

**CITY OF FRASER PLANNING COMMISSION
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
WEDNESDAY, OCTOBER 1ST, 2014 ~ 7:00 P.M.
MINUTES**

PRESENT: CHAIRMAN RICKARD, MEMBERS: BARR, CALABRESE, EHRKE, LARAMIE, QUERTERMOUS, AND STONEBREAKER

EXCUSED ABSENCE: MEMBERS: LOY AND NEIBORG

ALSO PRESENT: JACK DOLAN, CITY ATTORNEY
PATRICK MEAGHER, CITY PLANNER
RANDY WARUNEK, BUILDING OFFICIAL
KELLY DOLLAND, RECORDING SECRETARY

1. CALL MEETING TO ORDER:

Chairman Rickard called the meeting to order at 7:02 PM

2.	Chairman	Rickard	Present
	Members:	Barr	Present
		Calabrese	Present
		Ehrke	Present
		Laramie	Present
		Loy	
		Neiborg	
		Quertermous	Present
		Stonebreaker	Present

3. APPROVAL OF AGENDA ~ Regular Meeting of October 1st, 2014

Motion by Member **EHRKE** Support by Member **LARAMIE**

TO: APPROVE the agenda of October 1st, 2014 as submitted

AYES **7** NAYS **0** MOTION CARRIED

4. APPROVAL OF MINUTES ~ Meeting of the September 3rd, 2014

Motion by Member **LARAMIE** Support by Member **CALABRESE**

TO: APPROVE the September 3rd, 2014 minutes as submitted

AYES **7** NAYS **0** MOTION CARRIED

5. PUBLIC HEARING:

a. #07-14SP/FRASER WOODS SENIOR APARTMENT COMPLEX & KMG PRESTIGE/17195 FRASER WOODS DRIVE/ TO CHANGE FROM EXISTING CLASS "B" NON-CONFORMING USE DESIGNATION TO CLASS "A" NON-CONFORMING USE DESIGNATION IN THE "RH – RESIDENTIAL HIGH-MULTIPLE" ZONING DISTRICT.

Ms. Anne Danosky, KMG Prestige representing Fraser Woods Senior Apartments stated Fraser Woods is currently a Class B Non-Conforming Use and is asking to change to a Class A Non-Conforming Use. If the building were to experience a large causality, they could rebuilt the existing five story building verse a 2 ½ as a Class B Non-Conforming structure.

Member Laramie stated; if it remains a Class B, you cannot replace it if there was a tragedy.

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Ms. Danosky stated we could come back to the City and ask to rebuild, but the intent is to forgo that and solidify the fact that Fraser Woods can be re-built.

Mr. Meagher stated he is recommending approval based on the criteria from the third paragraph of the Planner's Recommendations: *The planning commission has the sole authority to designate a non-conforming use as a Class A non-conforming use upon finding that: (1) continuance therefore would not be contrary to the public health, safety or welfare, or the spirit and intent of this chapter; (2) the use does not, and is not likely to, significantly depress the value of nearby properties; (3) the use was lawful at the time of its inception; and (4) no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use does not conform.* Mr. Meagher stated his concern is Fraser Woods was approved as senior housing and suggested the Planning Commission make a condition of approval, it remain senior housing.

Mr. Dolan stated when you refer to seniors, attach an age to it.

Ms. Danosky stated she followed regulations of the I.R.S. program for tax credits. The definition of senior is head of household 55 years or older; and non head of household occupants 50 or older.

Member Stonebreaker stated if he was 55 years old he could live there, but his wife 45 could not. Ms. Danosky's responded yes, you could but your spouse could not.

Ms. Danosky said the original financer was H.U.D. and its section 8 financing used the term elderly. According to H.U.D. rules elderly is age 62. Suggested to use the lesser age as the requirement if anything would change with H.U.D.

Mr. Dolan stated it is your prerogative to pick the definition of senior that is the most appropriate. If you pick the 62 and over or the regulation Ms. Danosky proposed 55 head of household with the occupants to be 50 and older.

Public Hearing:

Ms. Sylvia Miller, spoke of grandparent residents with children and grandchildren residents at Fraser Woods. Concerned that Fraser Woods has turned from senior housing to an open all ages building.

Mr. Dolan suggested the residents can refer to an attorney; the management company may not be conforming to the obligations on the lease.

Ms. Danosky stated recently, H.U.D. has made a ruling that you cannot discriminate against a senior head of household who may have a younger person with them. The management of Fraser Woods does not want this, it is not encouraged but, it is a H.U.D. rule. Also, all the assistance tenants receive is based as Fraser Woods a H.U.D. building.

Ms. Miller stated there are one and two bedroom units; you may have a mother and adult son with grandchildren living in the unit. The management stated one bedroom can have three people and a two bedroom unit can house five.

Public Hearing Closed

Member Quertermous asked for clarification, Fraser Woods, senior head of household is 55 and older with spouse at least 50 years of age. Then why are children allowed to live there?

Mr. Dolan stated this is why we need to postpone action, we need to review the regulations and review H.U.D.'s ruling.

Member Stonebreaker made the motion to postpone any decision until next month meeting, review H.U.D. documents and have professional staff review H. U. D. documents.

Motion by Member **STONEBREAKER**, Supported Member **LARAMIE**

TO: POSTPONE / #07-14SP / FRASER WOODS SENIOR APARTMENT COMPLEX & KMG PRESTIGE / 17195 FRASER WOODS DRIVE / TO CHANGE FROM EXISTING CLASS "B" NON-CONFORMING USE DESIGNATION TO CLASS "A" NON-CONFORMING USE DESIGNATION IN THE "RH – RESIDENTIAL HIGH-MULTIPLE" ZONING DISTRICT.

With the following stipulations:

1. Review HUD document
2. Review HUD by professional staff

AYES 7 NAYS 0 MOTION CARRIED

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6. SITE PLANS, SIGN REVIEWS, AND OTHER REVIEWS: NONE

7. NEW BUSINESS: NONE

8. UNFINISHED BUSINESS:

a. #04-14SP / CHIPPEWA CONSULTING, MITCHELL O'CONNOR / 33650 UTICA RD / PROPOSED THREE STORY, "12-UNIT APARTMENT BUILDING" IN THE RH – RESIDENTIAL HIGH (MULTIPE-FAMILY) ZONING DISTRICT

No action was taken; conversation ensued regarding the site plan and pending Zoning Board of Appeals variance request.

Member Laramie made the motion to postpone action till Zoning Board of Appeals approval or denial.

Motion by Member **LARAMIE**, Supported Member **QUERTERMOUS**

TO: POSTPONE / #04-14SP / CHIPPEWA CONSULTING, MITCHELL O'CONNOR / 33650 UTICA RD / PROPOSED THREE STORY, "12-UNIT APARTMENT BUILDING" IN THE RH – RESIDENTIAL HIGH (MULTIPE-FAMILY) ZONING DISTRICT

AYES **7** NAYS **0** MOTION CARRIED

9. OLD BUSINESS:

a. PROPOSED FRASER MASTER PLAN PRESENTED BY PATRICK MEAGHER, CITY PLANNER

Mr. Meagher spoke of concerns regarding the Master Plan and the City Planner. Mr. Meagher stated the Master Plan was paid for many years ago and has no intention to charge the city additional money. He stated he would like City Council to understand there are no intentions to go around them. Each month the Planning Commission will receive a new section of the Master Plan to review, discuss, comment and amend then forward a copy to City Council. Handed out was an upgrade Demographic Analysis that addressed demographics thru 2010. The Planning Commission should review the Land Use and Downtown Use section a bit more than the others. Data is outdated, etc. At next month's meeting we (the Planning Commission) will review three sections of the Master Plan:

1. Existing Land Use
2. Physical Features
3. Natural Features and basic studies

Lastly, Mr. Meagher asked the Planning Commission members to review the Master Plan Section Two draft and bring their concerns to the next meeting.

TO: POSTPONE / PROPOSED FRASER MASTER PLAN PRESENTED BY PATRICK MEAGHER, CITY PLANNER

b. #06-14SP / PALMER PROMOTIONAL PRODUCTS / 33525 GROESBECK HWY / COMMERCIAL FENCE AND AUTOMATED GATE

TO: APPROVE / #06-14SP / PALMER PROMOTIONAL PRODUCTS / 33525 GROESBECK HWY / COMMERCIAL FENCE AND AUTOMATED GATE

With the following stipulations

1. Fence will have a 24ft entry gate.
2. Fence will be a six foot vinyl fence

3. Confirm there is not a legal recorded shared parking agreement

BUILDING DEPARTMENT CONFIRMED THERE IS NOT A RECORDED SHARED PARKING AGREEMENT

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10. ZBA LIAISON: NONE

11. COMMISSION MEMBERS TO BE HEARD:

Chairman Rickard: Three positions on the City of Fraser Planning Commission will expire 12-21-2014
Member Laramie: Commented on the Fraser Woods Senior Housing
Member Barr: Nothing at this time
Member Loy:
Member Ehrke: Open House at the Baumgartner House
Member Calabrese: Commented on the progression of the Master Plan
City Planner Meagher: Nothing at this time
Member Neiborg:
Member Quertermous: Nothing at this time
Member Stonebreaker: Commented on the progression of the Master Plan

City Planner Meagher: Nothing at this time
City Attorney: Spoke of HUD Housing
Building Official: Nothing at this time

12. PUBLIC TO BE HEARD: NONE

13. ADJOURNMENT:

Motion by Member **EHRKE**, Support by Member **LARAMIE**

TO: Adjourn the meeting of October 1st, 2014 at 7:52pm

AYES **7** NAYS **0** MOTION CARRIED.

THE MOTION WAS CARRIED UNANIMOUSLY.

ROBERT NEIBORG, Secretary

RANDY WARUNEK, Building Department Director

Audience members:
Seven residents of Fraser Woods Senior Housing
Ann Danosky