

**PLANNING COMMISSION
MEETING MINUTES
November 20, 2013
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, B. Lenart, M. Bullard, H. Jugenitz, P. Hollifield, A. Bedogne

Absent: G. Clark (excused) C. Zuellig (excused) R. Murphy (excused)

Staff: Teresa Gillotti, Community Development Director
Bonnie Wessler, Planner I
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES – October 16, 2013

Commissioner Bedogne approved the minutes of October 16, 2013 with corrections as stated on By Chairman Johnson on Page 2, second from last paragraph to include recommendations as noted (Support: P. Hollifield) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Lewis Kennedy, 50174 Mott – owns the property at 220 N. Lincoln. He had originally planned to move there in the summer once it is fixed up and live in Florida in the winter. He stated that it is his opinion that they currently have enough businesses located in that area and do not need any more. It is a narrow street and a paint shop will affect residential.

James Griffin, 554 Davis – referred to Page 4 of the staff report for 212/216 N. Lincoln on Special Use: Criteria and Review. It is his opinion that there should be a number of corrections made to the staff review (6) – Comments: He noted on the second line “surrounded on three sides” should read “surrounded on four sides” – he also disagreed that they are surrounded by

commercial/industrial uses but instead are surrounded by residential. He stated that the current use calls for sales but no undercoating and painting, which he feels is inappropriate in a residential area. He also stated that the sentence on the fifth line is incorrect and should read "2002" instead of mid-1990s. He added that we are creating a junkyard there – he counted 31 cars sitting there prior to the meeting. He pointed out that this is the only used car lot in the Ann Arbor area on a side street. Furthermore, the entrance off Michigan Avenue is 21' wide and Ferrier 20' wide.

Chairman Johnson responded to Mr. Griffin regarding his comments on the corrections stating that they had been duly noted.

John Vincent, Attorney, 215 N. Park , also owns the property at 213 N. Park. His yard is directly behind this property. He is concerned about the painting since the fumes are hard to control. He has four daughters; there is a charter elementary school one block down the street close to this area as well as a dozen residential homes with children and he is concerned about the fumes when children are out playing. This type of business de-values his property – he is definitely opposed to painting since it is hard to contain any fumes and they have no mechanism to resolve this issue. He included a letter to the board written by his wife who is also against this proposed business.

Lanee Burgess, 211 N. Lincoln – agrees with other statements/comments made about the fumes. She is a severe asthmatic and opposes this request for health concerns. She also agreed it should be residential.

Renee Burgee, 1 Oak Street – Is opposed to this business – has problems already with cars in the area and does not need any more and asked that this request be denied.

K. Coleman, 109 N. Lincoln – does not own this property but agrees that the proposed business does not belong in this neighborhood.

V. PUBLIC HEARING ITEMS

None

V. OLD BUSINESS

1. 212/216 N. Lincoln: Auto sales and major auto repair

Commission Lenart moved to remove this item from the table (Support: P. Hollifield) and the motion carried unanimously.

Ms. Wessler presented the staff report stating that the major points discussed at the last meeting were traffic on streets, screening from neighbors and negative impact on the neighborhood. Some technical issues discussed were more lighting required on the site and eliminating hours of operation. The applicant is proposing replacing the chain link fence with a wooden fence, as shown on a rendering that she showed to the board. They have included another light on the site to be down drafted. Staff looked at B1 for a starting point on hours of

operation. Commissioner Lenart asked about hours of operation in B4 and Ms. Wessler responded that there are unlimited hours in B4.

Ali Wahab and Mohammed Wahab – are the applicants/owners for the request. They do not object to the city putting conditions on painting in any approval since they do not intend to do any painting. They also noted that the lot that has all the cars located nearby is not owned by them. Combination of the lots is requested by the city but they have no objection to not combining them. They also stated that at the time they bought the business, it was zoned B4 and when they investigated further as to its use; they were informed of everything under the B4 zoning, which included their intent. It is their opinion that the fact that a New Master Plan was underway should not affect what they want to do since they bought the business with the understanding that it was zoned B4 and came under the B4 zoning. They do not plan to do any body work – only mechanical repair.

Commissioner Lenart asked about their hours of business and Mr. Wahab responded 6 p.m. or 7 p.m. is fine. Chairman Johnson asked about number of cars that would be available for customers/employees. Ms. Wessler responded that they currently have 18 spaces. Mr. Wahab added that all of the parking would be within the property line. Ms. Gillotti gave a brief report on parking stating that we will be reinstalling no parking signs in front of this property and continue enforcement by officers as well as to monitor the east side of the street. Commissioner Lenart added that this is a difficult area to regulate with B4 on one side – he supports the special use request with conditions of no painting allowed and hours 8-6 p.m. Monday thru Saturday. Chairman Johnson is concerned about intensity – it is B4 today – future would be difficult. Commissioner Bullard is supportive of this request and agrees that the applicant bought the property at the time zoned B4 and was unaware of possible changes under the new Master Plan's vision in the future. It was also his opinion that this is appropriate for that site. Commissioner Bedogne added that the fence offers a buffer – he is conflicted since residential will be impacted.

Commissioner Lenart moved to approve the Special Use Permit for the North Lincoln auto sales and repair facility at 212 and 216 N. Lincoln with the following findings and conditions:

Findings:

1. The application is substantially in compliance with Sec. 122-165(b)

Conditions:

1. Special use approval shall be subject to approval of site plan.
2. That the special use be limited to mechanical repairs and any body or paint work or any other noxious paint repair work be prohibited.
3. That the hours of operation be limited to 8:00 a.m. – 6:00 p.m. Monday thru Saturday

The motion was supported by Commission Jugenitz. A roll call vote was taken with a vote of 4:2. Chairman Johnson and Commissioner Hollifield opposed.

Some discussion was held on the rationale for combining properties with Chairman Johnson adding that it is to the benefit of the applicant.

Commissioner Lenart moved to approve the Site Plan for the North Lincoln auto sales and repair facility at 212 & 216 N. Lincoln with the following findings, waivers, and conditions:

Findings:

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

Waivers:

1. Planning Commission waiver requested for 8% reduction in the required parking due to site dimensional constraints.
2. To accept proposed foundation landscaping, with the finding that the benefit intended to be secured by Sec 122-706 will exist with less than the required landscaping or screening.
3. To accept aisle-end protection as shown, with the finding that the benefit intended to be secured by Sec 122-704 will exist with less than the required landscaping or screening.
4. To accept proposed in-ground irrigation, with the finding that the benefit intended to be secured by Sec 122-712 will exist without it.

Conditions:

1. Applicant to combine 212 N. Lincoln and 216 N. Lincoln into one parcel.
2. Engineering approval.
3. Declaration of the required Special Use permit provisions on the site.

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

VI. NEW BUSINESS

1. Shape Ypsi: Zoning Ordinance Update

Ms. Gillotti stated that there will be a meeting on Monday to give an update on the zoning ordinance. Packets will be going out this week and she hopes to get input from everyone. She feels that we need to look at areas where we need to give special attention or hear from neighbors. She is having a meeting with each council member to get input or address any concerns they may have. If the board members know of any stakeholders that we should be in touch with that may have a particular issue or concern to let Ms. Gillotti know.

VII. COMMITTEE REPORTS

1. Non-motorized committee

Chairman Johnson stated that his term on this committee ends in December. He is unable to continue participating in this committee and asked

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

- Water Street
- Non-Motorized

- Thompson Building PUD will be discussed at next council meeting

IX. ADJOURNMENT

Since there was no further business, Commissioner Bullard moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously.