

**PLANNING COMMISSION
MEETING MINUTES
November 14, 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, G. Clark, D. Lautenbach, M. Bullard,
B. Lenart, K. Weger

Absent: R. Murphy (excused) P. Hollifield (excused) C. Zuellig (excused)

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

III. APPROVAL OF MINUTES – October 24, 2012

Commissioner Lautenbach moved to approve the minutes of October 24, 2012 with recommended changes (Support: G. Clark) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS & PRESENTATIONS

5, 6, & 7 W. Ainsworth – rezoning request R1 to RC

Ms. Wessler, Planner I, stated that this is a request to rezone three parcels to RC, Residential Commercial. 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 recently. The applicant who purchased the property is requesting the rezoning. Ms. Wessler continued by stating that the subject properties are within the "Gateway Area/Perry Neighborhood". Goals for this neighborhood include "creating a positive entry in to city" improving and redeveloping the existing housing stock and upgrading the commercial properties along East Michigan Avenue. The subject properties are also partially within the "East Michigan Avenue Target Area." That area is primarily aimed at those properties with frontages direction on East Michigan Avenue, rather than those properties adjacent to it. The properties in question are adjacent to East Michigan Avenue but not fronting it.

The future land use map shows two of these properties for future consideration as Mixed Residential/Commercial, which is the equivalent of R1/R2/R3/R4/RO/B1/B2 and 7 W. Ainsworth has a designated future land use of Single Family but is directly adjacent to and fronts on a segment of a street otherwise designated Residential Commercial. She reviewed the surrounding land use and zoning. There is no traffic count data available for W. Ainsworth but it is the primary access point for that neighborhood. She distributed charts showing the permitted uses R1 vs RC and RO vs R2 to compare permitted uses. R1 is one of our most restrictive zoning designations and only permits essential services, single family dwelling units. In contrast, the stated purpose of RC zoning is to provide "for a mixture of residential and low intensity commercial uses, which are intended to be compatible with various residential densities and housing types, and are to be of a small scale neighborhood commercial nature.

Ms. Wessler reviewed the rezoning considerations with staff's response adding that staff recommends that the Planning Commission deny the rezoning to RC, Residential Commercial for all three of the properties stated and included staff's findings. She stated that staff recommends Planning Commission to consider either an RO or R2 zoning designation for the subject properties. The public hearing was noticed with RC so it would have to be re-noticed and Planning Commission would have to decide this matter at a later meeting.

Some questions were asked by board members regarding the re-noticing and overlay districts, to which, Ms. Wessler responded in detail. There was also a question on non-conformity if we go through with rezoning, which Ms. Wessler also responded in detail.

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

Orlando Avant – was in attendance to represent the applicant, Ms. Ana Paula Spiess, owner of the property. He asked if RO or R2 is allowed for duplex to which Ms. Wessler confirmed that it is. He questioned that it could be re-noticed to go before council. Mr. Avant continued by adding that Ms. Spiess purchased the property with the understanding from the owner that it could be used as a duplex and did not find out until later that this was untrue, hence the reason for her coming before the Planning Commission to get permission to legally rent the property. He stated that there are two meters, two furnaces and the driveway is compatible for this purpose. There are also separate entrances, one in front and one in back. The location of the structure is one house off Michigan which is commercial in nature. The RC designation is not as important as being able to lease it as a duplex. If RO or R2 seems to be more appropriate, they would welcome that. Ms. Spiess (owner of the property) stated that she had informed the neighbors of her plans to come before the commission and they had no complaints.

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

There were various opinions and concerns given by commission members on potential zoning possibilities, after which, one member suggested tabling the item in order to give staff an opportunity to look at RO and R2. After further discussion, Commissioner Lautenbach moved that the Planning Commission recommend tabling the rezoning of 5, 6, & 7 W. Ainsworth to allow Planning staff to determine if these properties can be rezoned to RO or R2 use (Support: G. Clark) and the motion carried unanimously. Commissioner Lenart moved to include in the re-noticing potential elimination of the overlay designation from two of the properties (Support: D. Lautenbach) and the motion carried unanimously.

I. OLD BUSINESS

1. 311 S. Grove – Conditional Rezoning

Commissioner Lenart moved to remove this item from the table (Support: G. Clark) and the motion carried unanimously.

At the previous commission meeting, staff was directed to look at other options. Planning Commission reviewed the previous rezoning proposal from B2 to B4 at its October 24th 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. Staff checked with the city attorney that conditional rezoning could be considered as well checking to see if re-noticing was necessary, which it is not. The authority for conditional rezoning is Act 110 of 2006. In researching the process of conditional rezoning, staff learned that it is essential that the applicant propose the conditions for rezoning. Staff is still looking at going from B2 to B4 but the onus is on the applicant, since the use in B4 would be restrictive allowing the automotive sales, which is what the applicant wants.

Staff normally guides an applicant on options but in this case, we are not allowed to do that. The result is a series of conditions, which is shown in the staff report as to which ones would have been part of a site plan review and which ones would be additional conditions above and beyond. The reuse would be restricted in B4 uses that are same as the B2 with the addition of the car sales.

Ms. Gillotti reviewed the applicant proposed conditions in detail as listed on pages 12 and 13 of the staff report. Commissioner Lenart confirmed that these conditions would be applied to that site and would essentially be creating a B4* district. Ms. Gillotti stated that it is still problematic in relation to the Master Plan. Staff noted that while the conditional rezoning is an improvement on the previous request due to the limitations on permitted uses and additional conditions, she recommends the Planning Commission recommend denial of the rezoning and listed their findings.

Ayad Jacksi, owner of the property, was represented by Eric Brown who is a financial partner.

Mr. Brown stated that as far as restrictive use is concerned, they decided they are open to restricting it to only automotive sales. Commissioner Bullard pointed out that the applicant has created a one property zoning if approved and if in the future, other owners want to do something else, the applicant would have created an "island" thereby limiting uses to only the one use, which could be a problem in the marketing and resale of the property. He added that there are other B4 areas that the applicant could do what he wants. He continued by emphasizing to the applicant that they would have less of the B2 available uses, thereby losing flexibility, but gaining automotive sales, but this would be a business decision on his part.

Chairman Johnson stated that because he was absent at the last meeting, he asked Ms. Gillotti to give a brief rendition of how this issue of conditional zoning came up, moved forward and the genesis of it. Commissioner Lenart gave him a brief summary with some additional comments by Commissioner Bullard. There were comments by other commissioners including the fact that this was a trade-off but with huge limitations. The commissioners were trying to provide every opportunity to allow the applicant to go forward if there was any way possible and requested staff to see if there were any additional possibilities available to him.

Commissioner Lautenbach moved that the Planning Commission recommend approval of conditional rezoning to City Council for 311 S. Grove to B4 permitting only those uses held in common with B2 zoning district, in addition of auto sales as spelled out in 122-412 (6) and permitted special uses only held in common with the B2 zoning district as outlined in column three of the provided table, with the addition of staff investigating the possibility of bars/lounges and hotels/motels as they see fit in terms of combining permitted uses in B2 and B4. In addition, the following conditions as outlined in the email from Eric Brown dated November 9, 2012.

1. Applicant agrees to restrict the use of the premises to a car dealership only.
2. Applicant agrees to remove dumpster from the premises.
3. Applicant to remove the driveway near Spring Street.
4. Applicant agrees to plant trees and ornamental grass on South Grove from property line (chain fence) adjacent to Spring Street to driveway on South Grove.
5. Applicant agrees to remove chain fence adjacent to Spring Street.
6. Applicant agrees to erect wooden or iron route fence adjacent to Spring Street.
7. Applicant agrees to plant shrubs adjacent to fence near Spring Street.

And with the following findings:

1. That the proposed rezoning is more restrictive than the current use.
2. There is public support for this rezoning.
3. An auto dealership had been present on these premises in the past.
4. Site to be shielded from adjacent property such as that proposed so that rezoning does not impact other properties.
5. Site is small and that the community would be served well by a neighborhood scale car dealership serving the needs of the community.

The motion was supported by Commissioner Clark. A roll call vote was taken with a vote of 4:2. Commissioners Johnson and Lenart opposed.

2. Water Street Recreation Center Update

Ms. Gillotti stated that she is scheduling a work session with city council for December 4th at 6:00 p.m. with the models that had been presented at Spark East since some council members had been unable to attend.

VII. NEW BUSINESS

1. 16 Ecorse: Site Plan Review

Ms. Wessler stated that this is a request for site plan approval for additional order board and reduction in number of parking spaces. The proposed work comprises an additional drive-through and stone façade. The addition of the order station necessitates parking space removal; the stone façade requires work to the foundation, accounting for the increase in building footprint size.

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 applicant is responsible for obtaining permits from the Department of Public Services prior to beginning work in the Center Street right-of-way. The Fire Department has no objections to the circulation and no work is proposed in the Ecorse Road right-of-way that would necessitate MDOT involvement.

Staff recommends approval of the site plan with findings, waivers and conditions, which were included in the staff report dated 30 October, 2012.

Commissioner Lenart asked if it would be reasonable to require bicycle parking as a measure to alleviate the reduction of on-site parking, to which staff responded in the affirmative.

Greg Lautzenheiser, L & A Architects, Troy, MI – representing McDonalds was accompanied by Scott Paulus, McDonalds Construction Manager for the project, as well as the owner of the property. He reviewed the staff recommendations adding that requesting the side-by-side is for customer convenience and safety and part of the remodel is the image. As far as the conditions are concerned, they went through the list and have no problem reconstructing the pedestrian ramp at Center Street, however, although it appears to comply with code, it is a little bit awkward because the intersection is not at the right angle and there is a utility pole located there so will have to work with staff to reconstruct that. Regarding the two spaces in front of the building, it is a little bit congested, therefore, McDonalds has agreed to remove these spots. Bicycle parking will be added.

Mr. Lautzenheiser presented some drawings of the proposed site with potential landscaping and new architectural elements.

After further discussion and concerns by board members, Commissioner Lenart moved to 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 Sec 122-127, however, subject to final staff review of the plans provided today.

Waivers

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

Conditions

1. The applicant should work with staff to reconstruct pedestrian ramp at east corner of Center Street to ensure that it meets all applicable standards.
2. The applicant will 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 provides bicycle parking for a minimum of four bikes.
5. The applicant to obtain permit from DPS prior to work at Center Street pedestrian ramp as determined.
6. Replacement of two trees that will be removed with a suitable size and species in the development site or adjacent to - subject to location determined by city staff.

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

VIII. COMMITTEE REPORTS

- Non motorized – plan to come before Planning Commission at the December meeting
- Master Plan Committee met and City Council approved the contract for ENP Associates and we hope to have a schedule soon. Steering Committee will be in December and hope to start the process in March.

IX FUTURE BUSINESS DISCUSSION/UPDATES

Rutherford Pool Site Plan - December
715 Norris – Outdoor Site Plan - adding outdoor rack storage
834 Railroad – Special Use – marijuana
1820 Washtenaw – Possibility of modification of sign standard
Corner of Park/Michigan – letter of intent on one acre

VI. ADJOURNMENT

Since there was no further business, Commissioner Lautenbach moved to adjourn the meeting (Support: B. Lenart) and the motion carried unanimously. The meeting adjourned at 9:00 p.m.