

## MEETING MINUTES

**City of Jackson Planning Commission**  
City Hall, 161 W. Michigan Avenue, 2<sup>nd</sup> Floor  
Wednesday, May 3, 2017

MEMBERS PRESENT: Jeanne Kubish, Sheila Troxel, Stephen Rajzer, Derek Dobies, Patrick Burtch, Clyde Mauldin, Bill Jors, James Stark, John Polaczyk

MEMBERS ABSENT: None

STAFF PRESENT: Jennifer Morris, Adam East

**1. Call to Order**

Chairperson Troxel called the meeting to order at 6:00 pm.

**2. Pledge of Allegiance**

Those in attendance rose for the Pledge of Allegiance

**3. Adoption of Agenda**

*Commissioner Polaczyk moved, with support from Commissioner Dobies, to adopt the agenda as presented.*

**The motion passed unanimously on a voice vote.**

**4. Public Comment and Correspondence**

None.

**5. Consideration of the April 5, 2017 Planning Commission Meeting Minutes**

*Commissioner Kubish moved, with support from Commissioner Dobies, to approve the City Planning Commission meeting minutes as presented.*

**The motion passed unanimously on a voice vote.**

**6. Consideration of Applications**

**A. 224 W. Wilkins St. Rezoning Request**

Staff presented the request of "Together We Can Make a Difference" to rezone the property at 224 W. Wilkins from 224 W. Wilkins St. from R-2 (One and Two Family Residential) to R-4 (High Density Apartment and Office). Staff had noted that the properties immediately surrounding the address were also zoned R-2, but that the request was consistent with the Master Plan as the Future Land Use Plan placed this address in the "Residential and Office" district. The property is in an area of mixed use. Staff recommended approval for the rezoning request as the R-4 still allowed for residential use but also allowed certain office uses not allowed in the R-2 zoning district.

*Commissioner Stark moved, with support from Commissioner Polaczyk, to enter the report and recommendation in the record as if read in whole.*

**The motion passed unanimously on a voice vote**

Applicant Wendy White explained the organization and that they have many organizations under their umbrella. They do community outreach, fundraising, and charity work within the community of Jackson. She explained that they have been utilizing 224 W. Wesley as office space for a number of years. She also handed a flyer to the Commission with a list of all the organizations that function under *Together We Can Make a Difference*.

Commissioner Jors commended the applicant for all the services they provide to the community and the neighborhood and noted that he had just recently been to a charity function for one of the organizations organized by the applicant.

Commissioner Burtch stated that he wasn't sure whether or not he agreed with the staff recommendation. He stated that he was conflicted because R-4 zoning would also allow future owners to split the house into potentially a four-unit residential building whereas the current zoning only permits one and two family unit buildings. He did not feel that this particular building was suited for a multi-unit use. Mr. Burtch also expressed concern that the rezoning could constitute as spot zoning as it was not immediately adjacent to any other R-4 properties.

Staff member Jennifer Morris explained that the recommendation was based on the recently adopted Future Land Use Map of the Master Plan where the Planning Commission had determined that this area of the City should be a "Residential and Office" transition from the downtown to the more residential areas to the south and west. On those grounds, the request would not be considered a "spot zoning."

Commissioner Burtch stated that the City should possibly reassess the "residential and office" district specified in the Master Plan. He noted that rezoning additional properties from R-2 to R-4 could create a number of large, historic homes being converted to multi-family

housing in this area. He also stated that the applicants' office should be considered "legally nonconforming" in the R-2 zoning district and that they did not need a rezoning to operate legally at 224 W. Wilkins St.

Staff Member Jennifer Morris clarified that the applicant had formerly been in the Non-Owner Occupied Property Registration as the building had previously been used as a residence as well, although it was not currently utilized as a residence. Staff brought the applicant to the Planning Commission as they were not under the impression the use was "legally nonconforming."

Commissioner Burtch stated that he believed the applicant was legally nonconforming but also clarified that if they ceased to operate or the building was vacant or abandoned for a period exceeding six (6) months, the use lose its legal nonconforming status.

Commissioner Rajzer asked for clarification if the property owner was currently utilizing the property as a residence and if they planned to utilize the property as a residence?. Wendy White stated it was not a residence and they would not have people living in the building.

*Commissioner Dobies stated that with the understanding the use was legally nonconforming, he would make a motion to deny the rezoning request from R-2 to R-4 and to refund the money for the application to the applicant. The motion was supported by Commissioner Stark.*

**The motion passed unanimously on a roll call vote**

**(Dobies-Y, Stark-Y, Kubish-Y, Burtch-Y, Rajzer-Y, Jors-Y, Polaczyk-Y, Mauldin-Y, Troxel-Y)**

## **7. Business**

### **A. Public Hearing for Zoning Ordinance Amendments**

Staff presented the proposed Zoning Ordinance Amendments for Sec. 28-5 (Definitions) and Sec. 28-155 (Wireless Communications Facilities and Services). Staff gave background on new developments in the telecommunications industry as it relates to land use and the structures being installed. The intent was to draft an Ordinance that was consistent with Federal and State regulations also taking into account the land use implications within the City of Jackson.

*Commissioner Dobies moved, with support from Commissioner Burtch, to accept the staff report and recommendation and to place on file.*

**The motion passed unanimously on a voice vote**

Commissioner Burtch stated that he would like to see cement board siding added to the table of acceptable wall materials stating that there are a variety of new

building materials that were not around when the table was initially developed. He stated that some cement board siding can be installed to have a similar aesthetic to other types of siding and weathers well over time.

*Commissioner Kubish moved, with support from Commissioner Dobies, to enter the report and recommendation in the record as if read in whole.*

**The motion passed unanimously on a voice vote**

Commissioner Stark asked what costs are added to telecommunications companies as a result of these new regulations. Mr. Stark expressed concern that if the added cost is too much, then the City won't get any applications for new towers at all.

Staff Member Jennifer Morris stated that much of the new language was making the Ordinance uniform with existing State and Federal regulation. She noted that it did include height restrictions based on the zoning district, but also added that the new language created opportunity for more potentially more locations within the City, if the towers complied with all height, setback, and screening requirements.

Commissioner Rajzer asked for clarification on the word "screening" and asked what that entailed. Ms. Morris added that it generally referred to fencing and landscaping requirements to buffer and screen the use from adjacent properties and right-of-ways. She elaborated on fencing types and noted that the requirements differ for towers on industrial property versus property on residential and commercial properties.

Commissioner Burtch added to the discussion that there are now telecommunications companies stating that they are "essential public services" and also stating they should be able to locate in the public right of way. He commented it was important to have specific language in the Ordinance to ensure that any new towers do not have an adverse impact on property values.

*Commissioner Polaczyk moved, with support from Commissioner Mauldin, to recommend approval of the Zoning Ordinance Amendments to Sec. 28-5 and Sec. 28-155 to City Council.*

**The motion passed unanimously on a roll call vote**

**(Polaczyk-Y, Dobies-Y, Jors-Y, Kubish-Y, Rajzer-Y, Mauldin-Y, Burtch-Y, Stark-Y, Troxel-Y)**

**8. Commissioner Comments-** None.

**9. Next Meeting Reminder**

Chairperson Troxel reminded the Planning Commission of the next regularly scheduled meeting to be held on June 7, 2017 at 6:00 pm.

**10. Adjournment**

*Commissioner Polaczyk moved to adjourn with support by  
Commissioner Dobies at 7:00 pm.*

**The motion passed unanimously on a voice vote.**

Jennifer L. Morris, AICP  
Director of Neighborhood and Economic Operations