

1. Packet

Documents: [PC PACKET 11-14-12 .PDF](#)

**Agenda
Planning Commission
Council Chambers
Wednesday, 14 November 2012 - 7:00 P.M.**

I. Call to Order

II. Roll Call

Roderick Johnson, Chair	P	A
Mark Bullard	P	A
Gary Clark	P	A
Phil Hollifield	P	A
Daniel Lautenbach	P	A
Brett Lenart	P	A
Richard Murphy	P	A
Kelly Weger	P	A
Cheryl Zuellig	P	A

III. Approval of Minutes

- October 24, 2012

IV. Audience Participation

Open for general public comment to Planning Commission on items for which a public hearing is not scheduled.

V. Public Hearing Items & Presentations

- 5, 6, 7 W Ainsworth – rezoning request – R1 to RC (BW)
Public hearing and presentation

VI. Old Business

- 311 S Grove conditional rezoning (BW/TG)
- Water Street Recreation Center update (TG)

VII. New Business

- 16 Ecorse: Site Plan Review (BW)

VIII. Committee Reports

- Nonmotorized committee [Murphy, Johnson]

IX. Future Business Discussion / Updates

Rutherford Pool

X. Adjournment

**PLANNING COMMISSION
MEETING MINUTES
October 24, 2012
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. ROLL CALL

Present: R. Murphy, C. Zuellig, G. Clark, D. Lautenbach, M. Bullard,
P. Hollifield, B. Lenart

Absent: R. Johnson (excused) K. Weger (excused)

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

III. APPROVAL OF MINUTES – September 19, 2012 and October 15, 2012

Commissioner Lenart moved to approve the minutes of September 19, 2012 with correction as recommended (Support: C. Zuellig) and the motion carried unanimously. Commissioner Lenart moved to approve the minutes of October 15, 2012 as read (Support: C. Zuellig) and the motion carried.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS & PRESENTATIONS

1. Grove Road Capital Improvement Review

Ms. Gillotti introduced Marcus McNamara of Orchard, Hiltz & McCliment, who is the city engineering firm on this project. Mr. McNamara made a presentation on the proposed improvement on Grove Road. He stated that they hope to start the project in May 2013 with

completion in the 2014 construction season. He added that this is 80% federally funded and includes all of the improvements, bike lanes, crosswalks, etc. The City is working with Ypsilanti Township on the project and should have all the paperwork completed by the end of the year. He reviewed the plan indicating two proposed bus stops and flash signs for crosswalks as well as location of same. Street trees can be included in the project but are not eligible for funding but this could be discussed to include at the time work was being performed. He reviewed the proposed lane configuration, which meets the intent of the complete streets ordinance, with 25 mph. There are four driveways on the project, which will be completed. The sidewalk gap across the gas station will also be done.

Commission Members Zuellig and Lenart encouraged that sidewalks be continued where the bank is located. Commissioner Murphy confirmed that both curbs are being replaced at this side of the project.

Commissioner Lautenbach moved to open the public portion of the hearing (Support: G. Clark) and the motion carried unanimously. Since there were no public comments, Commissioner Lenart moved to close the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

More comments by the board and staff continued, after which, Commissioner Lenart moved to recommend the proposed design concept with the addition of completing pedestrian sidewalk along the eastern segment, evaluating street trees and appropriate signage for the pedestrian crosswalk for efficient operation and safety. The motion was supported by Commissioner Clark. A roll call vote was taken and carried unanimously.

2. 311 S. Grove – Zoning Request B2 to B4

Ms. Wessler stated that this is a request to rezone to B4, General Business or CI Commercial Industrial for a minor auto repair in the B2 District. The property is currently used for major auto repair and the property owner wishes to add auto sales to the business, which is not a permitted use in the B2 District. The site is unique; it is adjacent to the former Ford plant, and on a major street. It is surrounded by residential on three sides. However, the Master Plan states that it is zoned community commercial and his request is not consistent with the Master Plan.

Ms. Wessler reviewed the rezoning considerations that are generally accepted criteria for evaluating a rezoning request with staff responses to each of the ten considerations, copy of which is included in the staff report dated September 27, 2012. By considering rezoning of only 311 S. Grove and not the entire "triangle" between Grove/Prospect/Maus, Tyler, this would be considered "spot zoning", and should be avoided. Ms. Wessler also included the five findings of recommendation of denial.

She added that the Planning Commission could expand the scope of what is under consideration but we would have to re-notice it; but if we wanted to examine the entire triangle, that could be worked on. She also stated that this area should be given special consideration in the upcoming Master Plan and future land use map. She stated that there was a number of letters of support for this landowner and his request.

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

Ayad Jacksi, Complete Auto Sales – feels that this opportunity would benefit many people since there are a number people in this area who have financial constraints and are interested in the purchase of used cars and are supportive of this endeavor. Because of tough economic conditions, and the rising cost of doing business, this would be beneficial to many people. He stated that has previously been used car sales many years ago.

Eric Brown, 11667 Meadows Circle, Belleville - is a customer of Complete Auto Sales and is willing to be a business partner if the property is rezoned.

Johnny Epps, 4265 Woodtream Drive, Ypsilanti – also a customer and neighbor – would appreciate if the board would consider this rezoning.

Alan Foulkes, 319 S. Grove, Ypsilanti – stated that this is a low income neighborhood and he supports the rezoning. It is a place where one could get a car at an affordable price and would tie in nicely with the current business.

Commissioner Lautenbach moved to close the public portion of the hearing (Support: B. Lenart) and the motion carried unanimously.

Some board members were sympathetic to the applicant's dilemma but agreed with staff's decision. Other members thought the city should be more flexible. Ms. Wessler explained that it had previously been a non-conforming use and used car sales were allowed in the 1990's but when the auto sales license lapsed, the non-conforming use was extinguished and cannot be picked up again. After much discussion, Commissioner Lautenbach moved to table the rezoning for 311 S. Grove with instructions to planning staff to exhaust all possibilities to see what can be done to make the use work for the applicant in conformance with the zoning laws; this includes the entire block (Support: G. Clark). A roll call vote was taken with a vote of 6:1 with Commissioner Bullard opposed. The motion carried.

3. Food Production and Processing Text Amendments

Ms. Gillotti stated that this is our second opportunity to look at changes to the ordinance on food production in residential lots; hoop houses/green houses as accessory use in residential zones and food processing in other districts. At the meeting in July, Planning Commission was open to changes but had concerns related to setbacks of gardens on vacation residential lots, scale of hoop houses/greenhouses in residential lots and their impact on residential character, as well as any required permitting. Staff has made an effort to further research and provide recommendations related on Planning Commission's feedback. She reviewed the recommended text changes.

The proposed zoning would allow gardens/community gardens as a permitted principal use in R1 and R2, as permitted accessory uses in all residential districts and would allow edible landscaping as part of any landscaping treatment. Additionally, community gardens will be permitted in public land districts.

In R1 and R2, gardens/community gardens will be permitted principal use subject to the following requirements: 1) Setback of 3 feet along any street frontage and 2) Traffic visibility requirements are met per Sec. 122-649. Additionally, gardens/community gardens will be permitted accessory uses in all residential districts subject to the same setback requirements.

Regarding hoophouses/greenhouses, the City's building official contacted other jurisdictions and has confirmed that hoophouses and greenhouses can be treated as agricultural buildings if the use and/or underlying district is agricultural in nature. To meet the criteria of the State of Michigan, staff has defined greenhouse and gardens to indicate cultivation of plants.

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

Amanda Edmonds, 320 Garland – and is the Director of Growing Hope. She congratulated the Planning Commission on taking up this issue. If it passes, we will be the first in the state to do so. She stated that she does not believe that hoophouses should be subject to size restrictions – 720 sq. ft. recommended by staff is problematic and it is her opinion that 30' x 96' is the most common size and could possibly be a special use. She also asked that the board consider R3 as a special use. She also asked for consideration of farm sales for the future. It has been successful in other urban areas.

Gary Urich, 539 Maple Court – agreed with Ms. Edmonds and supports her efforts. It is his opinion that this is an opportunity for the City of Ypsilanti to address food justice issues down the road. The community is trying to be sustainable and making food available to people is the hallmark of the future. Energy costs and transportation costs makes food costly and this would help themselves and their neighborhood.

Jeanette Golembiewski, 501 Osband – stated that she is excited about this project. She has a degree in horticulture from MSU and has a small landscaping business.

Commissioner Clark moved to close the public portion of the hearing (Support: M. Bullard) and the motion carried unanimously.

Board members had many comments on various items, i.e. food processing, size of hoophouses/greenhouses, agricultural exemptions on hoophouses, sales on garden lots and opposition to structures on vacant lots, after which, Commissioner Lenart moved to recommend to city council the proposed ordinance as presented with changes noticed in staff recommendations with the addition of special use provision for hoophouses as an accessory structure to garden on vacant lots up to 1200 sq. ft. Hoophouses over 720 sq. ft would require permits.

The motion was supported by Commissioner Bullard. A roll call vote was taken with a vote of 5:2. Commissioners Hollifield and Murphy opposed.

VI. OLD BUSINESS

1. Water Street Recreation Center Update

Ms. Gillotti stated that presentations were held at Spark East and another will be held with Council the second meeting in November since some members was unable to attend. Some surveys were received on the design concepts with comments on likes/dislikes.

2. Master Plan RFP Proposal Recommendation to City Council

Ms. Gillotti referred to the presentation made the previous week noting that questions by the board and some in the audience were forwarded to the consultants as agreed and staff had received responses, which had been distributed to each member. She also noted that there had been a change in the LIAA proposal where one of the consultants from the MAP withdrew because of a conflict of interest. They have since replaced that position with McKenna Associates who they have worked with before.

The commission was asked for comments on the two proposals that had been presented. While both presentations were strong, the consensus was the ENP team. It was their opinion that ENP had a stronger vision for the City and liked the idea of the compressed schedule. ENP's team brought in an economic development consultant as well as a transportation consultant, which would bring value to the process. Also a consideration was the fact that they are based in Washtenaw County and that they brought in national expertise.

Commissioner Lautenbach moved to recommend the proposal for the Master Plan be approved to contract with the ENP Team are a cost of not to exceed \$150,000 (Support: G. Clark) and the motion carried unanimously.

VII. NEW BUSINESS

Because of the holidays, the November meeting was changed from November 21st to November 14th and the December meeting was changed from December 19th to December 12th.

VIII. COMMITTEE REPORTS

- Non-motorized transportation committee (Johnson, Murphy) – no report

IX FUTURE BUSINESS DISCUSSION/UPDATES

Ainsworth rezoning request, Ecorse McDonald's site plan amendment for a second drive-through.

VI. ADJOURNMENT

Since there was no further business, Commissioner Lenart moved to adjourn the meeting (Support: P. Hollifield) and the motion carried unanimously. The meeting adjourned at 9:20 p.m.



31 October 2012

**Staff Review of Rezoning Application
5, 6, 7 W Ainsworth**

Applicant:	Ana Paula Spiess Paula's Properties 7 W Ainsworth Ypsilanti, MI 48197
Project:	West Ainsworth Rezoning
Application Date:	15 October 2012
Location:	W Ainsworth between Ferris and W Michigan
Zoning:	7 W Ainsworth: R1 6 W Ainsworth: R1, EO, RCO 5 W Ainsworth: R1, EO, RCO
Master Plan:	7 W Ainsworth: Single-Family (R1, Single-Family Residential, per p 72 of Master Plan) 6 & 5 W Ainsworth: Mixed Residential-Commercial (R1/R2/R3/R4/RO/B1/B2, per p 72 of Master Plan; current RC, Residential Commercial district was created to address this Future Land Use designation, p 93)
Action Requested:	Rezone to RC, Residential Commercial
Staff Recommendation:	Partial rezoning.

PROJECT AND SITE DESCRIPTION

Rezoning is requested for three residential parcels. One has been converted into a duplex rental (7 W Ainsworth); another is a single-family rental (5 W Ainsworth), and the third is a single-family owner-occupied unit (6 W Ainsworth).

7 W Ainsworth was a single-family rental until approximately 1999, when the owner at the time illegally converted it into a duplex. The owner was cited in 2003; the property was foreclosed upon recently. Ms Speiss, who purchased the property, is requesting the rezoning.

Figure 1: Subject Site Location & Zoning

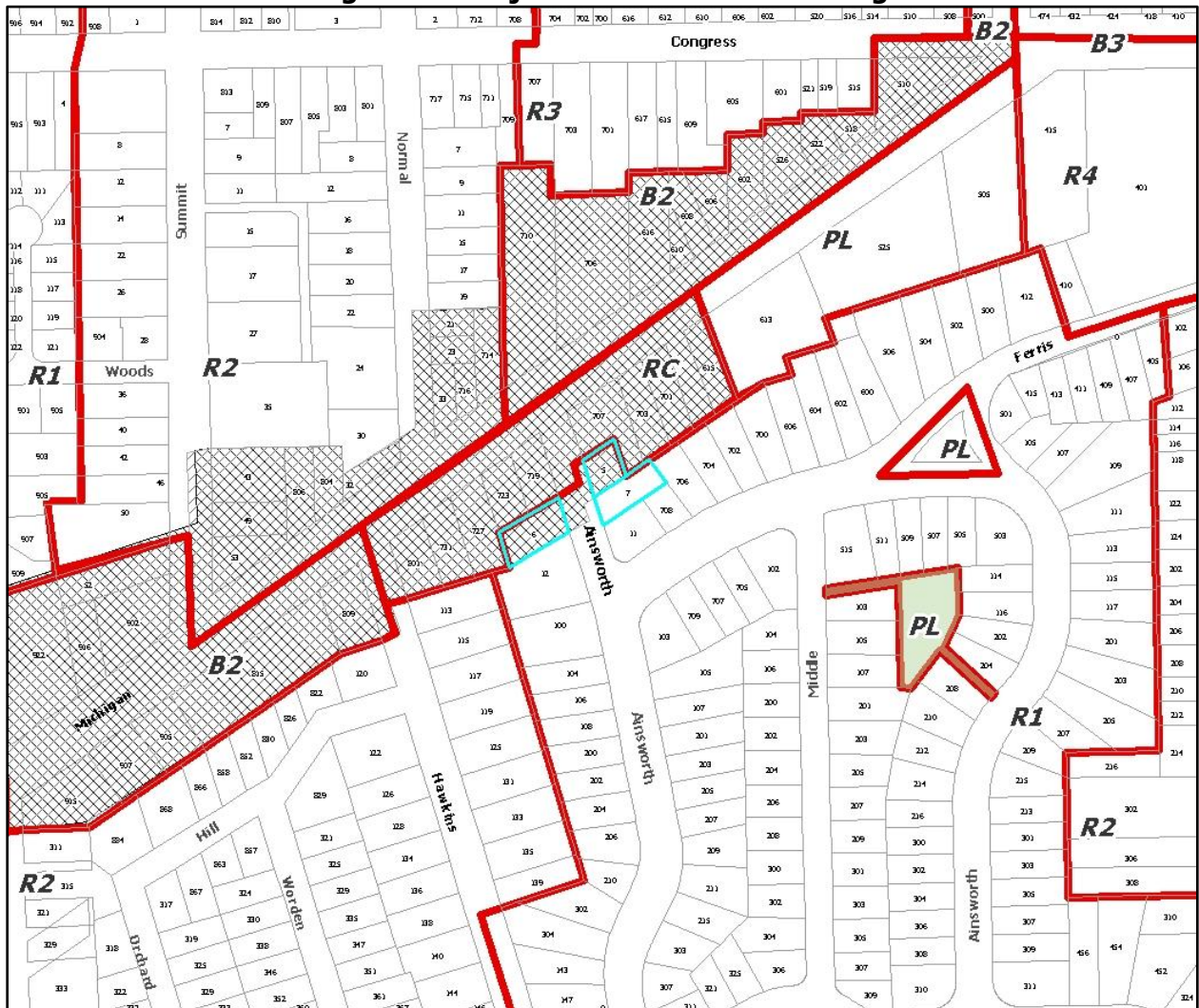
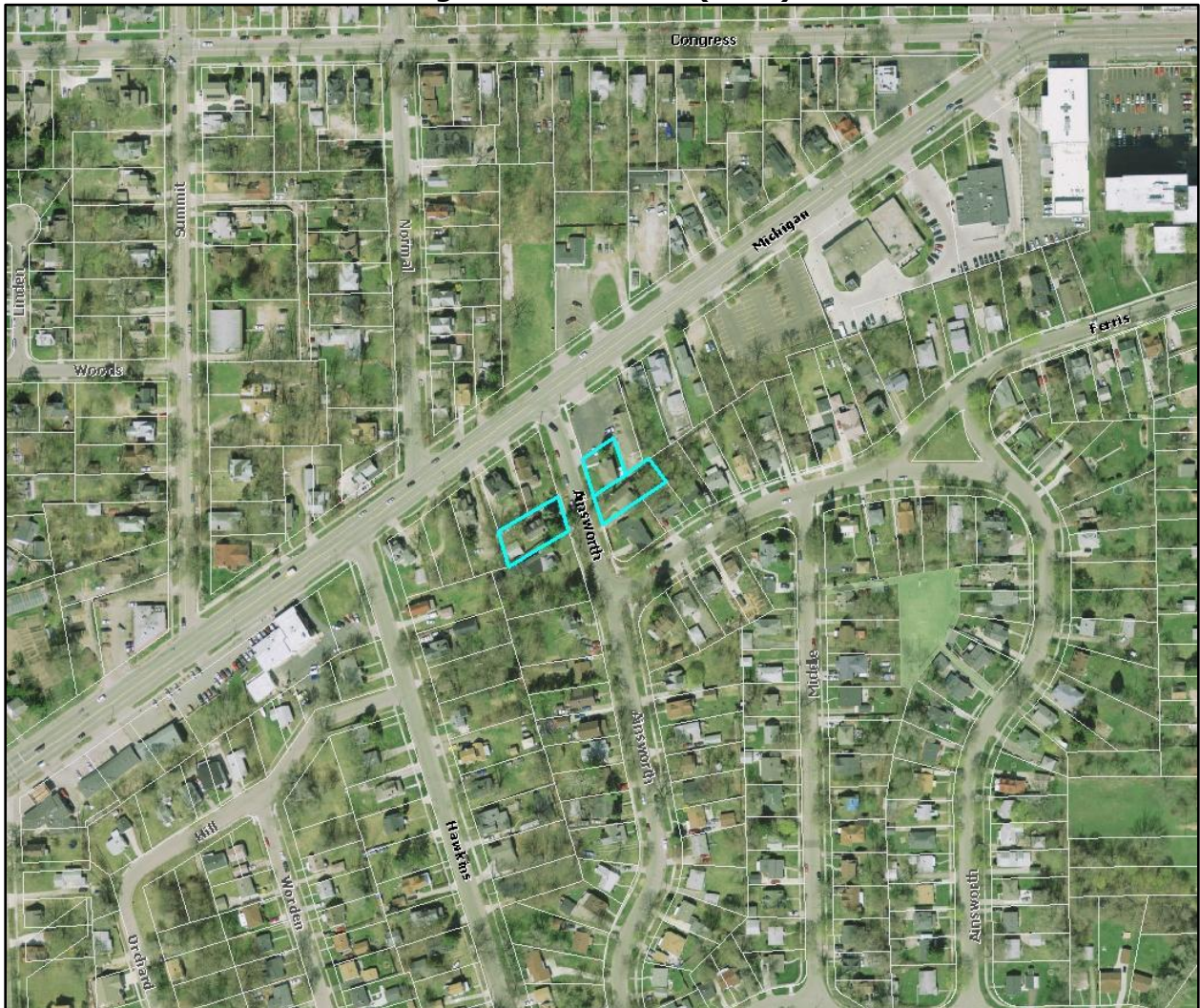


Figure 2: Site Aerial (2010)



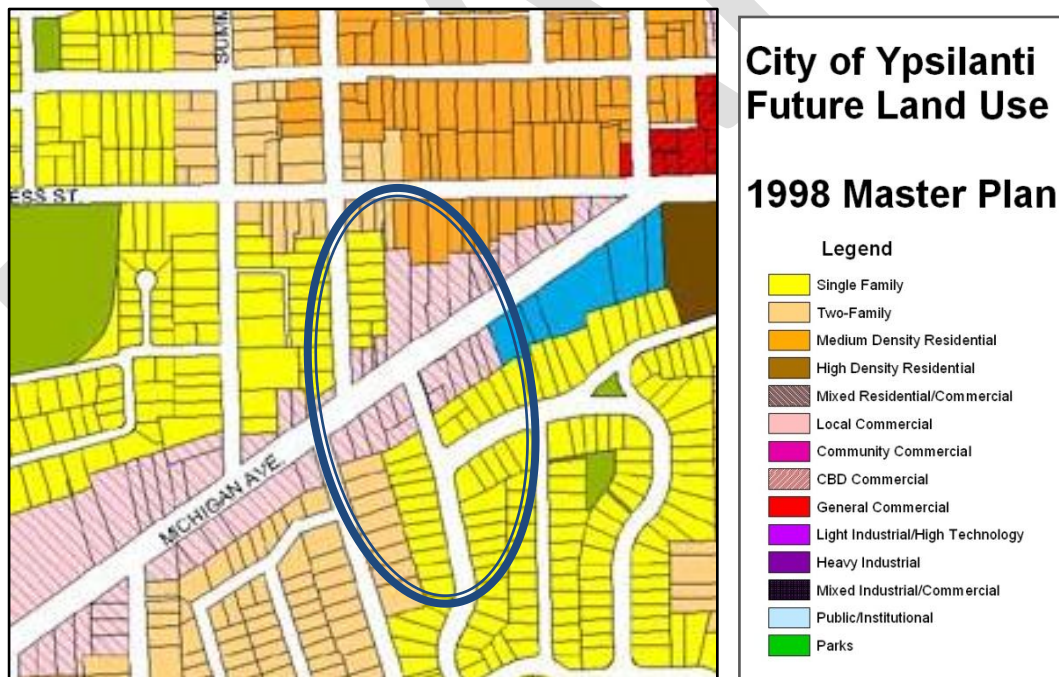
MASTER PLAN

The subject properties are within the "Gateway Area / Perry Neighborhood." Goals for this neighborhood include "creating a positive entry into the City via design, landscaping, and signage; improving the linkages between neighborhoods and Downtown; upgrading the commercial properties along East Michigan Avenue; preventing unwanted land uses along West Michigan Avenue; and improving and redeveloping the existing housing stock."

The subject properties are also partially within the "East Michigan Avenue Target Area." This target area seems primarily aimed at those properties with frontages directly on East Michigan Ave, rather than those properties adjacent to it. Primary concerns listed in this target area relate to traffic and the buffering of nearby neighborhoods from commercial impacts, both those related to traffic and those related to neighborhood character.

The future land use map, below, shows 5 & 6 W Ainsworth as Mixed Residential/Commercial, the equivalent of R1/R2/R3/R4/RO/B1/B2, per p 72 of Master Plan; however, the current RC, Residential Commercial, district was created to address this Future Land Use designation, per recommendations laid out on p 93. 7 W Ainsworth has a designated future land use of Single Family (equivalent to R1), but is directly adjacent to and fronts on a segment of a street otherwise designated Residential-Commercial.

Figure 3: Future Land Use Designations



EXISTING LAND USE AND ZONING

Three parcels are under consideration for rezoning. All are zoned R1 currently; 5 and 6 are also within the RCO and EO districts. 5 and 6 are used for single-family; 7 was unlawfully converted into a duplex in 1999. Ownership of 7 has changed since the conversion, and the current owner is requesting the rezoning.

Figure 4: Surrounding Land Use and Zoning

	LAND USE	ZONING
NORTH	One- and two- family residential (NW) Heating & cooling repair (NE)	RC, Residential Commercial EO, Entryway Overlay, & RCO, Residential-Commercial Overlay
EAST		
SOUTH	Single-family residential	R1, Single-Family Residential
WEST	Multifamily residential (NW) Single family residential (SW)	RC, Residential Commercial EO, Entryway Overlay, & RCO, Residential-Commercial Overlay (NE) R2, One- and Two- Family residential (SE)

Traffic

No traffic count data is available for W Ainsworth. It is the primary entry point for the Ainsworth neighborhood, however.

REZONING IMPLICATIONS

INTENT

R1 zoning is “designed to provide an environment of predominantly low-density, single-family detached dwellings, along with other related facilities such as schools and churches. It is the purpose of the R1 single-family residential district to encourage the preservation and the continuation of the long-standing residential fabric in existing neighborhoods of predominantly single-family dwellings. Multiple-family, business, or industrial uses which would substantially interfere with the development or continuation of single-family dwellings in the district are prohibited.”

In contrast, the stated purpose of RC zoning is to provide “for a mixture of residential and low intensity commercial uses. The commercial uses are intended to be compatible with various residential densities and housing types, and are to be of a small scale neighborhood commercial nature. For the purpose of establishing relative intensity and potential impacts, the intensity for residential or commercial uses is based upon the number of units or commercial building size.”

Figure 5: Permitted uses in existing and proposed zonings. Uses not currently permitted are in bold type.

R1	RC
Essential services.	Apartments located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-794, and adequate parking for apartments

R1	RC
	is provided in addition to the required parking for business us as provided under Article XIII. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards.
Manufactured housing located and installed according to the same standards that would apply to a site-built, single-family dwelling on the same lot.	Adult Foster Care Small and Large Group Homes, Adult Foster Care Congregate Facilities, and Foster Family Group Homes, as defined under Section 122-773, and subject to the specific provisions in Section 122-773.
Single-family detached dwelling units.	Arts and crafts studios and schools.
	Bed and Breakfast Lodgings, subject to the Specific Provisions in Section 122-778.
	Business offices of a public utility, transportation authority, commercial or industrial establishments, and governmental administrative offices.
	Business and professional offices and services, such as real estate, insurance, travel agencies, legal, architecture, accounting, advertising, engineering, consulting, auditing, tax preparation, bookkeeping services, non-profit organizations, fraternal associations, political organizations and religious organizations.
	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises, and the gross floor area or the Catering Service shall not exceed 1,500 square feet.
	Child Care Centers and Day Care Centers (not including dormitories), when not operated on the grounds of a private or public school or church/ synagogue, subject to the Specific Provisions in Section 122-779.
	Child drop-off centers, licensed by the State of Michigan, where minor children are not cared for longer periods than four (4) hours.
	Churches, Synagogues, and other Religious Facilities and Services, including mortuaries, subject to Specific Provisions of Section 122-780.
	Dormitories, Convents, or similar uses.
	Elementary, junior and senior high schools, public, parochial, and private schools, subject to the Specific Provisions in Section 122-805.

R1	RC
	Essential services.
	Financial institutions, including banks, credit unions and savings and loan associations, provided that no drive-through facilities are permitted.
	Funeral or mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.
	Health and physical fitness centers, provided they are licensed.
	Indoor restaurants, as defined in Section 122-2, for sit-down, carryout, and delivery, providing there are no more than thirty (30) seats and no drive-through facilities.
	Inns, hotels or motels, as defined in Section 122-2, and subject to the specific provisions of Section 122-778.
	Medical or dental offices or clinics.
	Multiple apartment dwellings of up to twelve (12) units inclusive.
	Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.
	Outdoor cafes, subject to the specific provision of Section 122-799.
	Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, small appliance repair without installation, or similar personal service shops, providing not more than ten (10) persons shall be employed.
	Private non-commercial recreational areas or social facilities, institutions or community recreational centers, and non-profit swimming pools, or tennis clubs, subject to the Specific Provisions in Section 122-802.
	Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.

R1	RC
	Retail businesses, such as food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, personal use items (drugs, health care, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies), florists shops, hobby and craft stores, gifts, antiques, jewelry, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.
	Single family detached dwelling units.
	Two-family dwellings.
	Video rental and sales establishments.
	Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.

Figure 7: Area, height and placement standards

	R1	RC
Lot area, width, and building coverage.	In the R1 district, no lot shall have a width of less than 50 feet or contain less than 6,500 square feet of lot area. Lots with nonparallel sides shall not be less than 50 feet wide measured at 25 and 50 feet from the front lot line.	In the RC District, no lot shall have a minimum width of less than forty-five (45) feet. Lots with non-parallel sides shall not be less than the minimum width at twenty (20) and fifty (50) feet from the front lot line. No lot shall contain less than the minimum area in accordance with the following requirements: (a) Existing single and two-family residential dwelling units: Four thousand five hundred (4,500) square feet for dwellings containing up to four (4) units. (b) Multiple apartment dwellings containing four (4) or more units shall be the greater of the following: (i) A minimum lot size of six thousand (6,000) square feet; or (ii) A minimum of one thousand four hundred (1,400) square feet per unit. (c) The minimum lot size for non-residential uses, unless otherwise specified in this Ordinance, shall be limited by the restrictions governing lot coverage, setbacks, screening, and parking requirements. (2) <i>Lot Coverage.</i> The total area of all structures at the ground level shall not exceed forty-five (45) percent of the lot area.

	R1	RC
Front yard.	There shall be a front yard of not less than 25 feet as measured from the front lot line. Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard shall not be less than the average depth of the front yards of the existing buildings on each side.	There shall be a front yard of not less than twenty (20) feet as measured from the front lot line. Where all frontage on the same side of a street between two (2) intersection streets is located entirely within a commercial or residential /commercial zoning district and where a setback has been established by fifty (50) percent of such frontage, then this established setback shall determine the required front yard.
Side yards.	No side yard shall be less than five feet, with a minimum total of 14 feet for both side yards.	For residential uses containing four (4) or fewer units, no side yard shall be less than six (6) feet. For all other non-residential uses, the side yard shall be a minimum of twelve (12) feet unless adjacent to a residential use or zone for which a minimum of a twenty-five (25) foot setback is required. When abutting a street, the side yard shall be not less than a minimum of twelve (12) feet for all uses.
Street side yard.	Where a side yard abuts a street, the minimum width of such street side yard shall be eight feet.	n/a
Courtyards.	N/A	n/a
Rear yards.	N/A	There shall be a rear yard setback of not less than twenty-five (25) feet.
Abutting a residential district.	Notwithstanding the provisions of this section, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as provided by section 122-703.	Unless a stricter setback is provided elsewhere in this Ordinance, a minimum setback of twenty-five (25) feet shall be maintained along all property lines where a multiple family (greater than 4 units) or a nonresidential use abuts a single family use or zoning district. Such requirement does not apply if the site is separated from the single family residential use or zone by a public street.
Height	No building or structure in an R1 single-family residential district shall exceed 30 feet in height or 2 ½ stories. See section 122-640 for exceptions to height regulations.	No building or structure shall exceed three (3) stories or forty (40) feet in height. See Section 122-640 for height exceptions.
Other requirements	<i>Other yard requirements.</i> For all uses permitted other than single-family residential, all yard setbacks shall equal the height of the structure or the setback required under subsections (2) through (5) of this section, whichever is greater.	<i>Distance between Buildings.</i> The minimum distance between two (2) multiple family dwellings on a single lot or on contiguous property under the same ownership shall be twenty (20) feet, plus four (4) additional feet for every story or fraction thereof that the building exceeds two and one-half (2 1/2) stories.

REZONING CONSIDERATIONS

The following are generally accepted criteria for evaluating a rezoning request and staff responses to each:

- 1) *Is the proposed change consistent with the goals, policies and future land use map of the City of Ypsilanti Master Plan?*

The proposed change is partially consistent with the future land use map, but not consistent with the goal of protecting residential neighborhoods. Changing the zoning of these parcels to another, less intense use that permits two-family homes may be a more appropriate “buffer” between Michigan Avenue and the single-family residential neighborhood to the south.

- 2) *Is there evidence that the owner(s) cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning?*

No. Although 7 W Ainsworth was a single-family use until 1999, and the owner at the time presumably remodeled to gain a higher economic return than they had been doing, 6 and 5 W Ainsworth appear to be stable, economically viable single-family residential uses.

- 3) *Are the uses permitted in the proposed zoning district compatible with existing surrounding land uses?*

No. Although an RC designation would be consistent with the zoning to the north, RC is significantly more intense than the neighborhood to the south. An RO or R2 zoning district may be a more suitable buffer.

- 4) *Are city utilities and services sufficient to accommodate the uses permitted in the proposed zoning designation?*

Yes.

- 5) *Can the existing street system safely and efficiently accommodate the expected traffic generated by uses permitted in the proposed zoning district?*

Yes, with qualifications. Commercial uses at this primary entrance point to the neighborhood may generate unwanted neighborhood traffic as patrons of commercial uses seek a way out. The Ainsworth neighborhood is only connected to the larger street grid at two points: W Ainsworth at Michigan and Ferris at S Hamilton; this limited connection may confuse visitors.

- 6) *Is there apparent demand for the types of uses permitted in the proposed zoning district compared to the amount of land in the City currently zoned and available to accommodate the demand?*

Undetermined. Although there are only approximately 18 acres of land zoned RC currently, much of it adjacent to or directly accessible from commercial corridors such as West Cross, West Michigan, and Ecorse, there are over 400 acres of land zoned R2 and 65 acres zoned RO, a less intense mixed-use district somewhat similar to RC.

- 7) *The boundaries of the requested rezoning district are reasonable in relationship and development of the site will be able to meet the dimensional regulations for the proposed zoning district.*

Yes. The proposed area for rezoning is limited to those parcels fronting on W Ainsworth directly south of W Michigan, north of Ferris.

8) *If the rezoning is appropriate, is the proposed designation the most appropriate considering all other districts, from the City's perspective?*

No. Another use, somewhat less intense than RC, may be more appropriate for this area. The Master Plan designation of Residential-Commercial included such alternate zones, although the RC zoning district is the most direct interpretation of the Master Plan, it may be advisable to choose from this alternate list.

9) *If the rezoning request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?*

Yes.

10) *Will the requested rezoning create an isolated and unplanned "spot zone"?*

No. This area would become a buffer between the more intense, commercial character of West Michigan Avenue and Ainsworth's single-family neighborhood character.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend ***denial*** of the rezoning to RC, Residential-Commercial for 5, 6, & 7 W Ainsworth with the following findings:

1. The rezoning is not consistent with the 1998 Master Plan goals and policy of protecting strong single-family residential neighborhoods.
2. Traffic generated by permitted uses in the proposed zoning district may have negative consequences for the neighboring neighborhood, based on its unique traffic patterns.

However, staff further recommends that Planning Commission consider either an R0 or R2 zoning designation for the subject properties.

Bonnie Wessler
Planner I, Planning and Development Department

c.c. File



**City of Ypsilanti
Planning & Development Department**

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7260
www.cityofypsilanti.com

**Non-refundable
Planning Fee:
\$800**

Date: 10-15-12

MAP AMENDMENT (REZONING) APPLICATION

Applicant*

Name <u>Ana Paula Spiess</u>		
Address <u>820 Cliffs Dr #205</u>		
City <u>Ypsilanti</u>	State <u>Michigan</u>	Zip <u>48198</u>
E-Mail <u>paulashallong@yahoo.com.br</u>		

Authorized statement from the owner authorizing this application must be included.

Property

Name of project	
Address <u>7 West Ainsworth, Ypsilanti, MI 48197</u>	
List all parcel identification numbers included in request:	
Current Zoning: <u>R1</u>	Proposed Zoning: <u>RC</u>
Circumstances, factors, and other relevant information (may continue on a separate sheet): <u>See attached letter. Thank you!</u>	

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.

*Rec'd
15 October 2012*

Ana Paula Spiess

820 Cliffs Dr #205
Ypsilanti, MI 48198

To whom it may concern

Dear Sir/Madam,

I am writing with regard to changing the zoning on the property I recently purchased. The property addressed herewith (7 West Ainsworth) has been purchased by me, Ana Paula Spiess.

As the new owner, I would like to lease/rent this property and would like to follow due course in making the right arrangements to do so. This property has been rented illegally before by the previous owner for several years. I didn't know that until after I purchased the house and called the City of Ypsilanti to make sure I could rent the house as a duplex. As the current owner, I want to take the right steps to rent the house legally and I kindly ask the City of Ypsilanti to facilitate this for me by changing the zone from R1 to RC, I would appreciate it.

Sincerely,

Ana Paula Spiess


paulashallon@yahoo.com.br



Public Hearing Notice

**City of Ypsilanti Planning Commission
Wednesday, 14 November 2012, 7:00 p.m.
Council Chambers, City Hall**

The City of Ypsilanti Planning Commission will hold a public hearing on Wednesday, 14 November 2012, at 7:00 p.m. in the Council Chambers of the City Hall, One South Huron Street, Ypsilanti, Michigan 48197. The purpose of the hearing will be to receive public comments on the following:

~~Map Amendment (Rezoning) of 5, 6, & 7 W. Ainsworth St.~~

The Planning Commission will hear a presentation, hold a public hearing, and make a recommendation to City Council regarding the rezoning of 5, 6 and 7 W. Ainsworth St. **These parcels are currently zoned R1, Single-family Residential. 5 and 6 W. Ainsworth are also in the Residential Commercial Overlay and Entryway Overlay districts. The applicant is requesting a rezoning to RC, Residential Commercial, retaining any existing overlay districts.** The Master Planned future land use for 5 and 6 W. Ainsworth is Mixed Residential Commercial and 7 W. Ainsworth is Single Family. The addresses, parcel numbers, and legal descriptions are:

- **5 W. Ainsworth:** 11-11-39-125-013, YP CITY 28W-17 S 69 FT OF LOT 178 AINSWORTH PARK, AND S 69 FT OF LOT 15 AND S 69 FT OF W 12 FT OF LOT 16 R. W. HEMPHILL'S ADDITION OWNED AND OCCUPIED AS ONE PARCEL
- **6 W. Ainsworth:** 11-11-39-130-015, YP CITY 28W-13 S 56 FT OF LOTS 12 & 13 R. W. HEMPHILL'S ADDITION.
- **7 W. Ainsworth:** 11-11-39-125-014, YP CITY 11W-19 LOT 19 AINSWORTH PARK.

The City invites all citizens to attend this meeting or to send written comments to the City of Ypsilanti, Planning and Development Department, One South Huron Street, Ypsilanti, Michigan 48197. For further information, please call 734-483-9646 or email wesslerb@cityofypsilanti.com. For a full calendar of City events, please go to our website at cityofypsilanti.com/calendar.

The City of Ypsilanti will provide necessary auxiliary aids and services, such as signers for people with hearing disabilities or audio tapes of printed materials for people with vision disabilities, upon two days' notice to the City of Ypsilanti. Those requiring these aids or services should contact the City of Ypsilanti at:

City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1100

Frances McMullan
City Clerk

LANDLORDS, PLEASE POST THIS INFORMATION FOR YOUR TENANTS.

NO OBJECTIONS.
I SUPPORT.

- Amy
Gillman



14 November 2012

**Staff Review of Revised Rezoning Application
Conditional Use Rezoning
Complete Auto Rezoning
311 S Grove**

Applicant: Ayad Jacksi
Complete Auto Service Center, Inc
311 S Grove
Ypsilanti, MI 48198

Project: Complete Auto Rezoning

Application Date: 19 September 2012
9 November 2012

Location: East side of Grove, between Factory/Maus to the north and
Prospect/Tyler/Grove intersection to the south

Zoning: Current: B2, Community Business

Master Plan: Community Commercial (B2, per p 72)

Action Requested: Conditional Rezone to B2 to B4, General Business with restriction of
adding only 122-412 (6) automotive sales (see below)

Staff Recommendation: Denial.

PROJECT AND SITE DESCRIPTION

Rezoning is requested for a single, 0.34-acre parcel. The property is currently used for minor auto repair; the property owner wishes to add auto sales to the business.

Planning Commission reviewed the previous rezoning proposal from B2 to B4 at its Oct. 24 meeting and requested that staff look for another potential route for the property, including conditional rezoning. Staff worked with the applicant and revised the application request to that of conditional rezoning which would limit the rezoning to the addition of one use (automotive sales) to the base B2 zoning.

Authority for conditional rezoning

Sec 122-61 (a) provides authority per the Michigan zoning enabling Act (Act 110 of 2006)

Sec. 122-61 (a)

The city council shall have authority to amend, supplement or change zoning district boundaries or the provisions and regulations of this chapter, pursuant to the authority and procedures set forth in Act No. 110 of the Public Acts of Michigan of 2—6 (MCL 125-3101 et seq.), as amended.

The particular section of the Michigan Zoning Enabling act that references conditional rezoning follows:

MICHIGAN ZONING ENABLING ACT (EXCERPT)

Act 110 of 2006

125.3405 Use and development of land as condition to rezoning.

Sec. 405.

(1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state. History: 2006, Act 110, Eff. July 1, 2006.

Conditional Rezoning process

In researching the process of conditional rezoning, staff learned that it is essential that the applicant propose the conditions for the rezoning. Many communities use a meeting, similar to preliminary meetings for a Planned Use Development to discuss the proposal. Staff held a similar meeting with the applicants on Wed. Nov. 7. The applicants then provided an e-mailed proposal on Nov. 9.

The review of the rezoning is still based on the rezoning process identified in the ordinance beginning with Sec. 122-61. Elements of the review will repeat that of the previous.

In conference with Attorney Christ, it was determined that no additional noticing was required, as the conditional rezoning would be more restrictive than the previous rezoning to B4, General business.

Figure 1: Subject Site Location & Zoning

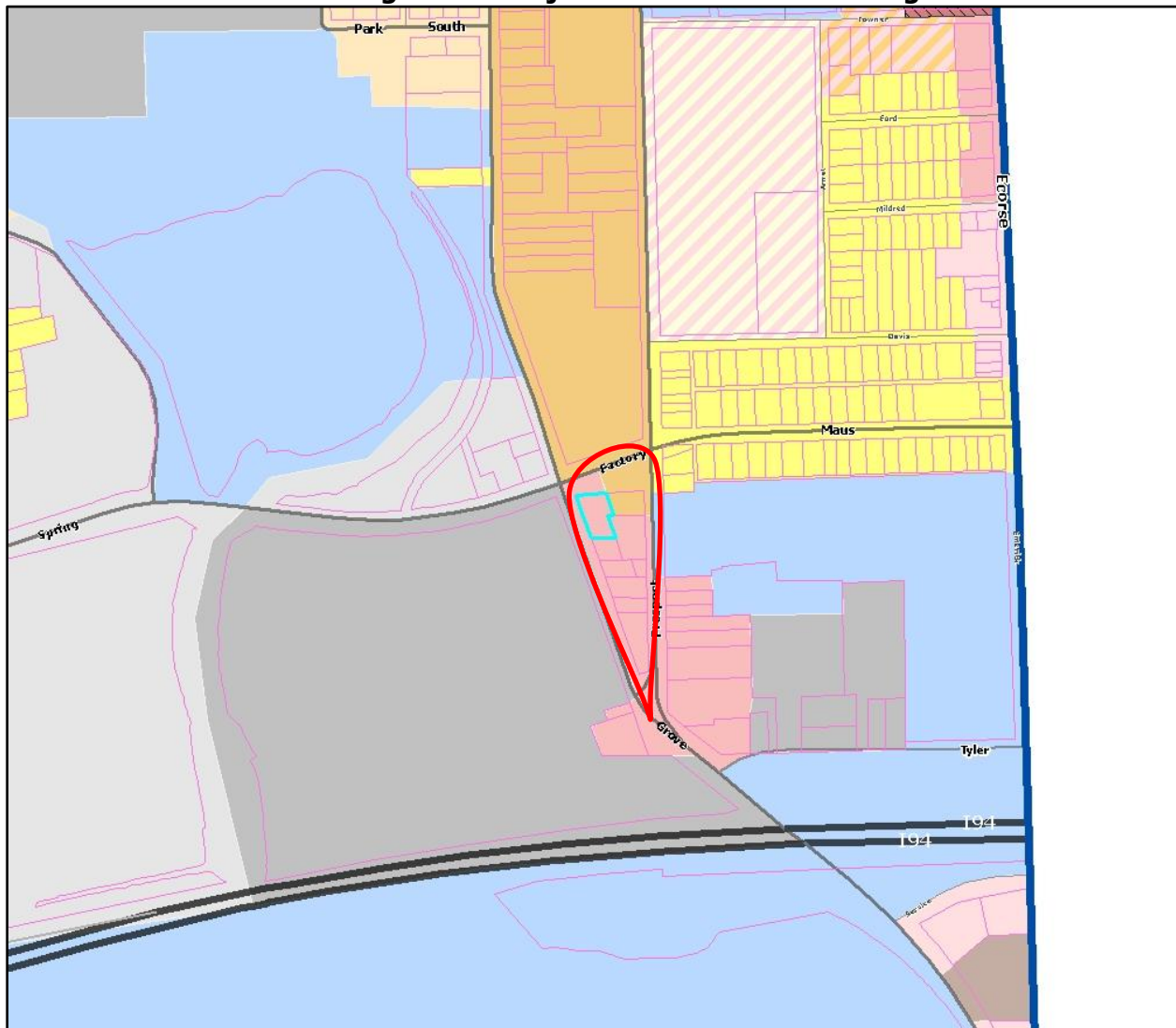


Figure 2: Site Aerial (2010)

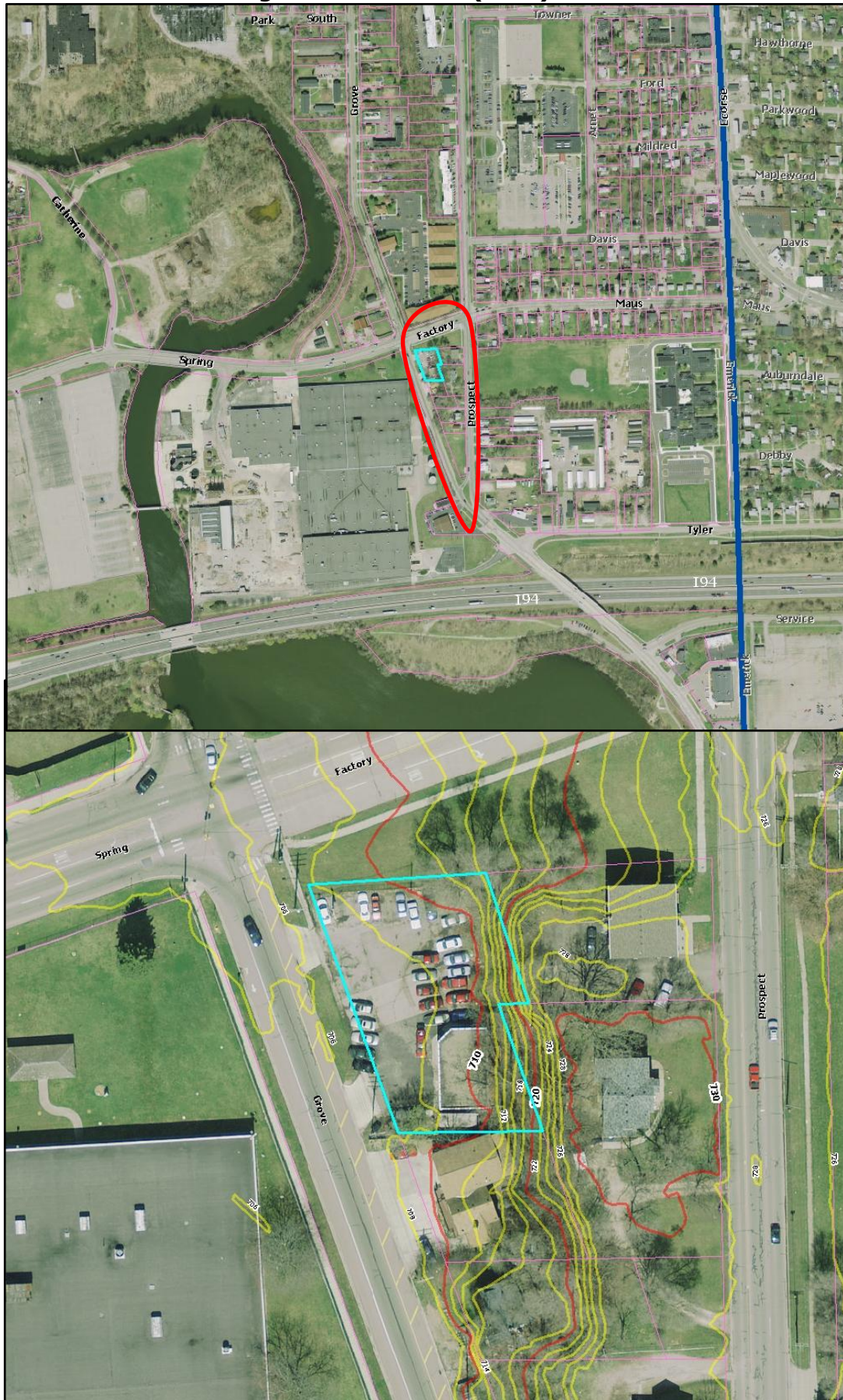


Figure 3: Topography (2ft contours, Washtenaw County database)

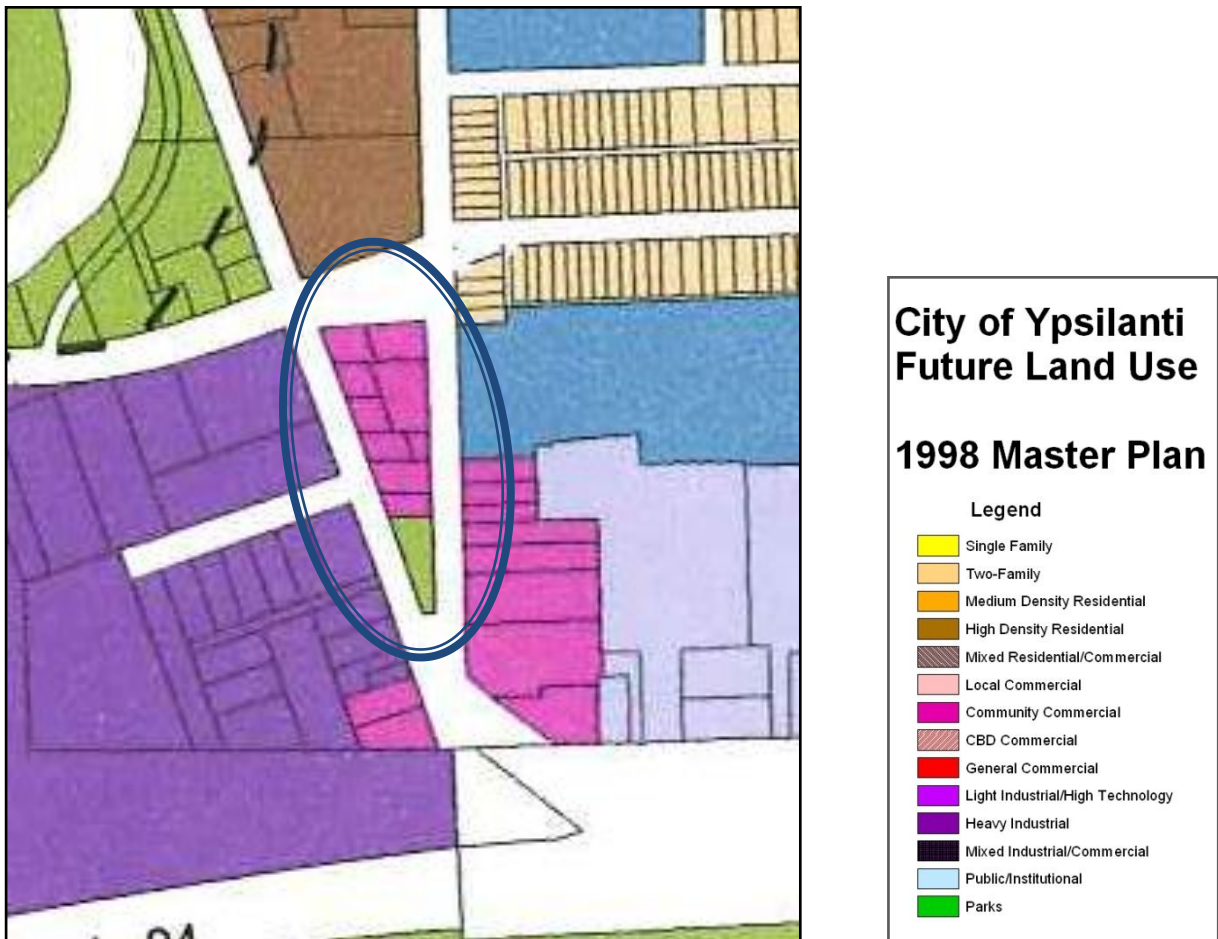


MASTER PLAN

The subject property is within the "Gateway Area / Perry Neighborhood." Goals for this neighborhood include "creating a positive entry into the City via design, landscaping, and signage; improving the linkages between neighborhoods and Downtown; upgrading the commercial properties along East Michigan Avenue; preventing unwanted land uses along West Michigan Avenue; and improving and redeveloping the existing housing stock."

The future land use map, below, shows the block as Community Commercial, the equivalent of B2 with the exception of the southernmost parcel as Public Land (Haab Brothers Memorial Park).

Figure 4: Future Land Use Designations



EXISTING LAND USE AND ZONING

Only one parcel is under consideration for rezoning; it is currently used for legal nonconforming minor auto repair and zoned as B2.

Figure 5: Surrounding Land Use and Zoning

	LAND USE	ZONING
NORTH	138-unit multifamily	R4, Multiple-family high-density residential (due north)
	Commercial Garage (major repair)	M1, Light Manufacturing (north-west)
EAST	Multifamily residential (6 unit bldg & 3 unit bldg)	R4, Multiple-family high-density residential (north east) B2, Community Business (south east)
SOUTH	Two-family residential	B2, Community Business (south east)
WEST	Manufacturing (Angstrom) (South Grove St)	M2, General Manufacturing

Traffic

The portion of South Grove immediately west of the site is currently a southbound one-way street, approximately 36' wide, with two travel lanes, a bike lane on the west side, and sidewalks on both sides. Traffic counts just north of the intersection with Spring/Factory, where Grove is 2-way, was approx 2700 vehicles total in 2004, the date of the last traffic count. No data are available for the portion of South Grove immediately adjacent to the site. However, traffic counts for Grove south of I-94 in 2006 (southbound only) are approximately 4100, indicating that up to 1400 vehicles join Grove from Tyler and/or Factory/Spring.

The portion of Factory/Spring to the north of the site is two-way; two lanes in either direction with dedicated turn lanes at the intersection. Traffic counts for both directions just west of the intersection totaled 16300 vehicles in 2004. Note that the Ford/Visteon/Angstrom property still operated, albeit at a reduced capacity, at this time. No data are available for the portion of Factory/Spring immediately adjacent to the site. However, the traffic count for Maus, east of Prospect, both directions, totaled 3300 vehicles, indicating that the majority of traffic (approx. 13000 vehicles) from Factory/Spring turns south onto Grove or north onto Prospect.

From these data, we can infer that up to approximately 4100 vehicles travel past this site's frontage on to Grove, wherein lie its entrances, and up to 11600 vehicles travel past its frontage onto Factory/Spring/Maus. For comparison, Ecorse Road traffic counts (from 2006) are 12,418 in both directions.

REZONING IMPLICATIONS

INTENT

The stated purpose of B2 zoning is to provide "for major retail shopping areas outside the downtown area... the uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile travelling consumer, and are to be limited in hours of operation."

B4, in contrast, is intended to provide for “a variety of commercial uses, including more intensive commercial uses not permitted in the B1, B2, and B3 districts,” and “is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire city and a substantial area of surrounding region beyond the municipal limits and, therefore, are located so as to serve passing traffic.”

However, the conditional rezoning would limit the B4 standards to the addition of Sec 122-412 (6) automotive sales... (see below) as proposed by the applicant.

Figure 6: Permitted uses in existing zoning district with addition of automobile sales of and proposed zonings. Uses not currently permitted are in bold type.

B2	B4
Adult drop-in centers	Sec 122-412 (6) Automobile sales: showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).
Antique, consignment and resale stores.	
An apartment house of not more than four (4) apartments located in an existing building originally constructed for residential purposes. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards.	
Apartments located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-317, and adequate parking for apartments is provided in addition to the required parking for business use as provided under Article XIII.	
Arts and crafts studios and schools.	
Auction house, subject to the specific provisions in section 122-813.	
Bars/lounges, provided that all service occurs within a completely enclosed building, with the exception of outdoor cafes which are subject to the provisions of Section 122-799.	
Business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to: Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies or commercial or industrial establishments. Offices for legal, engineering, architecture, consulting, accounting, auditing, tax preparation, bookkeeping services, and similar professions. Governmental administrative offices. Business services such as consumer credit bureaus and office support services. Offices of health professionals. Administrative offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations.	
Business, trade and professional schools	
Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.	
Essential services.	
Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted except as provided in Section 122-784.	

B2	B4
Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.	
Health and physical fitness centers, provided they are licensed.	
Inns, hotels or motels, as defined in Section 122-2, and subject to the Specific Provisions of Section 122-778.	
Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.	
Medical or dental offices, clinics, or laboratories.	
Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.	
Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.	
Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the Specific Provision of Section 122-799.	
Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo developing centers and photography studios.	
Personal service and retail establishments: electronics repair shops, postal centers, small appliance sales and repair, and similar special retail establishments.	
Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.	
Private non-commercial recreational areas or social facilities, institutional or community recreational centers, and non-profit pool or tennis club, subject to the Specific Provisions in Section 122-802.	
Radio and television studios.	
Restaurants. The following types of restaurants (or any combination thereof), as defined in Section 122-2, are permitted: Carryout and/or delivery: drive-through facilities are not permitted except as provided in Section 122-784. Fast-Food, provided that the establishment fronts along a major thoroughfare, as defined in Section 122-642. Drive-through facilities are not permitted except as provided in Section 122-784. Sit-down: Drive-through facilities are not permitted except as provided in Section 122-784.	
Retail businesses and shopping centers which are intended to supply commodities on the premises for regional customers, such as: Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited. Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel, toys, and similar products. Retail stores which offer comparison goods for retail completely within a fully enclosed building, such as home appliances (including service and repair), automotive supply stores (not including on-site automotive repair or installation of parts sold the premises) camera and photography supplies, sporting goods, electronics, furniture, mattresses, optical items, bicycle sales, home supply centers, paint or wallpaper stores, carpet, rug and linoleum/tile stores, lawn care products and machinery, pets and pet supplies (provided that no	

B2	B4
animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores.	
Veterinary hospitals and clinics, subject to the Specific Provisions in Section 122-809.	
Video rental establishments.	
Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.	

The area height and placement standards of B2 would remain in effect.

REZONING CONSIDERATIONS

The following are generally accepted criteria for evaluating a rezoning request and staff responses to each:

1) Is the proposed change consistent with the goals, policies and future land use map of the City of Ypsilanti Master Plan?

No. The Master Plan recommends that the future use of this parcel be "community commercial," roughly equivalent to B2 per the equivalency table on page 72 of the Master Plan. Community Commercial is described as the following:

This designation is designed to provide for commercial development that offers a broader range of goods and services than are offered in the local commercial areas, but less intensive than permitted in the central business district. The intent of this designation is to allow for the functional grouping of commercial enterprises which cater primarily to the surrounding neighborhood, but also could serve a larger trade area or service area. These areas are limited to locations along major thoroughfares in order to service both "local" and "through" travelers (p 68).

The intent is to provide for less intensive uses than in the Central Business District (equivalent to B3), which in turn is less intense than the General Commercial district (equivalent to B4). General Commercial is "...intended for the widest and most intensive variety of retail and service businesses."

Immediately, the change from minor automotive to used car sales would have minimal impact to the appearance and operation of the site. However, the change will likely perpetuate the non-conforming automotive repair use as well as add the automotive sales, neither of which are listed in the B2.

2) Is there evidence that the owner(s) cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning?

No. The current use is a nonconforming automotive repair use, in existence since 2000. This was a conditional use at the time. The previous use had been used car sales and repair, which appears to not have been a permitted use in that district at any time since its rezoning in 1979 from R4 to B2. Staff has not seen any evidence that a use permitted under the current zoning has been attempted at this site, thus, cannot evaluate the chances of its success. However, uses further south within this zoning district, permitted or special uses within the zoning district, including medical offices, construction offices, a church, and multifamily residences, have not submitted to this office any evidence of economic difficulty- or requests for rezoning.

- 3) *Are the uses permitted in the proposed zoning district compatible with existing surrounding land uses?*

Undetermined. The parcel adjoins three multifamily residential parcels, but is across the street from a major industrial site, the Angstrom property. It is grade separated from its neighbors to the east; sitting approximately 15 feet lower than them, which gives it some degree of isolation. It is not grade separated from its neighbor to the south, nor from its neighbors to the north, north-west, and west. It is in a transition area from intense commercial/manufacturing uses to medium-density residential and commercial uses. The three northernmost parcels on S. Grove, 311, 317 and 319 are buffered from surrounding land uses to some extent due to the grade changes mentioned above.

Hours of operation in the B2 are limited to between 6am and 2am, unless a special use permit is received, which is compatible with nearby residential. The B2 district is used throughout the City, most notably on Michigan Avenue, as a buffer between residential or less intense zones and more intense zoning districts. B4 is generally used as a straightforward high-intensity commercial district, such as along East Michigan Ave. Commercial-Industrial is generally used as a transition zone between existing industrial and mid-intensity business uses, generally along the railroad corridor. CI may be slightly more compatible with surrounding uses than B4, but neither appears as compatible as B2.

- 4) *Are city utilities and services sufficient to accommodate the uses permitted in the proposed zoning designation?*

Yes. There will be no additional strain on utilities.

- 5) *Can the existing street system safely and efficiently accommodate the expected traffic generated by uses permitted in the proposed zoning district?*

Yes. Per ITE trip generation rates, a single-bay automotive repair use generates up to ten trips per day. Per those same standards, a *new* car sales establishment with one sales person would generate up to twenty trips per day.

- 6) *Is there apparent demand for the types of uses permitted in the proposed zoning district compared to the amount of land in the City currently zoned and available to accommodate the demand? It have to be*

No. Currently, there are approximately 37.4 acres in the City zoned B2. There are 55 acres zoned CI, and 56 acres zoned B4. There are three automobile sales lots within the City; one on E Michigan Ave adjacent to downtown, and two on Ecorse just south of Michigan Ave. Perusing available property listings found on the CPIX (Commercial Property Exchange) website and the "Currently available property" listing on the City's website, there are far more listings for sale or lease in B4 and CI districts than in B2.

- 7) *The boundaries of the requested rezoning district are reasonable in relationship and development of the site will be able to meet the dimensional regulations for the proposed zoning district.*

Yes. The conditional rezoning would not change the area regulations for the site. The lot area and width in B2 are determined by the use and requirements relevant to that use, as in CI and B4. The rear yard is currently nonconforming (current rear yard is 10', required is 25' in all three); the side yard could become nonconforming due to the placement of a shed; and the front yard setback would be met, but parking area is now and would remain nonconforming. Under any zoning, auto

sales (retaining the service bays) could be challenging due to parking requirements. Many of these issues could be addressed in a future site plan.

- 8) *If the rezoning is appropriate, is the proposed designation the most appropriate considering all other districts, from the City's perspective?*

The recommended future land use of Community Commercial/B2 is most appropriate. However the conditional rezoning limiting uses is more appropriate than full rezoning to B4.

- 9) *If the rezoning request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?*

Amending the land uses is not more appropriate. Conditional rezoning provides more limits on reuse than rezoning to B4..

- 10) *Will the requested rezoning create an isolated and unplanned "spot zone"?*

Unclear. Conditional rezoning would expand the uses at that location, but base uses and standards would remain B2, community commercial.

REVIEW OF APPLICANT PROPOSED CONDITIONS

- 1) *Agree to restrict the use of the premises to a car dealership only*

This limitation would restrict future uses to those of B2, Community Business with the sole addition of automotive sales (Sec 122-412 (6)),

- 2) *Agree to remove dumpster from the premises*

The site currently has a dumpster that occasionally encroaches in the right-of-way. A dumpster enclosure would be required if the dumpster remained on the site in the case where the rezoning was approved, and a site plan required for the automotive sales use. While this may improve the appearance of the site, it is not above and beyond any existing requirements.

- 3) *Agree to remove the driveway near spring street*

In the case the rezoning use was approved and automotive sales would be required on the site, the closing of the curb cut would be required per Sec. 122-798. Open-front or open-air businesses; outdoor recreation/amusement facilities; outdoor sales of new or used automobiles, trucks and tractors, boats, etc.

- 4) *Agree to plant trees and ornamental grass on south grove from property line (chain fence) adjacent to spring street to driveway on south grove*

This appears to be in addition to landscaping requirements, if site landscaping requirement is met elsewhere.

- 5) *Agree to remove chain fence adjacent to spring street*

This fence would not be required per the zoning ordinance.

6) *Agree to erect wooden or rod iron fence adjacent to spring street*

This would be beyond any zoning ordinance requirements.

7) Agree to plant shrubs adjacent to fence near spring street

This appears to be in addition to landscaping requirements, if site landscaping requirement is met elsewhere.

STAFF RECOMMENDATION

Staff notes that the conditional rezoning is an improvement on the previous request due to the limitations on permitted uses and additional conditions proposed but recommends the Planning Commission recommend ***denial*** of the rezoning for 311 S Grove with the following findings:

1. The rezoning is not consistent with the goals, policies, and future land use map of the 1998 Master Plan.
2. The proposed zoning of the site is not consistent with existing and planned surrounding zoning districts and land uses.
3. The rezoning will result in an unplanned and isolated spot-zone.
4. The current B2, Community Business, designation is the most appropriate for this property.

However, staff recommends special consideration of this entryway area during the Master Plan revision process.

Bonnie Wessler and Teresa Gillotti
Planning and Development Department

c.c. File

Teresa Gillotti

From: Eric Brown [eric.brown2@gmail.com]
Sent: Friday, 09 November, 2012 12:18 PM
To: Teresa Gillotti
Subject: 311 S. Grove - Conditional Rezoning Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Proposal

- 1) Agree to restrict the use of the premises to a car dealership only
- 2) Agree to remove dumpster from the premises
- 3) Agree to remove the driveway near spring street
- 4) Agree to plant trees and ornamental grass on south grove from property line (chain fence) adjacent to spring street to driveway on south grove
- 5) Agree to remove chain fence adjacent to spring street
- 6) Agree to erect wooden or iron rout fence adjacent to spring street
- 7) Agree to plant shrubs adjacent to fence near spring street



City of Ypsilanti
Planning and Development Department

31 October 2012

**Staff Review of Site Plan Application
McDonald's
16 Ecorse**

GENERAL INFORMATION

Applicant: Greg Lautzenheiser, L+A Architects
McDonald's
16 Ecorse Rd
Ypsilanti, MI 48198

Project: McDonald's Drive-Through Upgrade

Application Date: 9 September 2012

Location: South-west corner of Ecorse and Michigan, east of Center Street

Zoning: B4, General Business; EO, Entryway Overlay

Action Requested: Site plan approval for additional order board and reduction in number of parking spaces.

Staff Recommendation: Approval

PROJECT AND SITE DESCRIPTION

The parcel is approximately one acre in size, fronting on Ecorse Rd. There is an existing ~5000 square foot building, one stand-alone ordering station, and a 27-space parking lot; the applicant is proposing to reduce the parking available to 32 spaces and construct an additional stand-alone ordering point.

The property is zoned **B4 – General Business**, which allows fast-food restaurants with drive-throughs as a permitted use, with the drive-through portion being subject to the specific requirements of §122-783. This property went through full site plan review as part of a full site "scrape and rebuild" in 2004-2005; the applicant is currently proposing minor modifications to the site. The parking reduction requiring a waiver is the issue which brings this before Planning Commission.

The proposed work comprises an additional drive-through ordering station and a stone façade. The addition of the order station necessitates parking space removal; the stone façade work requires work to the foundation, accounting for the increase in building footprint size.

Figure 1: Subject Site Location

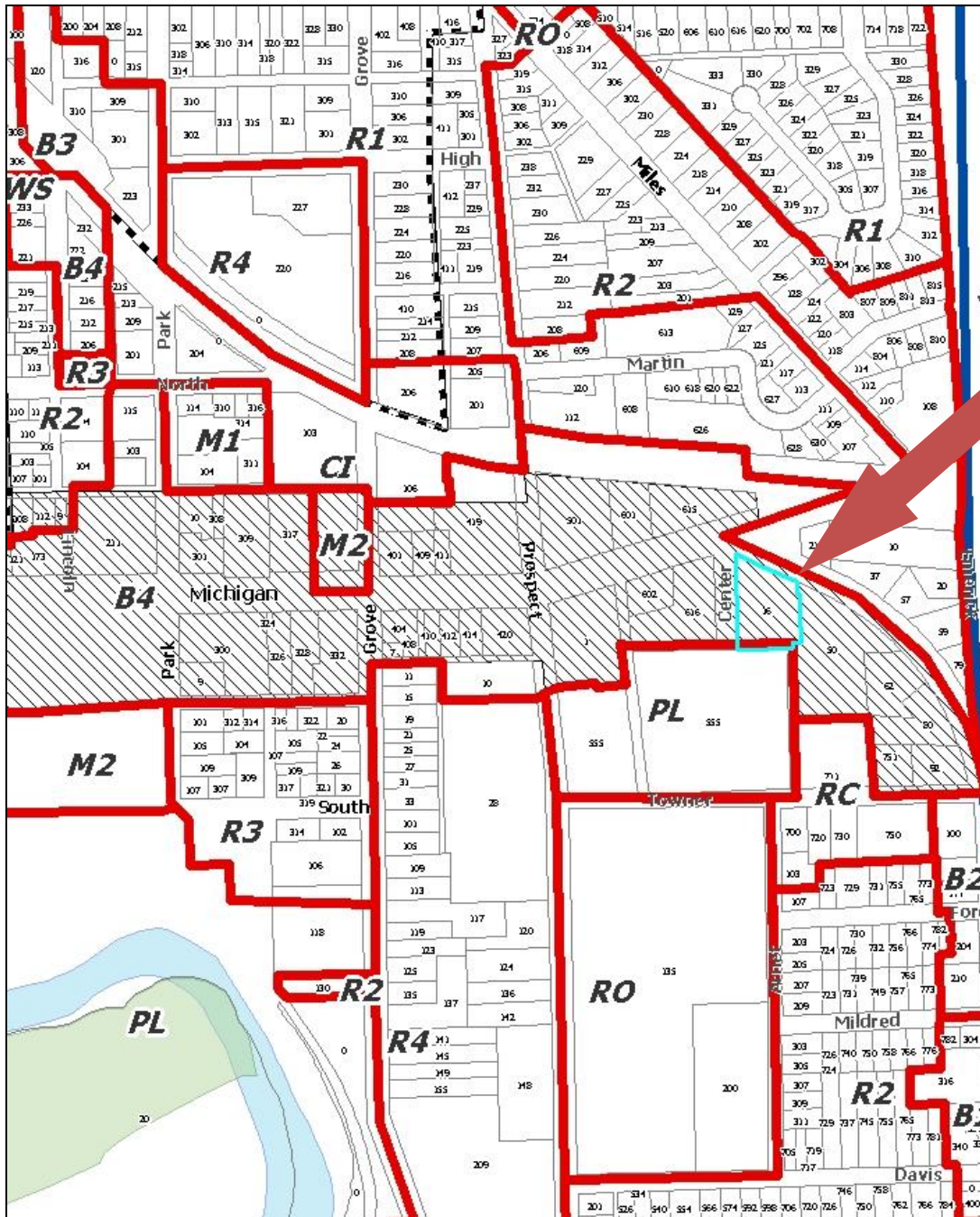


Figure 2: Context Aerial (2010)

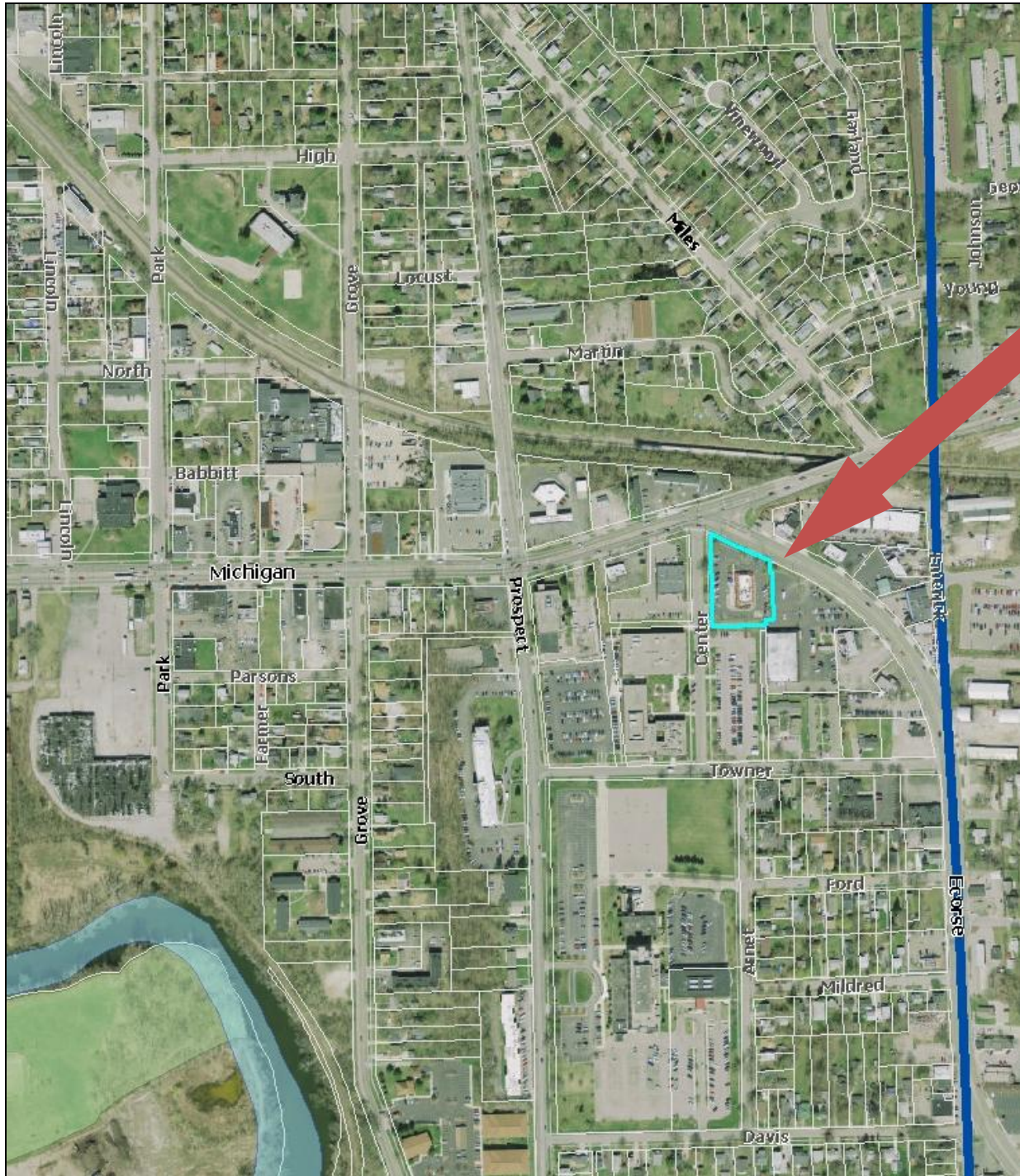


Figure 3: Site Aerial

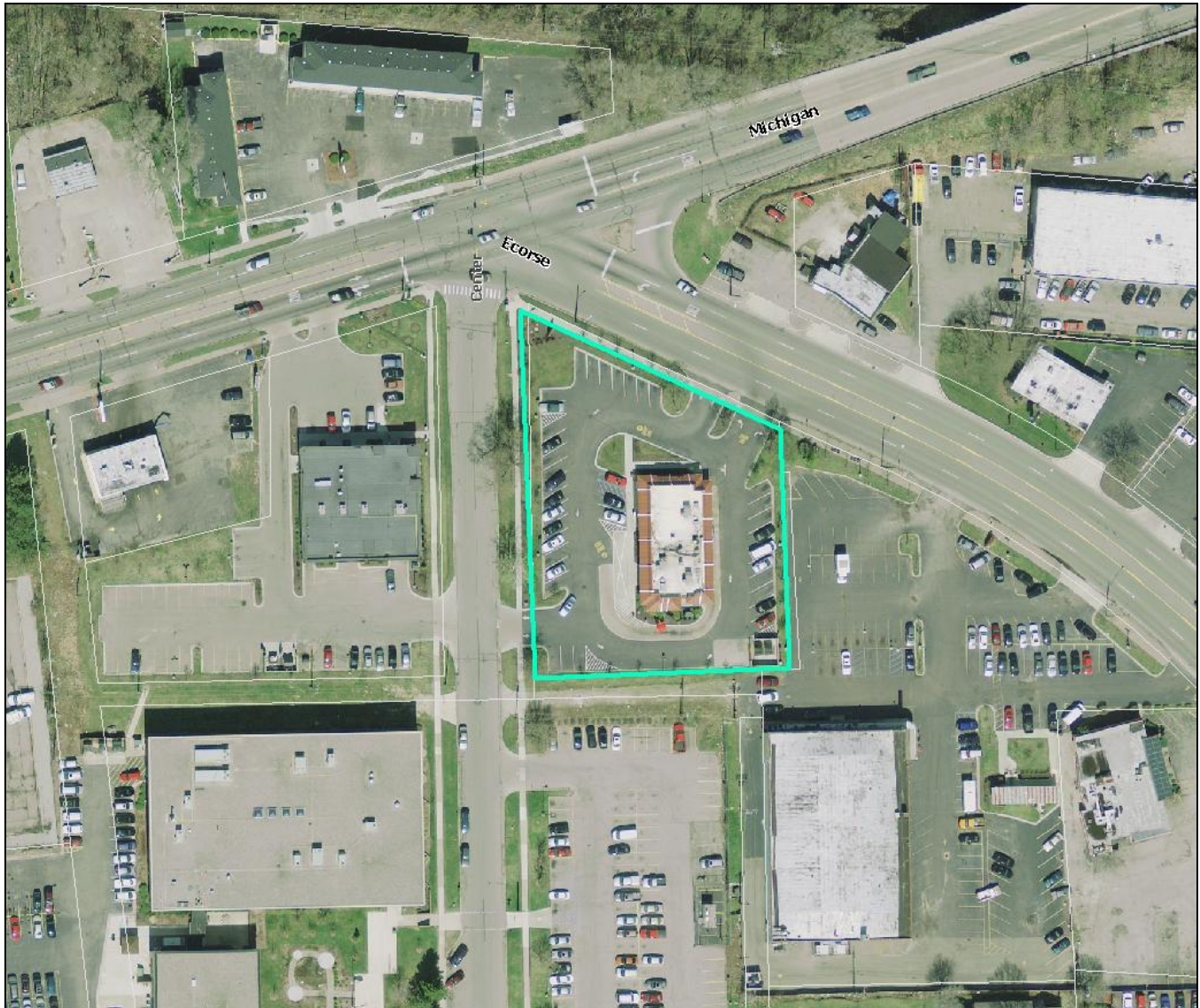


Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	hotel	B4/EO
EAST	industrial - north-east parking area for retail	CI B4/EO
SOUTH	Parking area for services	PL
WEST	retail	B4/EO

SITE PLAN: CRITERIA AND REVIEW**§122-127****STANDING****§122-127(1)**

The applicant is legally eligible to apply for site plan review, and all required information has been provided.

REQUIREMENTS**§122-127(2)****Figure 5: Requirements**

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
B4: LOT AREA §122-414	Determined by setbacks, screening and parking requirements.	47,570 sq ft (.9543 acres)	unchanged
SETBACKS			
front	Not less than 30'	57'	Unchanged
side	Not less than 3' if fire-retardant	~59'	Unchanged
street side	(Center St) not less than 30'	~82.4'	Unchanged
rear	25' min	~47'	Unchanged
B4: HEIGHT §122-415	Lesser of six stories or 75' exceptions in §122-640		Unchanged
§122-647 SIDEWALKS	provide a sidewalk or shared-use path	sidewalk in good condition; ramp at Center St needs upgrade	unchanged
§122-707 LANDSCAPING	10% (4757 sq ft)	8100	7100 ~400 sqft landscape removed in rear for drive ~600 sqft removed at front for parking
§122-836 PARKING	1 per 50 sq ft customer waiting & eating areas, plus 1 for each employee on largest shift, plus 8 stacking per "transaction station" • 1438 sq ft customer area ○ 29 • 8 employees ○ 8 • ~1 transaction station ○ 8 "stacking"	37 spaces 8 "stacking" spaces (=30) Alt: (1277 sqft): 34 tot + 8 stacking (=27)	32 spaces, 14% or 6%

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-861 et seq SIGNAGE	Any new sign will require a building permit. • Building Mounted: max of 3 sq ft per ft of frontage • Ground: max of 100 sq ft, 10' tall; must be ≥3' from front property line; ≥10' from side or rear.	One drive-through menu board, one free-standing changeable message sign, one building-mounted sign.	Change of drive-through signage, including additional drive-through order board.
§122-783 USE-SPECIFIC	• No closer than 60' from any residential district • Canopies no less than 12' • Drive-through windows/facilities no closer than 100' from residential district • Sound shall not be audible off-site • Stacking spaces shall be provided pursuant to 122-838 • Direct access to a major thoroughfare • No ingress or egress drives shall be closer than 60' from intersection of two streets	• Met • Existing nonconforming @9' • Met • No complaints on record, presumably met • Met • Met • Existing nonconforming	• Met • Existing nonconforming @9' • Met • No complaints on record, presumably met • Met • Met • Existing nonconforming

Items to be Addressed:

1. Planning Commission waiver requested for 20% reduction in the required parking, due to site dimensional constraints, and nearby weekday bus stop.

BUILDING LOCATION AND SITE ARRANGEMENT**§122-127(3)**

There is currently one building centrally located on the site. Parking is located along the perimeter of the site. There is one vehicle entry/exit on Ecorse, and one on Center. Building entrances are located to the north side. A dumpster enclosure and shed are located on the southeast corner of the site.

The existing drive-through is located directly to the south of the building; the additional order station will necessitate both being located slightly to the south-west.

Items to be Addressed: None

SITE ACCESS, TRAFFIC, AND PARKING**§122-127(4)**

Primary vehicular access of the site is from Ecorse Rd. That driveway is split by a concrete island into access and exit (right turn only or left turn only), and curb-to-curb, is ~65 feet wide. The Center Street drive is ~22 feet wide, and permits both entry and exit. A sidewalk in good condition exists on both Center and Ecorse frontages;

however, the accessible pedestrian crossing ramp for Center Street at Ecorse (north-west corner of the parcel) does need to be upgraded to current standards.

The project is within walking distance of AATA route #20. Westbound, it stops across Ecorse at Harmony House (nearest pedestrian crossing is at Prospect); eastbound, it stops slightly to the south/east of the subject site (at the Dollar General, approximately). This route currently runs from 6:30am to 8:15pm Monday through Friday, with no weekend service.

Freight/delivery access is on the west side of the building, and is preserved in the site plan. The dumpster is located in the south-east corner and will remain. The existing drive-through ordering station is located directly south of the building; the addition of the second ordering station will cause both to be moved to the south-west slightly. The arrangement provides for a through lane in addition to the drive-through lanes, which will limit congestion.

32 parking spaces are proposed, 2 of which are barrier-free. No bicycle parking is proposed. Pedestrian entrances to the building are located on the north end; pedestrians must traverse the driveway and parking area to reach the entrance. Two parking spaces are being proposed immediately to the front of the building, removing some existing landscaping.

Items to be Addressed:

1. Applicant to reconstruct pedestrian ramp at east corner of Center Street.
2. Planning Commission waiver for 20% of the required parking requested, due to site constraints, majority of the business being conducted via drive-through, and large percentage of employees not driving to work.
3. Applicant to remove two parking spaces in front of building to limit interference with entering/exiting traffic, in accordance with Entryway Overlay zoning standards.
4. Applicant to consider adding bicycle parking.

ENGINEERING & STORMWATER

§122-127(5), §122-127(6)

The proposed construction is not in a floodplain or floodway. Minimal increase to impervious surface is proposed, using existing drainage systems. No engineering review is required. Work done in the Center Street right-of-way will require a permit from the Department of Public Services.

Items to be Addressed:

1. Obtain permit from DPS prior to work at Center Street pedestrian ramp.

SCREENING

§122-127(7)

Figure 6: Screening

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-641 Lighting	• down-directed and shielded • not >0.5 fc @ lot line • not >16'in height • not < 0.3 fc		Additional fluorescent tube lighting at order station. Otherwise unchanged.
§122-703 Screening Between Land Uses	Not required		
§122-704 Off-Street Parking Landscaping	1 tree per 8 spaces (32/8 = 4)	>20 trees	Removal of 2-3 trees
	landscape island per 16 continuous spaces	n/a	n/a

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	ends of all aisles and corners protected	All protected	Aisle-end on west side of site to be removed, replaced with striping
	minimum distance of 3' from curb backside to landscaping	Met	Not shown
	must be screened per 122-703 if conflicting land use	Non-conflicting land use, n/a	n/a
	must be screened from public ROW	Landscaping provided	Unchanged
	prevent vehicular encroachment into landscaping, structures	Met	Met
§122-705 Greenbelt Landscaping	1 tree per 30 ft frontage Ecorse: 198' = 7 (6.6) req'd Center: 264' = 9 (8.8) req'd East: 177' = 6 (5.9) South: 190' = 6 (6.3)	Ecorse: 7 trees, Center: 4? (field-check) East: 5 (missing one) South: 6	Ecorse- unchanged Center – unchanged East- unchanged South- removal of 2-3 trees and construction of drive to the lot line.
§122-706 Foundation Landscaping	screen buildings from parking areas/ ROWs 1 ornamental tree and 6 shrubs per 30' • rear parking: 80' ○ 16 shrubs ○ 3 trees • front ROW: 80' ○ 16 shrubs ○ 3 trees	??	
§122-650, §122-709 Refuse Containers	masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad	Met	Met
§122-710 Exterior Electrical	when visible from ROW screen	n/a	n/a
§122-712 Maintenance	install underground sprinkler system		
§122-714 Fencing, hedges, walls, berms	no taller than 10' in side/rear yard		

Items to be Addressed:

1. Protect western aisle of parking with raised island rather than striping.
2. This Landscape plan not yet received. Approval subject to review of landscaping by Planning dept.

OTHER DEPARTMENT AND AGENCY APPROVALS

DEPARTMENT OF PUBLIC SERVICES

The applicant is responsible for obtaining permits from the Department of Public Services before beginning work in the Center Street right-of-way.

FIRE DEPARTMENT

As applicant is requesting changes to the circulation around the building, Fire Department review was required. Fire Chief has no objections.

MICHIGAN DEPARTMENT OF TRANSPORTATION

No work is proposed in the Ecorse Road right-of-way.

STAFF RECOMMENDATIONS: SITE PLAN

Staff recommends the Planning Commission **approve** the Site Plan for the McDonald's at 16 Ecorse with the following findings, waivers, and conditions:

Findings

1. The application substantially complies with §122-127.

Waivers

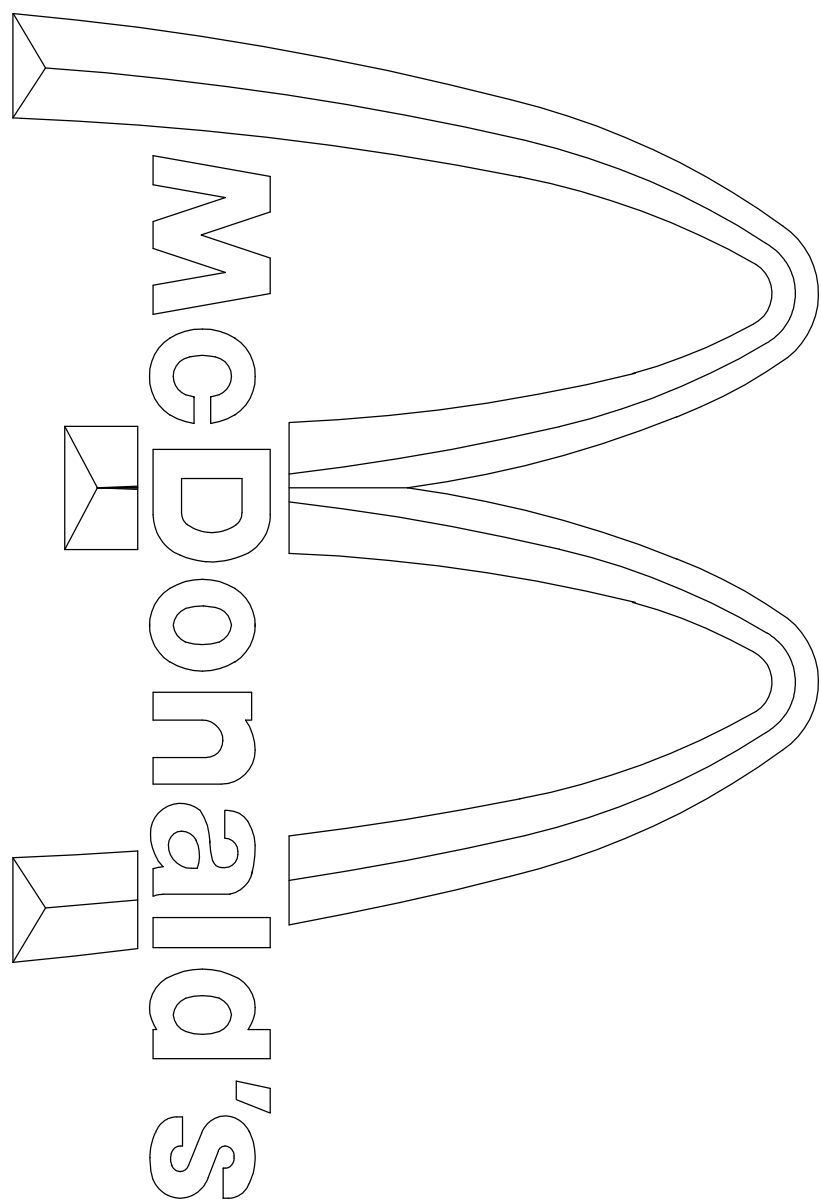
1. Planning Commission waiver requested for 20% reduction in the required parking, due to site dimensional constraints, majority of the business being conducted via drive-through, and nearby weekday bus stop.

Conditions

1. Applicant to reconstruct pedestrian ramp at east corner of Center Street.
2. Applicant to remove two parking spaces in front of building to limit interference with entering/exiting traffic, and in accordance with Entryway Overlay zoning standards prohibiting parking in front of buildings.
3. Applicant to modify parking area to include a parking island on the south end of the west parking aisle.
4. Applicant to consider adding bicycle parking.
5. Obtain permit from DPS prior to work at Center Street pedestrian ramp.
- 6. Landscape plan not yet received. Approval subject to review of landscaping by Planning dept.**

Bonnie Wessler
Planner I, Planning & Development Dept.

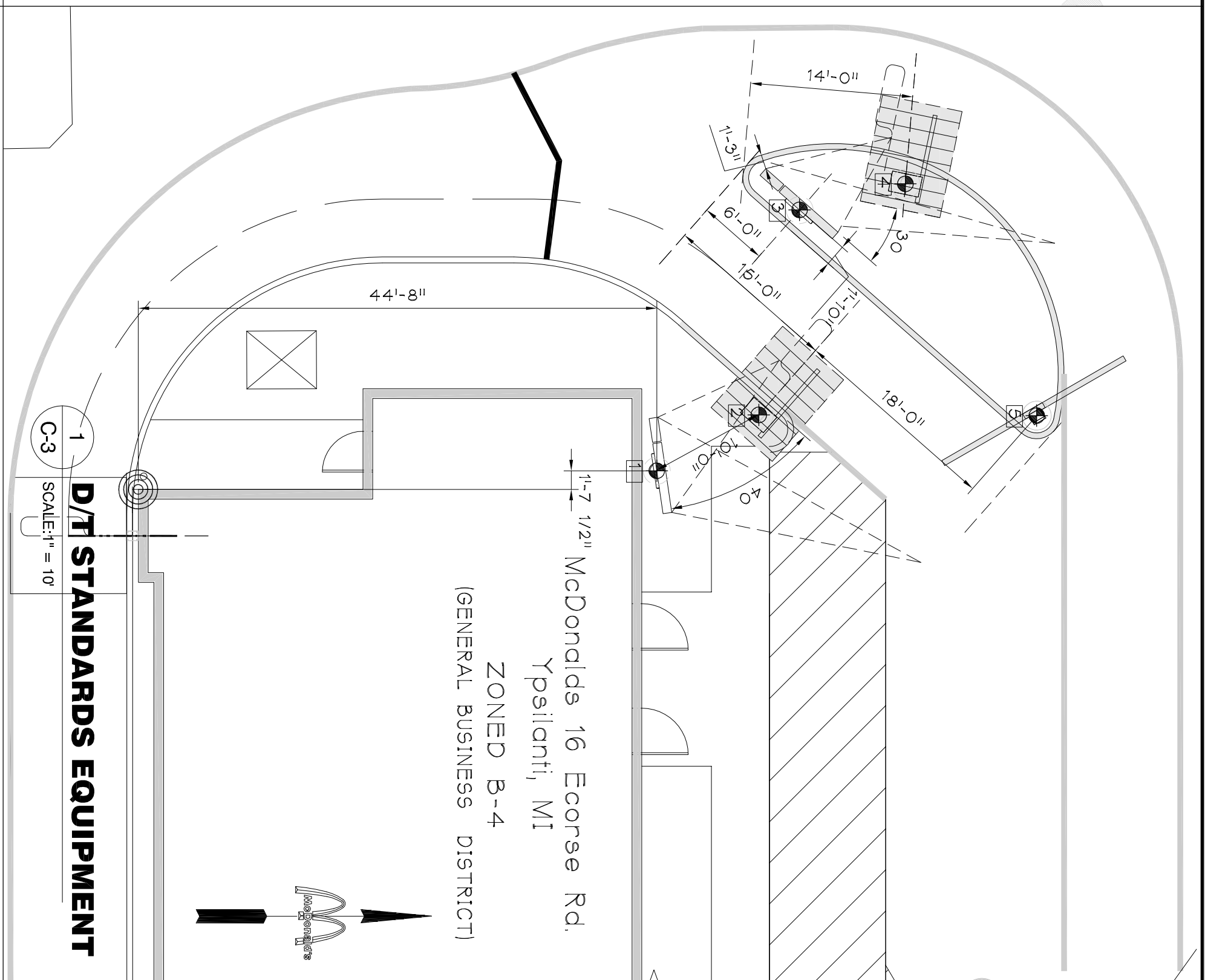
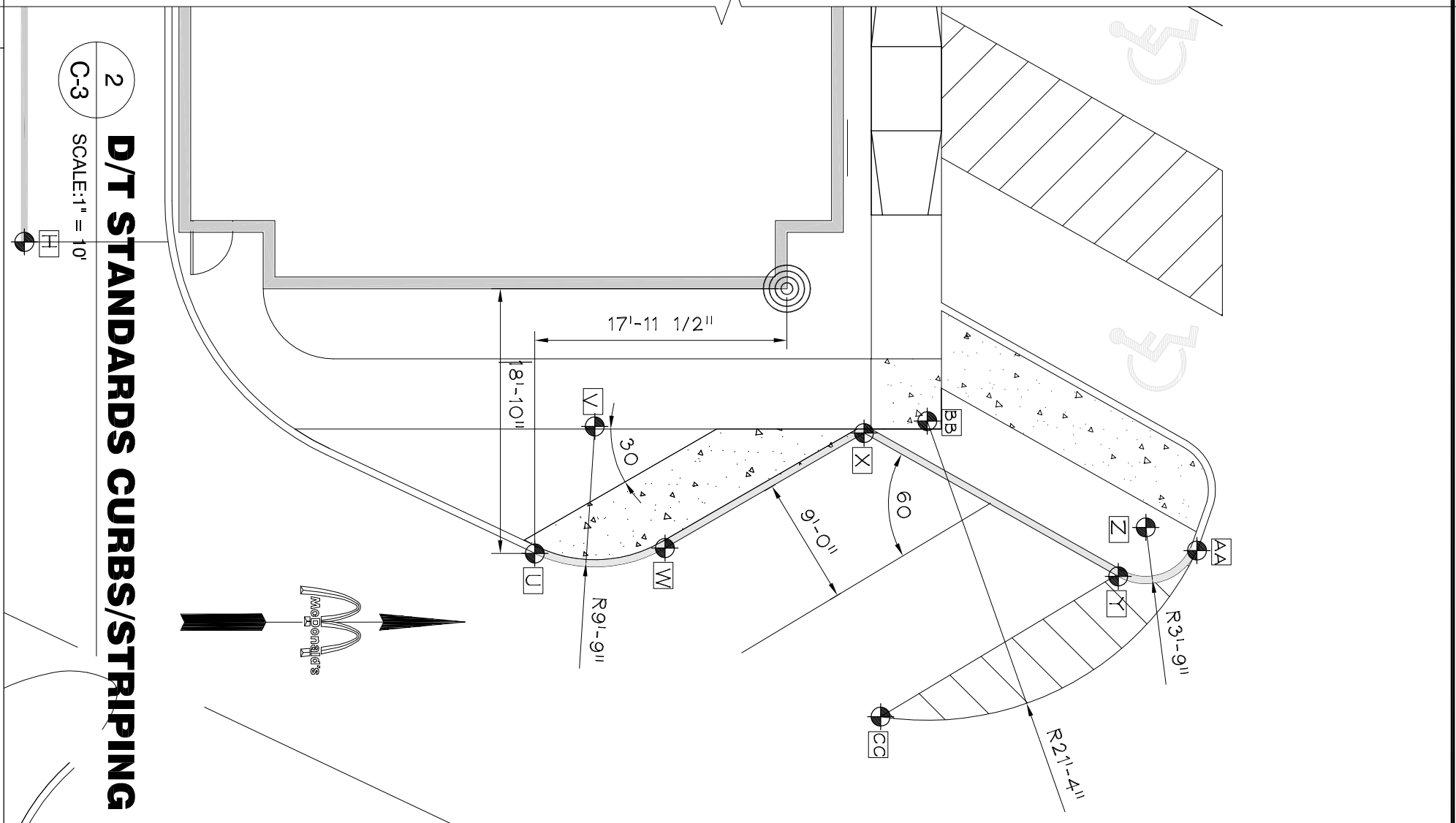
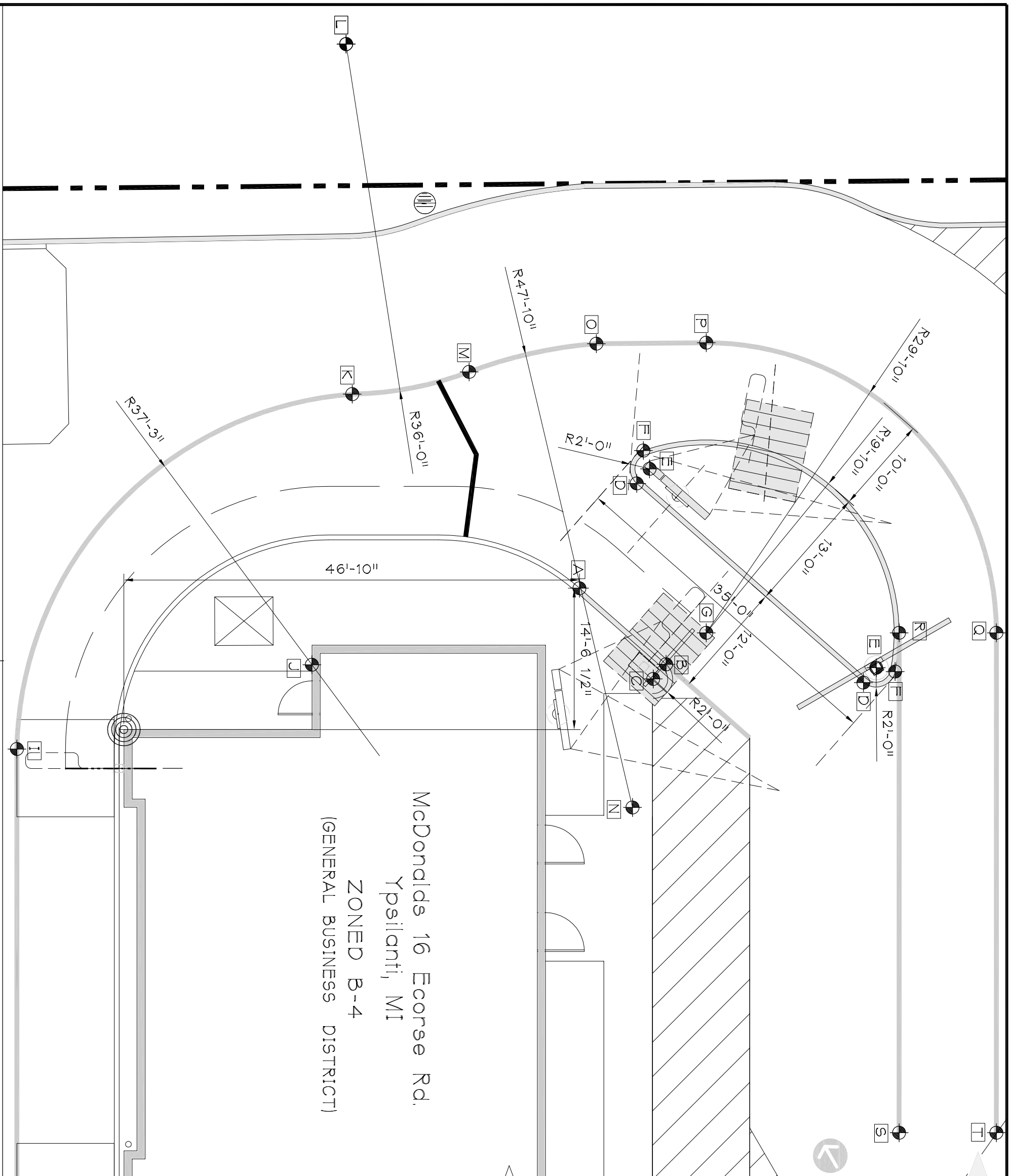
CC File
 Applicant



SIDE BY SIDE DRIVE - THRU ADDITION

Site ID 021-0217
16 Ecorse Road, Ypsilanti, MI

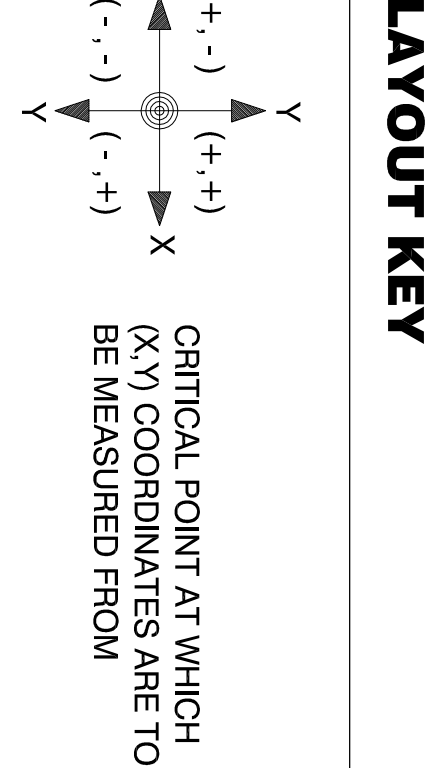
[illegible]



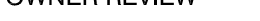
COORDINATES - CURBS / STRIPING		
COORDS	Position X	Position Y
A	-14'-6" 1/2"	4-6'-10"
B	-5'-8" 1/2"	5-5'-9"
C	-6'-2" 1/2"	5-5'-4"-5'
D	-4'-0"	7-6'-0" 1/2"
D	-2-5'-3" 1/2"	5-2'-9"
E	-6'-4"	7'-4" 1/2"
E	-5'-6" 1/2"	5-5'-0" 1/2"
F	-5'-11" 1/2"	7-9'-3" 1/2"
F	-2'-8" 1/2"	5-3'-5"
G	-9'-11" 1/2"	5-9'-10" 1/2"
I	-2'-0"	-1'-0"
J	-6'-8"	1-9'-4"
K	-3'-4"-6"	2-2'-6"
L	-7'-0"-6"	2-2'-10"
L	-7'-0"-6"	2-2'-10"
M	-3-6'-9" 1/2"	3-5'-6"
N	8'-0"	5-3'-1" 1/2"
O	-3-9'-8"	4-5'-7"
P	-3-9'-9" 1/2"	5-9'-10" 1/2"
Q	-9'-11" 1/2"	8-8'-8" 1/2"
R	-9'-11" 1/2"	7-9'-8" 1/2"
S	4'-5'-5" 1/2"	7-9'-8" 1/2"
T	4'-1'-5" 1/2"	8-9'-8" 1/2"

COORDINATES - CURBS / 5-TRIPING - FRONT		
COORDS	Position X	Position Y
AA	18'-8"	29'-2 1/2"
BB	10'-5"	11'-0"
CC	29'-9"	5'-1 1/2"
U	18'-10 1/2"	-17'-11 1/2"
V	9'-10"	-13'-8 1/2"
W	18'-6"	-8'-8 1/2"
X	10'-3 1/2"	5'-6"
Y	20'-6"	23'-7 1/2"
Z	17'-0"	25'-7"

COORDINATES - EQUIPMENT		
COORDS	Position X	Position Y
1	-1°-7' 1/2"	44°-8"
2	-6°-5"	53°-5"
3	-2°-4' 1/2"	56°-11' 1/2"
4	-2°6'-3' 1/2"	66°-0' 1/2"
5	-6°-4"	77°-4' 1/2"



CUBB NODES ➡ A1		COORDINATE POINT AT WHICH (X,Y) COORDINATES ARE TO BE MEASURED TO	
CUBB NODES ➡ 1			
CUBB NODES			
STREET ADDRESS 16 ECOORSE ROAD			
CITY YPSILANTI	STATE MI		
COUNTY WASHTENAW			
LOCAL DWG. NO.	SITE LOCATION CODE NO.		
DET-00	021-0217		

SHEET NO. C-3 DRIVE-THRU DETAILS	TITLE MCDONALD'S SITE PLAN MODIFICATIONS		DRAWN BY TT	PREPARED FOR:  McDonald's Corporation © COPYRIGHT These drawings and specifications are the confidential and proprietary property of authorized, or at a later time, use of these drawings for reference or example on another in conjunction with its issue date and are not suitable for use on a different site authorization. The contract documents were prepared for use on this specific site. Reproduction of the contract documents for reuse on another project is not project requires the services of properly licensed architects and engineers. McDonald's Corporation and shall not be copied or reproduced without written	PREPARED BY:  L+A ARCHITECTS INC. AIA 2430 ROCHESTER COURT SUITE 200 TROY, MICHIGAN 48063 PHONE (248) 224-4700 FAX (248) 224-4646		A	10-2-2012	OWNER REVIEW	L+A
	DESCRIPTION SIDE x SIDE DRIVE-THRU ADDITION		STD ISSUE DATE X/XX/XX				B	10-4-2012	REVISED PER 10/3 MTG. ON SITE	L+A
	REVIEWED BY GL		DATE ISSUED X/XX/XX				C	10-10-12	REVISED FOR SPA SUBMITTAL	L+A
	SITE ID 021-02	SITE ADDRESS 16 ECORSE ROAD, YPSILANTI, MI								