

## Alison Van Gorp

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**From:** blkship <blkship@yahoo.com>  
**Sent:** Monday, May 15, 2023 5:39 PM  
**To:** Salim Nice; Jessi Bon; Council; Jeff Thomas; Alison Van Gorp; Planning Commission  
**Cc:** John Hall; Robert Medved; Dan Thompson  
**Subject:** ZTR22-001  
**Attachments:** Development Regulations for Schools.pdf; Planning Commission Meeting Minutes 3-22-2023.pdf; Map of Setbacks.pdf; Map of Proposed Children Play Area.pdf

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This email is in response to Daniel Thompson's email below. I attended both meetings at the planning commission on this proposal and offered public comments. If there is one thing I want to emphasise it is this:

**The intent of the ordinance before the Council is to eliminate any 35' setback between the B zone property and Hertzl, and that was confirmed by Planning Commission member Victor Raises at the last meeting before the planning commission. Here is the link to the video of the final PC meeting <https://youtu.be/QXp8ReSYlsg?t=1996>. The questions and comments by Victor Raises begin at <https://youtu.be/QXp8ReSYlsg?t=4200>.**

### DOCUMENTS ATTACHED TO THIS EMAIL.

Attached to this email are the following documents:

1. Index prepared by the CPD showing the regulatory limits for schools in every other zone. It is common under the MICC to have additional regulatory limits for schools in each zone.
2. Planning Commission Minutes.
3. Map of the residential zone Hertzl is in and B zone property with a yellow highlight between the two where the 35' setback should go under the ordinance but is not required according to the CPD.
4. Map showing Hertzl and the parking lot to the west of Hertzl highlighted in blue where the required playfield will go, that is not even on the B zone property.

**THE ORDINANCE IS A SPOT ZONE DESIGNED TO ELIMINATE ANY YARD SETBACKS.**

The original proposal called for a 45' setback between the B zone property and Hertzl. This was then reduced to 35' by the planning commission. However, at the final meeting Allison Van Gorp told the Planning Commission she had met in private with the architect for Hertzl, and under the language of the ordinance the setback would not apply to this one parcel because of the common ownership between Hertzl and the B zone property. The two other B zoned properties are developed and are too small to accommodate a school. This ordinance applies to only one property.

This rezone was always a spot zone, but now it is clearly a spot zone designed to benefit one single applicant but not applicable to any other B zone property. Both commissioners Murphy and Raikes noted at the Planning Commission hearing that this ordinance is totally superfluous if the 35' setback is not applicable to this property and the playfield will actually be a parking lot on the Hertzl property.

**THERE ARE NO "INTERNAL LOT LINES" IN THE B ZONE PROPERTY AND A CONDITIONAL USE PERMIT SHOULD BE REQUIRED.**

The ordinance eliminates setbacks for "internal lot lines". This is not uncommon for schools and other conditional uses like the JCC that have several individual lots within a common use or in more than one zone. But those are always permitted through a conditional use permit. Instead, this ordinance attempts to allow schools as a use in the B zone without any additional regulatory limits as required in every other zone, but in language that is designed to conceal this.

Rather than have any proposed development for a school in the B zone go before the design commission the applicant should be required to obtain a CUP like every other school in every other zone on MI.

According to the CPD, the lot line between the residentially zoned Hertzl property and the B zone property is an "internal lot line" and so the 35' setback is not applicable even though the properties are distinct and lie in different zones.

**THE REQUIRED PLAYFIELD IS A PAVED PARKING LOT ON HERTZL PROPERTY.**

Attached as exhibit 4 is a map of the property and parking lot to the west of Hertzl. This is where the required "playfield" is scheduled to go and will serve as a joint parking lot and playfield. This parking lot/playfield is not even on the B zoned property.

**THE SOLUTION IS OBVIOUS: THE COUNCIL SHOULD CLARIFY THAT THIS ORDINANCE WILL REQUIRE A 35' SETBACK BETWEEN THE RESIDENTIAL ZONE OCCUPIED BY HERTZL AND ANY SCHOOL ON THE B ZONE PROPERTY.**

This is the obvious solution. If the applicant or CPD object to this solution then Mr. Thompson is correct that this ordinance is a ruse, or as commissioners Murphy and Raises noted totally superfluous because the regulatory limits in the ordinance will not apply to this one B zone property that can accommodate a school.

**THE PROPER SOLUTION APPLICABLE TO EVERY OTHER ZONE IS TO ALLOW SCHOOLS AS A USE IN THE B ZONE AND THEN REQUIRE A CUP.**

When Mayor Nice cast the deciding vote to add this proposal to the docket (for which no application fee has been paid) the applicant stated time was of the essence because a school was interested in developing this site right away and the delay for a CUP would discourage that school. That was in 2021.

Today there is no interested party to build a school on this property and yet the applicant still wants this rezone. Since there is no CUP we have no idea what development the applicant is proposing (not unlike the community facilities zone), where the required playfield will be, and what regulatory limits and setbacks will apply and where. Ordinarily when a CUP is applied for there is an applicant, and a schematic and design, to allow the CPD and neighbors the opportunity to comment on issues like setbacks, traffic, parking, lighting, and so on.

The proper solution in this matter that is applicable to every other zone that allows a school is to allow schools as a use in the B zone but require a CUP to actually site the school and the regulatory limits including setbacks and the required playfield. In the alternative a 35' setback should apply to the property line between Hertzl that lies in a residential zone and this property in the B zone.

Thank you.

Matt Goldbach