

**Meeting of the Planning Commission and Zoning Board of Appeals
City of Tuscola**

Date: October 25, 2018

Agenda The first request is made by Heather Houser on behalf of Newt Investments. The request is for a Group home located at 916 N Center Street., Tuscola. The property is zoned D-2, General Dwelling District, which does not allow a group home without a special use permit.

The Second request is made by Heather Houser on behalf of Newt Investments. The request is for a Group home located at 15 N Raymond Drive, Tuscola. The property is zoned D-2, General Dwelling District, which does not allow a group home without a special use permit.

Minutes: The meeting was called to order by Chairman Steve Hilgendorf, at 7:30 PM. Roll call was taken and seven members were present. Hilgendorf declared a quorum and continued by reading the requests for both Special Use applications. He noted that all applications were in order and fees paid. Also, present Drew Hoel, City administrator, Andrew Bequette, City Attorney, and Mike Salmon, City Building Department.

Hilgendorf asked the applicant, Heather Houser, Newt Investments, if she would like to address the board with her request. Houser gave a brief overview of what they do as a business and the service they provide

David Armbrust made a statement about fair housing.

Bequette asked if this was everything they wished to submit for the Special Use and David Armbrust answered yes.

Hilgendorf Asked if anyone from the neighborhood would like to speak:

Michael Woods 201 Douglas drive, stated he was against any special use permits in his neighborhood.

Gerald Sharp 117 Douglas drive, stated he was against it and asked why construction has already started on Center Street, Bequette explained that they started remodeling at their own peril.

Beverly Orbrecht, 918 N Center, stated she was against the special Use permit and thought it would affect property values.

Fred McDonald, 18 Raymond drive, stated he believed it would affect property values. Said those people should be over there somewhere else.

Marilyn Mooday, 917 N Center, stated she was against the special use. She stated those people should be somewhere else.

Brian Brace, 808 Northline, stated he was against the special use.

Sharon Hunt, 117 Douglas drive, stated she was against the special use and said their families should take them.

Justin Kistler, 919 North Center, stated he was against special use permit.

Hastings asked if Houser would like to explain the business aspect of what they do. Armbrust answered with his company history and referenced more Fair Housing Act lawsuits. He was asked why they risked starting remodeling ahead of the special use permit and Armbrust answered that lawsuits filed on the subject of fair housing seemed to him to indicate that they would be allowed to proceed. Bequette asked if he had definitive court rulings on the subject. Armbrust referenced some pending suits included with the application and indicated he would provide further references to Bequette.

Hastings asked if local realtors were used, Houser stated she used a Decatur realtor, as she has used them in the past.

Comments were made about the appearance of the home on Center Street stating it looked bad, Houser said she thought it looked nice.

Adkisson asked if anyone in attendance was in favor:

Janice Moody, 14 Nancy Drive, stated she wanted to give them a chance and what problems could they expect?

Armbrust stated the number one issue was mass transit picking up residents maybe blocking the way.

Houser stated these are wonderful people and has been working with them for 23 years and they just want a place to live to fit into the community. Houser stated in almost every place they have group homes after a few months nobody knows they are there anymore.

There were a lot of questions about the type of people who would live there and what their age and conditions were. Bequette stated that this board does not look at who would live there and only about the proposed project. The only consideration is to whether a business can exist where one did not before.

Clarification was given on special use expiration. Special Use does not expire with change of ownership.

Dennis Conn stated that this was not a benefit to Tuscola or to the neighborhoods and that we should not even be considering this.

The applicant was asked if more homes would be looked for in Tuscola. Armbrust stated they would be looking for four homes total.

Chairman Hilgendorf asked for any more questions. As there were none, Bequette stated that the question portion of the meeting was closed and the rest was for the board.

Bequette was asked if the commission was required to approve this. He answered by stating he has done research on the subject and he does not believe we are obligated to approve under our current zoning rules and existing case law.

Chairman Hilgendorf allowed one further question from the audience as to how does this benefit Tuscola? Bequette answered that we have eleven things to consider when approving or denying a special use and that was not one of them to consider.

With no further discussion, Hilgendorf asked for a motion of the Special Use Permit on 916 North Center. A motion was made by Bennett to approve. No second.

Reynolds asked that the requirements be read for consideration of a special use permit. Bequette recited the provisions of Section 156.092 of the City of Tuscola Code of Ordinances.

A motion to deny was made by Hettinger and seconded by Poindexter.

916 N Center Street Special Use Permit Motion

Name	Present	Absent	Yea	Nay
Brad Bennett	X			X
Alan Hettinger	X		X	
Steve Hilgendorf	X		X	
Brett Adkisson	X		X	
Terry Poindexter	X		X	
Jerry Reynolds	X		X	
Randy Hastings	X		X	

Adkisson made a Motion to deny special use at 15 Raymond Drive, seconded by Hastings.

15 Raymond Drive Special Use Permit Motion

Name	Present	Absent	Yea	Nay
Brad Bennett	X			X
Alan Hettinger	X		X	
Steve Hilgendorf	X		X	
Brett Adkisson	X		X	
Terry Poindextor	X		X	
Jerry Reynolds	X		X	
Randy Hastings	X		X	

Bequette then suggested that Planning Commission members articulate their findings in support of denial, based on the provisions of 156.115. Bequette led a discussion of those various factors, and by general consensus, the members determined that the uses proposed did not meet 156.115 (2), "will be harmonious with and in accordance with the general objectives, or with any specific provision, or the city Comprehensive Plan or zoning code," and 156.115 (4)," Will not be hazardous or disturbing to the existing or future neighboring uses."

Motion to adjourn made by Adkisson, seconded by Hettinger.

The meeting was adjourned at 8:40 PM.

Secretary Reynolds

Inspector Salmon