PLANNING COMMISSION
MEETING MINUTES
December 12, 2012
CITY COUNCIL CHAMBER
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: R Johnson, D. Lautenbach, M. Bullard, R. Murphy, P. Hollifield, K. Weger, c. Zuellig

Absent: B. Lenart (excused) G. Clark (excused)

Staff: Teresa Gillotti, City Planner
Bonnie Wessler, Planner I
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES – November 14, 2012

Commissioner Bullard moved to approve the minutes of November 14, 2012 with recommended changes (Support: C. Zuellig) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS & PRESENTATIONS

1. 5, 6 7, W. Ainsworth – Rezoning Request

Commissioner Murphy moved to remove this item from the table (Support: M. Bullard) and the motion carried unanimously. Commissioner Johnson stated that at the November meeting, this applicant was interested in going from R1 to RC. After some discussion with staff, the applicant has agreed to go in a different direction. This was re-noticed.

Ms. Wessler, Planner I, stated that this is a request to rezone to R2, One and Two Family Residential or RO Residential Office. She added that she had examined the difference between R2 and RO as compared to R1. R2 is significantly more similar to R1 than RO. RO permits as special uses some things that are relatively high intensity uses compared to the context of a residential neighborhood. Staff is recommending that the Planning Commission approves rezoning to R2 one and two residential and to remove the overlay zones of RCO and EO for 5 and 6 W. Ainsworth as these designations are more approximate to a commercial setting that a residential setting.

Commissioner Lautenbach moved to open the public commercial of the hearing (Support: K. Weger) and the motion carried unanimously.

Orlando Avant – was in attendance to represent the applicant. He had no comments but was willing to answer any questions by the board.

Since there were no questions of the board, Commissioner Weger moved to close the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.

Chairman Johnson stated that it was his thought that R2 is closer to R1 and less impactful than RO and agrees with staff recommendation. Commissioner Lautenbach was also in agreement.

Commissioner Murphy had some questions since he was absent at the last meeting. He asked for clarification of the rationale of rezoning these three parcels to R2 since this does not match the designation of R2 in the Master Plan. Ms. Wessler detailed the logic for staff's decision in great detail. Ms. Zuellig also had concerns on this decision and about the message that this is sending that the commission should rectify a situation that just because ownership changes, that we would make a non-conforming property legal.

Commissioner Lautenbach moved to recommend to City Council that Planning Commission approve the rezoning to R2, One and Two family Residential for 5, 6 and 7 W. Ainsworth, removing the overlay zones of RCO, Residential Commercial Overlay and EO, Entryway Overlay, with the following findings:

1. The rezoning is consistent with the 1998 Master Plan goals and policy of protecting strong residential neighborhoods.
2. The proposed zoning of the site is consistent with existing and planned surrounding zoning districts and land uses.
3. Existing surrounding streets and public utilities will be able to accommodate any uses permitted in the R2 zoning district.
4. The proposed boundary for the rezoning is appropriate, based on the existing character of the site, the uses permitted in the proposed and existing zoning districts, natural features, and the character and use of adjacent properties.
5. The requested R2 designation is most appropriate for these properties.
6. The rezoning will not result in an unplanned and isolated spot zone.
7. Removal of the RCO and EO overlay districts is appropriate due to the commercial nature of these overlays.

The motion was supported by Commissioner Bullard.

Commissioner Murphy moved to make a friendly amendment as follows: That the Planning Commission recommend to City Council to approve the rezoning to R2, One and Two family Residential for 6 and 7 W. Ainsworth, removing the overlay zones of RCO, Residential Commercial Overlay and EO, Entryway Overlay, and that 5 W. Ainsley be rezoned to RC and not remove overlays based on its ownership in common with the surrounding 707 W. Michigan, the geometry of it relative to 707 W. Michigan, based on the following findings:

1. The rezoning is consistent with the 1998 Master Plan goals and policy of protecting strong residential neighborhoods.
2. The proposed zoning of the site is consistent with existing and planned surrounding zoning districts and land uses.
3. Existing surrounding streets and public utilities will be able to accommodate any uses permitted in the R2 and RC zoning district.
4. The proposed boundary for the rezoning is appropriate, based on the existing character of the site, the uses permitted in the proposed and existing zoning districts, natural features, and the character and use of adjacent properties.
5. The requested R2 and RC designation is most appropriate for these properties.
6. The rezoning will not result in an unplanned and isolated spot zone.
7. Removal of the RCO and EO overlay districts for 6 and 7 W. Ainsworth is appropriate due to the commercial nature of these overlays and not remove overlay for 5 W. Ainsworth.

A roll call vote was taken with a vote of 5:2. Commissioners Murphy and Zuellig opposed.

2. 834 Railroad – Site Plan and Special Use

This is a request for approval of site plan and special use for medical marijuana cultivation facility and associated office to occupy existing occupied multitenant industrial facility. The property in question is zoned M2 General Manufacturing, which allows medical marijuana cultivation as a Special Use, subject to the specific requirements in Sec. 122-815. Ms. Wessler stated that there is minimal history on this parcel prior to 1998. There are no site renovations proposed; the applicant proposes only to occupy one "bay" of a three-bay industrial building. A pole barn is also located on the property to the rear; the applicant is not proposing any operations in that portion of the site. The applicant will be leasing the property. The site is approximately 0.9 acres; it fronts onto Railroad Street and back on to the Huron River. A portion of the rear of the site is floodplain; no buildings or other alterations to the site are proposed.

Ms. Wessler reviewed the special use criteria and review with no items to be addressed. Site access, traffic and parking was reviewed with items to be addressed, which included a Planning Commission waiver for 20% of the required parking due to site constraints; addition of bicycle parking and fee-in-lieu of construction of a sidewalk, per Sec. 122-647(b)(2). It does conform to all the use criteria. Applicant does need to work with property owner to resolve all lighting, parking, screening and landscaping issues.

Staff is recommending that Planning Commission table the Site Plan for the Railroad Cultivation Facility at 834 Railroad, as site plan proposed would require a substantial number of waivers, not only for amount of parking, but parking layout, landscaping, screening and possibly lighting, and allow the applicant to come back with a parking plan and landscaping plan and address all of the issues. Ms. Wessler added that the plans did not address the requirements of the ordinance.

Ms. Wessler added that a support letter for this request had been received from Ms. Barbara Heath, 840 Railroad, a neighbor of the applicant. The letter was read into the record.

Commissioner Lautenbach moved to open the public portion of the hearing (Support: R. Murphy) and the motion carried unanimously.

Don McMullan, Architect, 308 N. River, was in attendance to represent the applicant. He stated that he disagreed with the report that had been presented. He also stated that he needs to meet with the planner to discuss all of the issues in more detail. He added that the applicant is only leasing one portion of the building and questioned if the applicant should be responsible for the requirements for the whole site.

Commissioner Murphy responded that the owner is responsible to make sure that the site complies with the ordinance and how much improvements they need to make to the property prior to leasing to tenants, whether it is a portion or all. It is in the best interest of the owner if he wants to rent out part of the property to ensure that it meets all the necessary requirements.

Commissioner Weger moved to close the public portion of the hearing (Support: R. Murphy) and the motion carried unanimously.

Commissioner Murphy stated that while he had no concern about the special use, the site plan was incomplete. There is a minimal landscaping plan and for a site plan review, we do have to review these items for a special use. In the Master Plan, we do have to look at easements along Huron riverfront properties, and there may be opportunities to do some pass–through filtration/storm water on rear of site. Payment in lieu of sidewalk would be appropriate for this property considering its location and past protection of the Huron Street and Railroad Street corridor for future trail development.

After much discussion by the commissioners, Commissioner Murphy moved that the site plan and special use permit for a medical marijuana cultivation facility at 834 Railroad be tabled and asked that staff work with the applicant to address missing information on the site plan as required under the zoning ordinance as well as look at opportunities to secure an easement along the river as directed in the Master Plan; check the potential for improving storm water and run-off into the river and identify the best approach to deal with the sidewalk requirement and noting that on the site plan (Support: K. Weger) and carried unanimously.

VI. OLD BUSINESS

1. 16 Ecorse – Site Plan Review – McDonalds Drive-Through Upgrade

This is a request for site plan approval for additional order board and reduction in number of parking spaces.

Ms. Wessler stated that at the previous meeting, Planning Commission had requested further information about the landscaping on this site. Such information has been provided and staff is recommending full approval of the site plan with various waivers.

Greg Lautzenheiser, L & A Architects – representing McDonalds – gave an update on the landscape plan adding that they had further embellished it from the previous plan. He detailed the new trees that would be added and reviewed the ramp being revamped at the corner of Center.

Commissioner Murphy asked for clarification of the dimension waiver on the foundation landscaping due to the sod update, which Mr. Lautzenheiser provided.

Commissioner Weger moved that the Planning Commission approve the site plan for the McDonald's at 16 Ecorse with the following findings, waivers, and conditions:

Findings:

The application substantially complies with Sec. 122-127

Waivers:

1. Planning Commission waiver requested for 15% reduction in the required parking, due to site dimensional constraints, majority of the business being conducted via drive-through, and nearby weekday bus stop.
2. Planning Commission waiver requested from requirement for trees in foundation landscaping on north and west frontages due to façade upgrade.
3. Planning Commission waiver from 10' minimum greenbelt width for approximately 20' at rear of property requested due to site dimensional constraints and existence of a landscaped berm on adjacent property.

Conditions:

1. Applicant to reconstruct pedestrian ramp at east corner of Center Street.
2. Obtain permit from DPS prior to work at Center Street pedestrian ramp.

The motion was supported by Commissioner Murphy. A roll call vote was taken and carried unanimously.

2. Water Street Recreation Center Update

Ms. Gillotti stated that at the last council meeting, the U of M design team updated them on the process and provided a market study and steps for the next steps of the recreation center. After a decision has been made on various issues, location of actual building, contract with architectural firm, settle on design of the building, potential costs, where access is needed, etc. staff expects to have a development agreement on Water Street late spring.

Ms. Gillotti continued with an update on the Family Dollar, adding that a letter of intent was approved with three months to work out a purchase agreement and staff is expecting that to come back to council February or early March. Ms. Gillotti has asked them to send a sample of some of the materials they propose to use.

3. Master Plan process Update

Ms. Gillotti stated that a Steering Committee meeting will be scheduled for the following week, however, if this does not work, it will be held in January. There will be two ½ day charrettes in March and April. She will pass along the dates when they are confirmed. There will be a similar plan in the fall.

VII. NEW BUSINESS

1. 715 Norris – Bay Logistics

Ms. Gillotti stated that this is a request for site plan review for current use and outdoor storage. She noted that Bay Logistics purchased this property in 2002 and at that time, a change of use was granted from manufacturing to warehousing without a site plan due to limited use of the building for warehousing and the lack of outdoor storage. For a brief time in 2003, the company utilized outdoor space for storage of racks from another facility during a retooling period and at that time; they were notified that the outdoor storage use would require site plan review. The use appears to have discontinued that year, and the racks removed from the site. In 2006, the company expanded their use within the building and staff revisited the need for a site plan due to the expansion of the change of use.

In November 2012, staff and Planning Commissioners noted activity on the site including the addition of screening. After a site visit and communication with property manager, they have applied for the full site plan approval including the change of use to utilize the entire indoor facility for warehousing and office use, as well as consideration of the outdoor storage areas.

This site has three zoning districts, the majority of which is M2, General Business, as well as small segments to the northeast that are R1, single-family residential and R3 multiple family medium residential. Warehousing and outdoor storage are both permitted uses in the M2 district, although outdoor storage is subject to standards in Section 122-801. The uses in the two residential districts are parking, and are considered legal, non-conforming uses.

Ms. Gillotti stated that in a discussion with the Fire Chief, it was determined that more information is required on where fire access would be width of lanes and access to office building, the repair of a non-working hydrant, etc. On landscaping, there is limited frontage and waivers could be considered. Ms. Gillotti recommends site plan approval but has noted a number of conditions that should be noted on the plans; waivers for landscaping but include installation of street trees on North and Forest, reduction in required parking and in-ground irrigation. She is requesting a 50' conservation easement along property line along the river.

Commissioner Murphy restated that the site plan approval is for both the use of the yard area for outdoor storage and also to approve the expansion of the use from the 18,000 sq ft noted in 2006 to the full 217,000 sq. ft. of the existing structures, to which Ms. Gillotti affirmed.

Commissioner Zuellig had some comments about the landscape waiver and plantings along the river and storm water into the river. Commissioner Bullard had concerns on outdoor warehousing. Commissioner Murphy stated that while he was happy to see something happen on this site, he had concerns that the applicant had to be caught storing materials, which they had been previously and repeatedly told could not be done without going through the site plan process, before finally apply for a site plan. It is his opinion that the site plan submitted is inadequate and he would like to see more effort put into compliance and improvement of this site. Commissioner Weger feels there is an opportunity to add street trees at the corner but is not as concerned about the issue of the parking lot.

Mark Pasco, Engineer for Project – stated that he had reviewed the various conditions noted by staff and feels they are all fair and is agreeable to them. He added that they only have eight employees and are asking for a waiver on parking requirements since they would not be using all of the former parking lot. They are agreeable to the 50' easement. They have designated a 20' fire lane access to go all the way around the site. They have two fire hydrants – they have discussed the possibility of an east/west connector.

After a number of questions and much discussion by board members, Commissioner Murphy moved to table this site plan application to allow the applicant and staff to address the various issues noted in the staff report as well as consider improvements to the site regarding storm water management and any other opportunities to improve the site's compliance with the current ordinance recognizing that full 100% compliance of the existing site is not going to be possible (Support: K. Weger). A roll call vote was taken with a vote of 5:2. Commissioners Lautenbach and Hollifield opposed.

Commissioner Murphy moved to issue a temporary use permit, under Sec 122-35(3) for a duration of 40 days for external storage use only to allow applicant time to address the site plan needs for more permanent use of the site with whatever conditions the Building Dept and Fire Marshal believe necessary for the safety of the external use with the following findings:

1. Location of such use shall not be injurious to adjacent properties or surrounding neighborhoods
2. No structures are proposed for erection under the temporary use
3. The applicant has stated that time is of the essence
4. Will allow the applicant time to pursue a permanent approval that will meet everyone's interest

The motion was supported by Commissioner Lautenbach and carried. Commissioner Bullard opposed

2 975 Congress – Rutherford Pool

Ms. Wessler stated that while the Rutherford Pool is owned by the city, it is currently operated under a Memorandum of Understanding with the Friends of the Rutherford Pool. For the purposes of this review, it is being treated as an independent site from the park itself. Outdoor pools are permitted use under the PL, Public Land. Dimensional requirements have been met. The site arrangement will have no changes. They are tearing out the existing pool and replacing it on the same footprint. The concrete deck of the pool will be slightly rearranged to allow for a grassy area to reduce the heat island effect and extending the fence.

Staff recommends approval of the site plan with various waivers and conditions.

Eric Rudolph, Manager of the Pool – was in attendance for any questions. Commissioner Lautenbach commended Mr. Rudolph for the good job they do at the pool and service to the community.

Commissioner Lautenbach moved to recommend Planning Commission approval of the Site Plan for the Rutherford Community Pool at 975 Congress with the following findings, waivers and conditions:

Findings:
1. The application substantially complies with Sec 122-127.

Waivers:
1. For 5% reduction in the required parking, due to site dimensional constraints, provision of bicycle parking, nearby location of public parking lot, availability of on-street parking, and nearby weekday bus stop.
2. From Sec 122-704, due to existing mature trees and minimal parking frontage to ROW.
3. From Sec122-706, due to existing mature shrubs, minimal planting bed, and permeable building front.
4, From Sec122-710 due to minimal planting bed and need to retain access to meters.
5. From Sec122-712 due to hardiness of existing plantings and FORP's commitment to hand-watering as needed.

Conditions:
None

The motion was supported by Commissioner Weger. A roll call vote was taken and carried unanimously.

VIII. COMMITTEE REPORTS

- Non-motorized – Minutes of November 7, were attached.
- Commissioner Lautenbach moved to approve the terms of the Non-Motorized Committee outlined in memo from Robert Krzewinski memo of December 7, 2012 (P. Hollifield) and carried unanimously.

- Ordinance Committee (none)

IX. 2013 Schedule

Commissioner Bullard moved to approve the Planning Commission Schedule for 2013 (Support: D. Lautenbach) and the motion carried unanimously.

X. FUTURE BUSINESS DISCUSSION/UPDATES

715 Norris
Railroad St
Rezoning on Tyler
Second Reading by council on 311 S. Grove
Food Ordinance – first reading

XI. ADJOURNMENT

Since there was no further business, Commissioner Lautenbach moved to adjourn the meeting (Support: R. Murphy) and the motion carried unanimously. The meeting adjourned at 9:30 p.m.