Detroit Edison and Consumers Energy. ITC is not an energy market participant, that is, the company does not buy or sell energy, and does not participate in management systems. ITC focuses on planning, construction, operation, and maintenance of transmission facilities.

In short, at the beginning stages of a project, a wind energy developer must submit an interconnection request to MISO to get in the queue and also needs to contact ITC to determine if power lines and related physical infrastructure are in



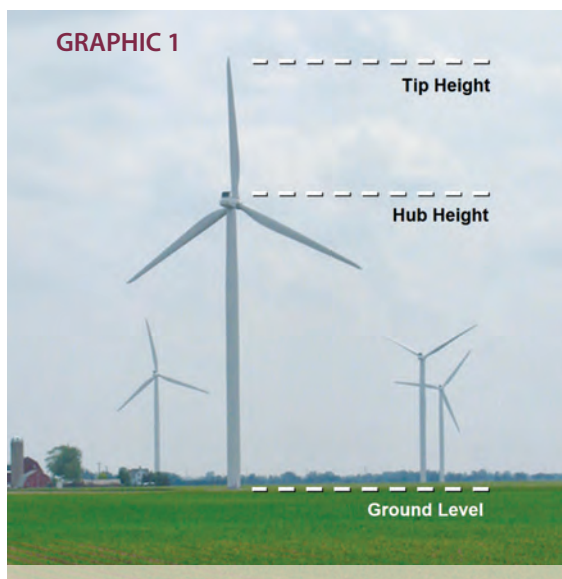
VIEWSHED ANALYSIS *Landscape simulation before (top) and after (bottom) construction.* | IMAGERY FROM GOOGLE EARTH

need of any improvements or upgrades, if the wind power were permitted to connect to the grid.

LOCAL PLANNING CONSIDERATIONS

Of course, moving forward on a wind project will ultimately bring the developer to a community's planning commission where local permitting decisions are made. These decisions are based on local planning and zoning documents. To plan for a potential utility-scale wind energy project, the following steps should be taken.

The first step is to review the master plan. A review of the master plan begins with the planning commission, is now required every five years per the Michigan Planning Enabling Act (Public Act 33 of 2008). If an amendment or a full update is needed, the planning



GRAPHIC 1

TURBINE HEIGHT *Overall turbine height, usually considered the tip height, is the baseline measurement for establishing setbacks.*

PHOTO CREDIT: DARCY CZARNIK-LAURIN, SPICER GROUP

commission will need to address the appropriateness of wind energy for the community. Part of this consideration involves consultation with wind maps and an assessment of the infrastructure related to transmission lines and the power grid. In addition, most wind developers will seek out areas that are flat and open with primarily agricultural land uses. Of course, strong winds are a requirement, and areas in the state that are proximate to the Great Lakes are likely to have constant wind speeds that can support utility-scale wind projects.

Seeking input from the community is also a critical step which is vital to the successful development of effective goals that address wind energy. Input can be gathered through varied means including an open house or a community forum, and all the ideas, input, and potential issues that are shared by the community should be documented and reviewed by the planning commission.



ANALYSIS OF SETBACKS *Different setback requirements can be modeled to help determine the number of turbines that could be built in a community.* | IMAGERY FROM GOOGLE EARTH, DATA BY SPICER GROUP

Part of the community engagement process could include some visual assessments that depict viewsheds of the community before and after a hypothetical wind proposal is built. Some communities might also seek out the assistance of experts and other professionals to start preliminary

discussions on some of the site development requirements such as setbacks. For example, variations on required setback distances of wind turbines from residences and roads can be modeled, the results of which can be used to project the number of turbines that may be supported in the community.

Taken together, the community input and the technical analyses provide a strong basis for the development of goals that are appropriate for addressing utility-scale wind energy developments. In some cases, the master plan update will also include supporting maps showing where wind energy may or may not be located.

After the master plan is updated, the zoning ordinance is updated to be consistent with master plan. One of the first questions that should be answered is whether utility-scale wind turbines should be permitted as a use by right or as a special land use. If permitted as a use by right, the required review by the planning commission is not as strict. That is, a wind developer will only need site plan approval before construction. But if regulated as a special use, then the planning commission has more oversight on the developer's proposal, typically through an additional public hearing with the public that is separate from the site plan review. Given the potential impact that a utility-scale wind project will have on a community, a special land use approval may be the appropriate route.

The planning commission should then amends specific sections of the zoning ordinance. Proposed changes are likely to definitions, zoning districts, and special land use. The most extensive change may be to the special land uses chapter which details the siting criteria and development requirements for utility-scale wind turbines. Turbine



ANTICIPATED COMMUNITY IMPACTS

Roads in Huron County were affected during construction of the Harvest Wind Farm and required temporary improvements to accommodate the delivery of turbine components. | PHOTO CREDIT: ALAN BEAN, SPICER GROUP

setbacks, appropriate distances from roads, railroads, utility lines, and other right-of-ways should be described. In addition, turbine setbacks from property lines, residences, and other structures are determined. Different distance requirements may need to be established for structures that are included within a proposed utility-scale wind project, as opposed to adjacent non-participating properties. The zoning ordinance may also set standards that address allowable limits for noise, shadow flicker, and lighting. Site plan review submission requirements may include:

- A wind site assessment.
- Access and transportation plan, including road agency contact information.
- Proposed substation interconnection.
- Location of temporary off-site staging area.
- Location and storage of equipment and replacement parts.
- Submittal of any consent documents from individuals with leased properties.

- Maintenance schedule.
- Avian/wildlife studies.
- Process for complaint resolution.
- Performance guarantee and decommissioning.

As a final matter, the legislative body may wish to amend its schedule of fees and escrow policy to incorporate appropriate fee levels to cover anticipated engineering, legal, and professional planner fees related to the review of a possible utility-scale wind project.

CONCLUSION

We have harnessed the wind's energy for hundreds of years. From old Holland to farms in the United States, windmills have pumped water or ground grain. Today, the windmill's modern equivalent—a *wind turbine*—can use the wind's energy to generate electricity. We know that renewable energy technologies can help contribute to a clean and secure energy future for our state, nation, and the world. But what does it mean to you? Perhaps it saves money by using energy-efficient and renewable energy technologies or creates agribusiness opportunities in renewable energy. Utility scale wind energy development is growing rapidly and it is imperative for local decision makers to be prepared for the growth. Discuss the issue. Determine what is appropriate for your community. Update the master plan. Revise the zoning ordinance. This preparation will pay dividends.

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Spicer group is a specialized consulting firm that has been providing engineering, surveying, planning, landscape architecture, and architectural services to municipal clients since 1944. Based out of Saginaw, with offices in St. Johns, Belleville, Benton Harbor, and Grand Rapids, the Planning Services area works closely with clients to develop effective planning and zoning documents. The professional planners at Spicer Group support their client relationships with innovative ideas and solutions that are stronger, safer, and smarter.



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Experience & References

When providing Professional Planning Services for clients, Spicer Group covers the spectrum of all community types. Below, we have included a brief list of the types of services we have provided for various communities in Michigan.

Midland County

Spicer Group has been assisting Midland County with planning services for the past 17 years. Over the course of the long relationship, we have assisted the County and County-zoned Townships with all facets of planning and zoning. Some examples of the work include:

- All county planning issues
- Updating the County Master Plan and Land Use Plan
- Updating the Zoning Ordinance, including numerous amendments for each township
- Land Division Reviews
- Site Plan Reviews
- Attend all monthly Planning Commission meetings, as requested by the County

Reference: Bridgette Gransden, Controller, (989) 832-6797



City of Davison

Spicer Group has been Davison's Planner for 10 years. In addition, Spicer Group assisted Davison's Planning Commission on the development of a new Master Plan, which was formally adopted in 2015. Over the course of the past decade, Spicer Group has assisted the City with the development of the following plans, documents, and projects:

- Master Plan
- Zoning Ordinance Amendments
- Planner at Planning Commission Meetings
- Zoning Board of Appeals Assistance
- Pre-Application Meetings with Developers
- Parks and Recreation Plan
- DDA Development and TIF Plan
- LDFA Development and TIF Plan

Reference: Andrea Schroeder, City Manager, (810) 653-2191.



Experience & References

City of Mt. Pleasant

Spicer Group was Mt. Pleasant's Planning Director for two years, from 2013 through 2015. During the update of the Master Plan, Spicer Group employed a variety of techniques to obtain public input, including an online survey, a social media campaign, a City-wide open house, and individualized "Meeting in a Box" input sessions with 10 of the City's community organizations and agencies. As the City's Planning Director, Spicer Group assisted the City of with the following:

- Master Plan
- Staffing the Planning Office at City Hall
- Planner at Planning Commission Meetings
- Pre-Application Meetings with Developers
- Parks and Recreation Plan



Reference: William Mrdeza, Director of Community Services, (989) 779-5347, ext. 5311.

Hampton Township

Hampton Township is located in Bay County right along the Saginaw Bay shoreline and near Bay City. Spicer Group is currently updating the Township's zoning ordinance. As the Township's Planner, Spicer Group has also been able to assist the community in the following ways:

- Master Plan
- Zoning Ordinance Amendments
- Planner at Planning Commission Meetings
- Pre-Application Meetings with Developers
- Parks and Recreation Plan



Reference: Tom Foret, Supervisor, (989) 893-7541

Experience & References

Kawkawlin Township

Spicer Group has been Kawkawlin Township's Planner for three years. In addition, Spicer Group is currently assisting Kawkawlin Township with an update to their Master Plan. We are also currently assisting the Township by updating key sections of their zoning ordinance. We are also working on updates to utility-grade solar zoning and event-barn ordinances. We have also assisted the Township in the following ways:

- Master Plan Update
- Zoning Ordinance Amendments and Updates
- Planning Commission Training
- Planner at Planning Meetings
- Pre-Application Meetings with Developers
- Site Plan Review



Reference: Dennis Bragiel, Supervisor, (989) 686-8710

Kochville Township

For over ten years, Spicer Group has been the planner and engineer of record on Kochville Township DDA projects. Spicer Group has assisted the Township with its DDA Development and TIF Plan, including the planning, design, and construction of many infrastructure projects, such as roads, a wayfinding sign system, streetscapes, and pathway planning. Spicer Group has worked on the following projects in Kochville Township:

- Master Plan
- Zoning Ordinance
- Planner at DDA Meetings
- Parks and Recreation Plan
- DDA Development and TIF Plan



Reference: Steve King, Manager, (989) 792-7596

Experience & References

Spicer's Work with Multiple Entities

- As the planning consultant for Midland County, Spicer Group regularly engages Townships on reviews regarding rezoning matters and Master Plan consistency reviews.
- Utility-scale wind planning and zoning to coordinate various development proposals in Townships located in Gratiot County, Huron County, Tuscola County, and Saginaw County.
- The Iosco Exploration Trail Plan which has worked with Iosco County, the Iosco County Road Commission, four townships, and a non-profit trail group.
- Multijurisdictional recreation plans in Bay County (adopted by 16 communities), the Davison Area (adopted by 5 entities), St. Charles (adopted by six entities), Frankenmuth (adopted by three entities), and Carson City (adopted by three entities).
- Our work on the Saginaw County Hazard Mitigation Plan required coordination with 24 communities to assist them with the adoption of local hazard mitigation strategies.

Rural Planning Project Highlight

The Oscoda Charter Township Bicycle and Non-Motorized Pathway Plan identified over 40 miles of future non-motorized pathways. The plan analyzed the Township's existing sidewalk and pathway system and identified ten projects to help make the Township more pedestrian-friendly and highly connected.

The plan describes the projects in detail, each shown on a separate map. An action plan lists each project, and organizes implementation responsibilities, phasing, anticipated completion dates, estimated costs, and potential funding sources.

Located on Lake Huron on the sunrise side of northern lower Michigan, Oscoda Township is a big summer draw for vacationers. The Township has over six miles of Lake Huron shoreline and the AuSable River is a major destination for canoeing and fishing enthusiasts. Most of the Township is forested, making the Township a hotspot for nature lovers.

Spicer Group assisted Oscoda Township in 2009 on the development of their Bicycle and Non-Motorized Pathway Plan. It featured placemaking strategies to link future community investments to the area's natural assets which include the Lake Huron shoreline, the AuSable River, state and federal land, and the the River Road National Scenic Byway. The planning effort was coordinated with adjacent Townships, MDOT, and the Iosco County Road Commission.

Reference: Bob Stalker, Township Superintendent
(989) 739-8299



Experience & References

Planning Commission Training and Instruction

Planning and Zoning Training

- Village of Elkton – 2016
- Village of Chesaning – 2015
- Millington Township – 2010

Running Effective Planning Commission Meetings

- Kawkawlin Township – 2017

Site Plan Review Training

- City of Coldwater – 2006

ZBA Training

- City of Davison – 2007
- City of Coldwater – 2006

Joint Training with the Michigan Association of Planning (MAP)

Planning for Wind Energy: Best Practices for Updating Your Planning Documents – 2010

Webinar approved for AICP Certification Maintenance credits

Regional Wind Energy Symposium

Is Your Community Ready for Wind Energy? – 2009

Organized by Spicer Group and hosted at Saginaw Valley University



Fee Considerations

Spicer Group recommends the Wexford Joint Planning Commission consider various costs associated with receiving Professional Planning Services. The Wexford Joint Planning Commission should anticipate recovering its costs via application/developers fees and escrow for items such as site plan reviews, review of special use permit applications, ZBA research, and other land development applications.

Estimated Costs: Based on standard hourly rates.

1. Attend Various Planning Meetings — Estimated Fee of \$500 to \$900
2. Video Conference in Lieu of Attendance — \$250 to \$750
3. Site Plan Review for Conformance with Zoning Ordinance — Estimated Fee of \$1,200 to \$4,500 (cost covered by developers' escrow)
4. Miscellaneous Staff Reports and Related Documents (resolutions, memos, draft motions, etc — Estimated Fee of \$500 to \$800:
 - Master Plan Amendments
 - Rezoning
 - Recommendations to the Zoning Board of Appeals
 - Special Use Reviews
 - Updates to the Zoning Ordinance
5. Update Maps – Estimated fee of \$500 to \$1,200 per map
6. Land Division Review — Estimated fee of \$400
7. Training Sessions and Workshops — Estimated Fee of \$700 to \$1,500

In many instances noted above, all or a share of the costs can be covered by developers fees and escrow. We believe it is in the Wexford Joint Planning Commission's best interest for Spicer Group to handle the work based on actual hours worked and then invoice the Commission for our time. This way, it will be easy to direct effort to a specific project that could be covered by application/developers' fees and escrow.

Another option the Wexford Joint Planning Commission should consider is a combination of retainer and fees. For this option, the retainer fee would be \$500 per month and then Spicer Group would invoice monthly for hours/effort exceeding this amount.

The daily, responsible Project Manager for the Wexford Joint Planning Commission Planner would be Alan Bean. The Principal in Charge would be Rob Eggers. There will be no additional charges for mileage. We will invoice monthly based upon hours actually worked for the Wexford Joint Planning Commission.