

**FORT GRATIOT PLANNING COMMISSION REZONING REPORT**

Applicant: Remberto Campos		Parcel ID: 74-20-021-3027-000
File Number: 24-001	Meeting Date: 02/13/2024	Location: 4007 Pine Grove Road

PROJECT SUMMARY		
Property Owner <b>Remberto Campos</b>		Applicant <b>Remberto Campos</b>
Current Zoning of Property <b>R-1B Single Family Residential</b>		Proposed Zoning of Property <b>C-1 Neighborhood Business</b>
Fort Gratiot Master Plan Zoning Designation <b>Low Density Residential</b>		Street Address or Location: <b>4007 Pine Grove Road / M-136</b>
Is this proposed rezoning consistent with the master plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Thoroughfare Classification, Road Type, Jurisdiction: <b>Secondary/120' ROW, Krafft Rd, SCC Road Commission Major/150' ROW, Pine Grove Rd/M-136, MDOT</b>
Total Acreage of Site: <b>0.719 acres</b>	Total Acreage to Rezone: <b>0.719 acres</b>	If there is a proposed use, check required Planning or Zoning approvals. <b>Special Land Use Public Hearing and Site Plan C-1 Sec. 38-323. - <i>Special approval uses.</i> (4) Multi-family dwelling units in Office and Commercial Districts as provided in section 38-528.</b>
Is the rezoning speculative or for a proposed specific use? <b>Rezoning is required for specific use</b>		
Proposed Use (if known) <b>Mixed use: upper apartments, 1<sup>st</sup> floor low density/neighborhood commercial</b>		

The applicant has requested to rezone 4007 Pine Grove Road, on the northwest corner of the intersection at Pine Grove Road/M-136 and Krafft Road, from R-1B Single Family Residential to C-1 Neighborhood Business. Included in this report are:

- An analysis of the existing and proposed land uses with the master plan designation definitions
- The regulations for the proposed district and the itemized special approval uses
- Applicable sections of the current Fort Gratiot Master Plan, including definitions
- The standards for rezoning
- A recommendation and reasons for action

Rezoning requests are presented one of two ways; speculative only with no specific intended use, or with a specific use which requires the rezoning. This request is specific to a proposed use utilizing the existing building – mixed use: office or retail on the first floor and apartments on the second floor – which is not a permitted or special land use in the R-1B district, necessitating the request to rezone to C-1 Neighborhood Business. For the purposes of this meeting, the only action to be taken by the PC is to recommend approval or denial to the Fort Gratiot Board of Trustees, who has the final vote. If adopted, the applicant will need to submit to the Planning Commission for special land use approval. The applicant has submitted a statement outlining how they feel they have demonstrated compliance with the ordinance, which is attached.

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**PROPERTY DESCRIPTION & MAP**

Address: 4007 Pine Grove Road  
 Parcel ID: 74-20-021-3027-000  
 Legal: BEG AT INT/SEC OF CTR OF M-51 WITH S LINE SEC 21, TH N39° 43' W ALG M-51 216.16', TH S55° 9' W 290.97' TO S SEC LINE, TH E ALG SEC LINE 376.9' TO BEG EXC BEG AT INT/SEC OF N R/W LINE OF KRAFFT RD & SW'LY R/W LINE OF M-51, TH W 20', TH NE'LY 17' TO PTE ON M-51 R/W 20' NW'LY FROM SAID INT/SEC, TH SE'LY 20' TO BEG. SEC 21. T7N R17E. 0.53 A



EXISTING ZONING		FUTURE LAND USE PLAN	
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; background-color: white; margin-right: 5px;"></span> AG Agricultural</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; margin-right: 5px;"></span> R-1A Residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; margin-right: 5px;"></span> R-1B Residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: brown; margin-right: 5px;"></span> R-2 Two-Family Residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; margin-right: 5px;"></span> RM Multiple Residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: gray; margin-right: 5px;"></span> MHR Mobile Home</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; margin-right: 5px;"></span> O-1 Neighborhood Office</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: darkgreen; margin-right: 5px;"></span> O-2 Mid-Rise Office</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: magenta; margin-right: 5px;"></span> C-1 Neighborhood Business</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; margin-right: 5px;"></span> C-2 General Business</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: blue; margin-right: 5px;"></span> M-1 Light Industrial</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: purple; margin-right: 5px;"></span> M-2 General Industrial</li> </ul>		<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightyellow; margin-right: 5px;"></span> Agricultural/Rural Residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; margin-right: 5px;"></span> Low Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; margin-right: 5px;"></span> High Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, green 2px, green 4px); margin-right: 5px;"></span> Development Focus Area 1</li> <li><span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, green 2px, green 4px); margin-right: 5px;"></span> Development Focus Area 2</li> <li><span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(90deg, transparent, transparent 2px, green 2px, green 4px); margin-right: 5px;"></span> Development Focus Area 3</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; margin-right: 5px;"></span> Uptown Business District</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: pink; margin-right: 5px;"></span> Neighborhood Commercial</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; margin-right: 5px;"></span> Office Mixed Use</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; margin-right: 5px;"></span> Recreation</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: purple; margin-right: 5px;"></span> Light Industrial/Utility</li> </ul>	

**SUBJECT AREA AND SURROUNDING LANDS ANALYSIS**

	Existing Use	Existing Zoning	Master Plan Designation
<b>Subject</b>	Structure built ~1915	R-1B Single Family Residential	Low Density Residential
<b>North</b>	Single Family Home	R-1B Single Family Residential	Low Density Residential
<b>South</b>	Rental Home	C-2 General Business	Uptown Business District
<b>East-N</b>	Haack's Greenhouse	C-2 General Business	Uptown Business District
<b>East-S</b>	Used Auto/Barber	C-2 General Business	Uptown Business District
<b>West</b>	Single Family Home	R-1B Single Family Residential	Low Density Residential

**MASTER PLAN DEFINITIONS**

**Low-Density Residential**

The largest land use classification within the township is and will continue to be low-density residential, with approximately 4,380 acres, or 43% of the total land area in the township, planned for this use. Almost 30% of this acreage is currently vacant and undeveloped. It is expected that the development of this acreage will take three forms:

1. Infill development of vacant parcels within existing subdivisions and site condominium developments in the Township; and
2. The creation of new subdivisions or site condominium developments with the construction of new residential streets and the linking of those streets to the existing street system.

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The future land use plan provides for these two situations as follows:

*Infill Development*

There are many vacant lots scattered throughout the existing subdivisions along the lakeshore and in the southern part of the township. These lots are already serviced by water, sewer, gas and electric utilities; thus, they should be given priority over the development of new subdivision plats. Development of these lots should be consistent with the character, size, and density of neighboring residential lots. However, there are also several small and odd shaped lots (particularly along and near the lakeshore) that may be more difficult to build on. In these cases, some flexibility may be needed in order to utilize these lots. For example, many of these lots would be ideal locations for smaller-sized inexpensive start-up housing for younger families.

*Creation of New Subdivisions/Site Condominium Developments*

There are several large vacant tracts of land in the northern and western parts of the township adjacent to existing subdivisions, which would be suitable for future development as single-family residential subdivisions or site condominiums. These new subdivisions should be linked to adjacent subdivisions and the surrounding road network to provide proper access to new home sites. Also, because some of these sites contain wetland areas and other natural features, the Township should encourage the use of cluster development and planned unit development (PUD) concepts to preserve the natural features and provide for more buildable lots than would otherwise be possible with conventional platting.

**Uptown Business District**

The 24th Avenue commercial strip forms the backbone of the 510-acre Uptown Business District generally running along M-25 from the Port Huron city limits north to Carrigan Road. This commercial district not only includes the existing 24th Avenue strip and vacant parcels within that strip, but acreage running west of 24th Avenue along Pine Grove Avenue, Krafft Road, and Keewahdin Road. Land on both sides of 24th Avenue, north of Cherry Hill, is also included along with the block bounded by Cherry Hill, Keewahdin, 24th Avenue and Meadowlawn. Land uses in the Uptown Business District include big box retail stores, restaurants, banks, car dealerships, and large commercial strip centers.

While the Birchwood Mall property is technically located within the Uptown Business District boundaries, its acreage is not included in the acreage totals and is instead designated as one of three development focus areas in the township.

**Neighborhood Commercial**

Approximately 63 acres of neighborhood commercial uses are planned for the township. Neighborhood commercial uses are those less intensive commercial uses intended to meet the daily needs of adjacent residential areas. Common neighborhood commercial uses include party/convenience stores, pharmacies, laundromats, and markets. These uses would be located either within stand-alone structures or small strip centers. Eight sites for neighborhood commercial have been scattered throughout the residential areas of the township and are located as follows:

1. The north side of Pine Grove Avenue, west of 24th Avenue;
2. The southwest corner of State Road and M-136;
3. The southwest corner of Parker Road and Keewahdin Road;
4. The southeast corner of Parker Road and Carrigan Road;
5. The northwest corner of Carrigan Road and 24th Avenue;
6. The west side of Lakeshore Road between Brace Road and Metcalf Road;
7. The intersection of Lakeshore Road and Metcalf Road; and
8. The northwest corner of Keewahdin Road and Lakeshore Road.

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**History**

The building was constructed in approximately 1915 as a grocery store with living space above. Records indicate that the mixed use continued until 1993, and many may remember it as Brackens Candy Store. It was converted into a single-family residence and since then has seen several owners attempting to work with the existing structure and site, and within the current zoning code.



**REGULATIONS FOR THE PROPOSED DISTRICT**

**Sec. 38-321. - Statement of purpose.**

The C-1 neighborhood business district, as established in this division, is intended to be that district permitting retail business and services uses which are needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this C-1 district is also to encourage the concentration of local business by locating proposed areas in the comprehensive development plan, as may be adopted to the mutual advantage of both the consumer and merchant. This will promote the best use of land at certain strategic locations and avoid the encouragement of marginal strip, business development along major streets.

**Sec. 38-322. - Permitted uses.**

In a C-1 neighborhood business district, no building or land shall be erected or used except for one or more of the following uses: The parenthetical number (000) listed by each use is taken from the Standard Industrial Classification (SIC) Manual, 1972, published by the U.S. Office of Management and Budget, and is intended to provide a general guide of uses intended under each heading. However, where it is determined by the planning commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required:

- (1) All principal permitted uses in the O-1 office district, subject to all requirements for such uses in zoning districts where first permitted.
- (2) Hardware store (525).
- (3) Variety store (533).
- (4) Grocery store (541 except supermarkets).
- (5) Candy, nut, and confectionery store (544, except popcorn stands).
- (6) Dairy product store (545).
- (7) Retail bakery (5463, except pretzel stands).
- (8) Drugstores and proprietary store (591).
- (9) Beauty shop (723).
- (10) Barbershop (724).
- (11) Coin-operated laundries and dry cleaning (7215).
- (12) Branch offices of banks and savings and loans, and credit unions (9602-603).

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(13) Florists (5992).

(14) The following miscellaneous retail stores:

- a. Liquor store (5921)
- b. Sporting goods store and bicycle shop (5941)
- c. Bookstore (5942)
- d. Stationery store (5943)
- e. Jewelry store (5944)
- f. Hobby, toy and games shop (5945)
- g. Gift, novelty and souvenir shop (5948)
- h. Luggage, and leather goods store (5949)
- i. Sewing, needlework and piece goods store (5949)

(15) Other similar uses, not permitted elsewhere, as determined by the planning commission.

(16) Accessory buildings.

(17) Accessory uses.

(18) Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their constitution.

(19) Off-street parking and loading in accordance with section 38-619.

(20) Accessory signs customarily incidental to the permitted uses of this section only when they pertain to the sale, rental, or use of the premises on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed 250 square feet in area and be located not closer than 100 feet measured along the same side of the street to any residentially zoned district. Signs shall conform to the requirements of section 38-626.

**Sec. 38-323. - Special approval uses.**

The following uses may be permitted in the C-1 district by the planning commission after a public hearing and review of the proposed site plan, subject to the specified items and subject to the general standards to guide the actions of the planning commission as specified. Approval of all such uses is subject to the procedures set forth in article IV of this chapter:

- (1) Gas or electrical transmission lines as provided in section 38-491.
- (2) Telephone exchange and static transformer stations, gas regulator stations, and other public utility buildings as provided in section 38-499.
- (3) Nursery schools, day nursery, and child care centers as provided in section 38-509.
- (4) Multi-family dwelling units in Office and Commercial Districts as provided in section 38-528.

**Section 38-528. Multi-Family Dwelling Units in Office and Commercial Districts.**

The purpose of this section is to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space; and promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

(1) Residential dwelling units above the first story of a structure where the ground floor is devoted to a permitted use in the O-1, O-2, C-1 and C-2 districts may be approved when generally consistent with the following:

- a) The uses are complementary.
- b) The site is linked by sidewalks or paved paths to alternate sources of transportation, such as bus stops and crosswalks.
- c) The uses generally create activity at different times of the day.

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(2) Residential dwelling units above the first story of a structure where the ground floor is devoted to a permitted use in the O-1, O-2, C-1 and C-2 districts, are subject to the following extra standards:

- a. Existing and proposed dwelling units are kept in an attractive condition conducive to an appealing central commercial district and in such a manner that residential activities do not interfere with the customary business activities associated with the district.
- b. Each dwelling unit or group of such units are provided with adequate refuse containers suitable for the temporary outdoor storage of household refuse. Such containers shall be fitted with a secured lid and screened per section 38-615 (p) (3.)
- c. With the exception of the legally registered and operable automobiles, the storage of all personal property shall be done within the dwelling unit or an approved accessory building located to the rear of the building.
- d. Dwelling unit entrances located on the street frontage shall be inconspicuous, kept in good repair and free of debris.
- e. Windows facing the street shall be maintained in good repair.
- f. Air conditioning units in windows are allowed on the rear of the building. Condensation from such units shall be directed in a manner that prevents the direct deposition and/or accumulation of water on the sidewalk or street surface below.
- g. The outdoor hanging of laundry or any other personal items from any rope or fixture attached to the structure or otherwise located on the premises is prohibited.
- h. Deliveries, trash pickup and other similar regularly occurring activities shall be completed between the hours of 7 A.M. and 8 P.M.
- i. The site shall be improved to include safe pedestrian routes to and between the dwelling entrance, dwelling parking, established bus stops and the thoroughfare.
- j. On-site bus shelters, pathways, sidewalks, and other pedestrian related uses shall be maintained of debris, cracks, sinkholes, snow and ice. These areas shall be kept safe and useable at all times.
- k. Parking is designed in such a way that it is primarily kept out of the pedestrian’s path of travel.
- l. Landscaping shall be provided.
- m. If sidewalks are not present on the site, they shall be provided pursuant to Section 38-632 when residential units are added to existing buildings.

**STANDARDS FOR DETERMINATION**

**1. Will the proposed rezoning be in general conformity with the Master Plan?**

The proposal is in general conformance with the master plan definition of Neighborhood Commercial, but it is not in compliance with the map or specific eight focus areas. The master plan will be updated in 2024-2025 and this area would need to be revaluated. Historically, this structure has been a lawfully existing non-conforming use. As previous owners have attempted to use the property within the confines of the ordinance, it has been demonstrated that due to location and layout, a single-family home is not desirable, nor likely its highest and best use.

**2. Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others?**

No. It is adjacent to other R-1B zoned parcels, but it located on the northwest corner of a large intersection where the other three corners are zoned C-2 General Business, which is the highest density commercial use available.

**3. Has there been a change of conditions in the area supporting the proposed rezoning?**

When the structure was converted to a conforming (single-family home) per the ordinance, it could not revert to the previous lawfully existing non-conforming mixed use. It has been demonstrated for decades that a single-family home will not be successful in this location. Due to the layout of the structures on this and adjacent parcels, existing screening exists.

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**4. Is the change contrary to the established land use pattern?**

No. This structure has been in existence for over 100 years as mixed use. Commercial will continue to move west to these corner facing parcels. A mixed use in a C-1 district will provide a buffer to the single-family that continues north and west from this parcel.

**5. Is the change requested out of scale with the needs of the neighborhood or community?**

No. Smaller apartments meet the objectives of providing affordable housing options in desirable areas, of which Fort Gratiot has been identified. In this particular area, the concern would be that the property may become blighted if a reasonable and functional use isn't permitted.

**6. Will the change be a deterrent to the improvement or development of adjacent property in accord with existing regulations?**

No. The lot size and road rights-of-way preclude high density uses when parking regulations and the like are accounted for.

**7. Will the proposed rezoning substantially decrease the value of or be out of harmony with property in the neighboring area?**

No. The proposed is not different from how the property has been used for the better part of 100 years. Vacant and/or blighted structures pose a substantial threat to values and harmony of an area.

**8. Will the rezoning severely impact traffic, public facilities, and the natural characteristics of the areas, or significantly change population density?**

No. No change is anticipated.

*This request indicates that the reason for the rezoning is for proposed mixed use retail/apartments:*

**9. Are public utilities, such as water and sewer, available?**

Public water and a septic field.

**10. Is the proposed use appropriate according to the permitted uses for the proposed zoning district?**

The proposed use is a permitted special land use in C-1, but is not a permitted use by right. If the Board of Trustees adopts the ordinance amending the zoning map, thereby approving the rezoning, the applicant may then file a request to the Planning Commission for special land use and site plan approval.

**11. If special land use approval is required for the proposed use, can the requirements be met?**

The majority of the requirements can be met, but due to the existing conditions, and because this is not a proposal for new construction there are some limitations due to the significant county and state road rights-of-way.

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**CONCLUSIONS**

The Planning Commission could consider recommending\* approval of the proposed zoning map amendment, as presented, based on the following reasons:

- The proposed rezoning is consistent with the general goals and objectives and the defined uses in the Fort Gratiot Master Plan.
- The lands on the opposing three corners are zoned C-2 General Business, making this corner undesirable for a single-family home.
- Allowing the building to be used as originally designed may create a more desirable buffer from future development on the other three corners for the surrounding and adjacent properties.
- Rezoning will allow the structure and property to remain conforming while providing Fort Gratiot the ability to reasonably and appropriately allow functional uses; allow for clear standards the property owner will be required to meet and for Fort Gratiot to enforce in the case of non-compliance.
- There is a lack of mixed-use opportunities, with less than 200 acres of land zoned for office and low density commercial with living space.
- The rezoning removes a Class B non-conforming use, protects a 109-year-old structure, and may help prevent a blighted property.

**ACTIONS: Regardless of the action taken, the decision MUST be accompanied by reasons for such action.**

1. Recommend the Board of Trustees deny the request; or
2. Recommend the Board of Trustees approve the request as presented.

**Reasons:** Demonstrated *compliance/non-compliance/other* with the required standards and findings for making determinations, specifically: [*Planning Commission determination to include reasons in the motion*]

*\*The Fort Gratiot Planning Commission holds a public hearing and makes a recommendation, and then forwards the complete copy of the packet, including draft minutes, to the St. Clair County Metropolitan Planning Commission (SCCMPC.) Pursuant to the Michigan Zoning Enabling Act, the SCCMPC has 30 days to review and make recommendation. Upon receipt of the recommendations from the Fort Gratiot and St. Clair County planning commissions, the Fort Gratiot Board of Trustees will introduce the proposed rezoning, which is considered a map amendment, for approval at a regular meeting. If approved, the amendment will be published and after publication, can be formally adopted at the next meeting.*