

**PLANNING COMMISSION
MEETING MINUTES
October 16, 2013
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:03 p.m.

II. ROLL CALL

Present: R Johnson, A. Begdone, M. Bullard, H. Jugenitz, Brett Lenart, R. Murphy

Absent: G. Clark (excused) P. Hollifield (excused), C. Zuellig (excused)

Staff: Teresa Gillotti, Community Development Director
Bonnie Wessler, Planner I

Chairman Johnson welcome new member Heidi Jugenitz to the board.

III. APPROVAL OF MINUTES – September 18, 2013

Commissioner Lenart requested a correction to the spelling of the newest member Heidi Jugenitz then moved to approve the minutes of September 18, 2013 (Support: A. Bedogne) and the motion carried 5-0 (R. Murphy not yet in attendance).

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS

1. Master Plan Adoption

Chairman Johnson stated that it is his understanding that a brief presentation will be shown this evening concentrating on the changes that have occurred since the last presentation.

Ms. Gillotti presented the staff report thanking everyone for their input and involvement in this project. She stated that this has been a long process starting in January to develop the Master Plan; the first part of a process that began with interviews and focus groups and then charrettes getting public input. We are about half way through the process before we start looking at revising the zoning code. This will be an 18 month process that will be a revision of the Master Plan and also re-writing of the zoning ordinance. This evening will be spent on changes to the previous draft that was sent out to the community.

As required by law, copies were sent to adjacent communities that have boundaries to the city, as well as to others that we have partnerships with, i.e. Huron River Watershed, Washtenaw Area Transportation Study, Washtenaw County Parks & Recreation, looking for their feedback or comments. Copies were sent to the Senior Centers, Libraries and one was also available in the City Clerk's office for comments from residents. We had five workshops, received comments by email and recently had another charrettes. We have done major revision in the draft being reviewed at this meeting with all the comments and changes included.

The future land use was changed, and there were some changes because of a different approach to how central neighborhoods were looked at; changes to the transportation plan, and updated information on Reimagine Washtenaw, which had been very basic at the time, as well as changes in many other areas. She zoomed into the map pointing out the changes on the maps reviewing each in detail.

Some questions were asked by board members with responses by Ms. Gillotti.

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

Gary Sobbry, 211 N. Lincoln – had some questions on nonconformity, which was responded to by Ms. Gillotti.

Michael Stone-Richard, 844 Railroad - asked about light rail and how it is addressed. Mr. Gillotti provided information about Transit Oriented Development and commuter rail.

Since there were no more questions, Commission Lenart moved to close the public portion of the hearing (Support: H. Jugenitz) and the motion carried unanimously.

Some more questions and concerns were directed to Ms. Gillotti by board members, which she addressed. They also made some recommendations on changes they would like to see included.

After further discussion, Commissioner Murphy moved to adopt the Shape Ypsilanti Master Plan with edits as discussed to be addressed by staff (Support: T. Bedogne). A roll call vote was taken and carried unanimously.

2. 333 S. Prospect

B. Wessler provided a brief presentation noting that the project had previously been approved for a special use permit and site plan November 2011, however, it expired due to inactivity. This was a request for expansion of building and paving a 52 space parking lot.

The lot is zoned B2, which allows religious facilities as a Special Use, subject to the specific requirements in Sec 122-780. This use received a special use permit in 1997. The applicant initially applied for expansion in late 2011, which was approved with conditions by Planning Commission. Due to financing issues, the applicant was unable to proceed with the project at that time and the approval expired. This is a revised re-submission for the same project; revisions are largely to satisfy conditions of approval placed on the previous submission, but also include a phasing of the project. Staff is recommending approval with conditions similar to the last conditions placed on the approval, although some conditions have already been completed.

Commissioner Lenart asked about the parking deduction - why 20% is included in the waiver when only 14% was required by the submitted site, to which Ms. Wessler responded that this is a decision for the Planning commission. He also asked about the landscaping requirement and Ms. Wessler responded that she had carried over that particular waiver from the previous application.

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

Ken Moody, Architect for project and Pastor Robinson – think they can comply with all requests. They are looking to acquire some adjacent property so haven't yet selected the species of plants in landscaping. Previous expiration of the project was due to inability to acquire land and secure funding as they had planned, but are now ready to go and will comply with all necessary conditions and waivers.

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

After some questions to Ms. Wessler, Commissioner Lenart moved to approve the special use permit expansion for the Ypsilanti Community church at 333 S. Prospect with the following findings and conditions:

Findings:

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

Conditions:

Special use approval shall be subject to approval of site plan.

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

Some questions on water detention were asked by board members of the applicant and responded to in detail.

Commissioner Murphy moved to approve the Site Plan for the Ypsilanti Community Church at 333 S. Prospect with the following findings:

Findings:

The application substantially complies with Sec 122-127.

Waivers:

1. For 20% reduction in the required parking, due to site dimensional constraints.
2. To accept modified foundation landscaping, with the finding that the public benefit intended to be secured by such landscaping is secured by the decorative elements of the building itself.
3. To omit in-ground irrigation, with the finding that the public benefit intended to be secured by such a provision is ensured by the hardy nature of the landscaping materials proposed.
4. To omit 40' of required screening along north lot line, from front lot line eastward, due to shared drive constraints, with the finding that the public benefit intended to be secured by such screening is assured by the proposed building layout.
5. If construction of building is phased, all site work will be part of first phase.

Conditions:

1. Engineering approval.
2. Applicant to submit further detail regarding:
 - a. Parking lot and entrance lighting, subject to administrative approval.
 - b. Applicant to submit full landscape plan, subject to administrative approval.

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

3. 212/216 N. Lincoln – Auto sales and repair

Staff report was presented by Ms. Wessler. She stated that two parcels comprise the project for the use of automotive sales and repair. Sales will be limited to 5 spaces with the remainder of the parking to meet the requirements of the automotive repair use. The property fronts on Lincoln with an alley to the rear. There are two buildings on the two parcels. The building to the south will be used as office and the building to the north will be used as an auto facility. The site is located within a groundwater recharge area, but not a well head or sourcewater protection area. Improvements are being proposed to site landscaping, lighting, parking/maneuvering, and drainage. Use of the site is going to change not building, footprint

or screening. Applicant will be providing stormwater control as required. She reviewed the various waivers that would be required as well as conditions. A photometric was included in the plan.

The property is zoned B4 General Business, which allows “automobile service stations and automobile repair garages, standing alone or in combination with an automobile sales outlet, which provide major or minor repairs” a Special Use, subject to the specific requirements in Sec 122-776. The site has not had any previous approvals for this or a similar use.

Ms. Wessler reviewed the standards required for special use permit, listed the items that must be addressed but did not have any specific concerns. Since there has not been an approved use on this site for ten years, it is Ms. Wessler’s opinion that this is a monumental occasion.

Commissioner Murphy confirmed that there had been a previous non-conforming used there previously, to which Ms. Wessler agreed. Chairman Johnson also had some questions involving the Master Plan for this use, which was responded to by both Ms. Wessler and Ms. Gillotti. He also felt that this is a very challenging area with both residential and fairly serious commercial activity going on within close proximity of each other.

Commissioner Bedogne confirmed that the recommendation to approve special use permit would only apply to this specific site, to which Ms. Wessler agreed, although it would also give other properties the right to apply if requested. Commissioner Lenart had some concerns, which Ms. Wessler stated had been included in the stated conditions. He also had concerns on parking and Ms. Wessler responded that one of the reasons that the parking for the public is so high is because of our parking ordinance. The vehicles for sale cannot encroach upon the business.

Commissioner Lenart moved to open the public portion of the hearing (Support: H. Jugenitz) and the motion carried unanimously.

Ali Wabab, applicant – reiterated that the proposed use was for sales and auto repairs.

Chairman Johnson stated that there is a concern on the main function, i.e. sales vs repairs?? Mr. Wabab responded that it is his opinion it will be 50/50. Sales are a by-product of repair. His father owns another facility on Cornell St which he helps to run. Commissioner Bedogne asked how he keeps track of sales vs repair. Mr. Wabab responded that he can’t tell for sure but he thinks it may be repair. Ms. Wessler clarified by stating that one of the reasons we are seeking a special use is because of an interesting quirk of the B4 zoning. In the B4 zoning you can have a committed use for auto sales with no more than 50% being repair or you can have auto repair and no more than 50% for sales but that can fluctuate over time as business demands change. Commissioner Murphy asked how many vehicles they anticipate on site waiting for repair at any given time and Mr. Wabab responded it could be 5-10. Commissioner Murphy asked what happens if area full, what happens and Mr. Wabab responded he would turn them away. Most of his business is covered by appointments. Commissioner Bedogne asked number of employees and Mr. Wabab responded starting with three with a maximum of five.

Ms. Lineah Burgess, 211 N. Lincoln, lives across the street from the property. She has had experience from other auto sales/repair previously and it was misery. They have a narrow street where they can't get an ambulance down there when cars are parked. It is a health and safety hazard to children on the street. She has lived there since 1994 and has been threatened by some people that park their cars there. She is totally opposed to this request.

Gary Sobbry, 221 N. Lincoln – had a number of concerns. He has operated in Lincoln Street for the past fifty years. The building in question was built without a permit. He agreed with the previous resident that you can't get a school bus through because of the parking situation and kids had to walk down to North Street. He is also opposed to this request.

Mr. Wabab – stated that he does not intend to use any land outside of his property in question. There will be no spillover from his business. He guarantees that the neighbors will be happy with his operation. He will be managing on a daily basis.

Commissioner Murphy asked staff if we had any comments from the Police Department and any success they have had on complaints. Ms. Gillotti responded that it is better than previously over the past year.

Mr. Sobbry – stated that he has spoken with the Police Department about enforcement and has been told they cannot enforce because of lack of curbs.

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

Chairman Johnson agreed that it is better than it used to be but does recognize that it is a tough street. There is a different of opinion between the residents and business owners. Commissioner Bedogne agreed that there is a lot of history on this site and he has some reservations but hopefully with a different owner who is committed to do the right thing, he is in favor of giving the new owner an opportunity. Chairman Johnson has issues with special use going forward with a Master Plan that seems too speak more to the pedestrians and residents, and if anything, try to protect those again other entities would speak against this matter. He is also concerned about putting auto repair/sales in the middle of a block that has housing on all three sites. There have always been issues with parking on the street and thinks it is too intense for the block.

Commissioner Murphy stated if they just wanted to minor repairs they would not need a special use permit for that. We have to review the application under the standards that we have currently. Some of the improvements address some of the problems that have been in effect previously. Chairman Johnson referred to the criteria in #1 and #6 and still feels this area is too intense.

Commissioner Bullard lives close to the property involved. He is inclined to support this use and feels that the use is consistent with the neighborhood. There are lots of auto uses right by residential, i.e. City Body in Depottown. He feels that this is an appropriate use for the area.

Commissioner Lenart stated that this has always been a complicated issue. There are no good answers and it's tempting to pick one or the other, hard to do so in practice. He agrees with Commissioner Murphy that a lot of other uses are permitted here.

Commissioner Murphy moved to table the special use permit and site plan asking staff to consider, with the applicant, some potential conditions to address impacts neighboring properties, screening, hours of operation, institute residential parking on Lincoln and North Streets and asking for Police/Fire Departments to render an opinion on the site plan in general or use of this location (Support: H. Jugenitz). The motion carried 4:2. Commissioners Johnson and Lenart opposed.

4. 834 Railroad (Commissioner Murphy left)

Ms. Wessler stated that is a substantially similar site plan but with a different applicant. It is a multi-tenant building and the applicants are proposing to occupy both a manufacturing bay and the office space for a medical marijuana growing facility. Staff is recommending approval conditional on the site plan and with a note that the special use permit will expire and not be in effect if they cease operations 60 days or more. It is a challenging site for screening. Screening is being proposed to the SE of the site less to NW of site as it is a blank face facing a residence. Some required landscape screening to be relocated into flood plain. Waiver is required for foundation landscaping due to industrial site with existing bay doors.

Commissioner Lenart moved to open the public portion of the hearing (Support: T. Bedogne) and the motion carried unanimously.

Alex LaFaro and Mo Chammout, applicants – stated that they are leasing the building and making improvements by themselves.

Gary Sobbry, 221 N. Lincoln – would like this request voted down - is opposed to this request – is not in favor of growing places. It is his opinion that we have enough of a problem with drugs in the City.

Oscar Ridenour, 858 Railroad Street – it is going to draw people that are undesirable., plus the odor is problematic.

Michael Stone Richard, 844 Railroad street – as a resident of the street, he had the following concerns:

- a. Security – what type of security system are they going to have? Will there be a 24 hour presence? Will there be trained security personnel? Alarm system? Trained security personal? Not a lot of foot traffic and it will be a target. Whether or not they have a good security system – folks may look for next target which could have impact on other people on the street. Will it be well lit – what are maintenance concerns – pesticides, insecticides, etc? Will they be stored outside? Will it leak into the river? What about the Huron River Watershed Council. – concerned on outdoor storage. Will there be an odor? How will they be doing sales? Will they be delivering to the dispensaries? If there are issues – how does special use permit dealt with? How do we communicate if they don't meet requirements of the permit? Are there inspections? What do they cover? What happens if they don't

comply? Not totally opposed but have lots of questions and would like to meet the applicants.

Ms. Wessler responded to all his questions.

Lineah Burgess , 211 N. Lincoln – Is opposed to this request. She comes from a law-enforcement family. She does not think we should add the stress to police force. She does not like that people are selling outside Dollar General and smoking in their cars. Ypsilanti is known as little Detroit.

Catherine 1454 Twin Lakes drive – City and residents have already voted to approve this. This is a way to generate revenue.

Renee Burgess, 1 Oak Street - Is opposed to marijuana growing anywhere in the City. Federal government is looking down on all of these places selling saying they're illegal.

Commissioner Bedogne moved to close the public portion of the hearing (Support: H. Jugenitz) and the motion carried unanimously.

Chairman Johnson stated that in every similar case, people are against this issue, however, it was supported by vote of the people of the City of Ypsilanti. The applicant has been forthright and open and gone through the licensing issues. He is neither for/against, but going by what the law states.

Commissioner Bedogne stated that under there is no sale allowed or happening, it is strictly a growth facility. The lighting plan looks good and the security is an issue with the Police Department. He asked the applicant about the presence at the site. The applicant, Mr. responded that they plan to have two shifts in the beginning. As it gets up and running, they will be contracting out a security guard for when there is no staff on site. He would like presence in the nighttime. Insurance requires that they have camera surveillance and other security measures.

Commissioner Lenart moved to approve the Special Use Permit for the Railroad Cultivation Facility at 834 Railroad Street with the following conditions:

Conditions:

1. Special use approval shall be subject to approval of site plan.
2. Special use permit shall expire and be of no effect if the use ceases operations for a period of 60 days or more, per Sec. 122-815(9).

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

Commissioner Lenart moved to approve the Site Plan for the Railroad Cultivation Facility at 834 Railroad Street with the following waivers and conditions:

Waivers:

1. To accept proposed screening between land uses, with the finding that the benefit to be secured by Sec 122-703, Screening Between Land Uses, will exist less than the required screening; and significant benefits shall be accrued by locating plant material in an amount equal to the deficiency to the rear of the site.
2. To omit parking aisle protection, with the finding that the benefit to be secured by Sec 122-704(b)(2), will exist without them.
3. To accept proposed foundation landscaping, with the finding that the benefit to be secured by Sec 122-706, Foundation Landscaping, will exist with less than the required amount of plant material, and significant benefits shall be accrued by locating plant material in an amount equal to the deficiency to the rear of the site.
4. To omit in-ground irrigation, with the finding that the benefit to be secured by Sec 122-712(e) shall exist without it.

Conditions:

1. A Master Sign plan shall be submitted, should any change in signage on the site be proposed.
2. Note the Medical Marijuana conditions as outlined in Sec 122-815 on the site plan and maintain compliance at all times.
3. Provide to the City of Ypsilanti a conservation and access easement along the Huron River frontage, in accordance with the goals outlined in the City's Master Plan, at a minimum of 30 feet in width.

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

VI. OLD BUSINESS

1. Harmony House, 615 E. Michigan

Commissioner Bullard moved to remove this item from the table (Support: H. Jugenitz) and the motion carried unanimously.

Ms. Wessler stated this revised site plan was brought to Planning Commission the night of the previous meeting. They actually remedied many of the issues that were on the site plan at that time. There were only slight modifications since that last version. The sidewalk is shown on one of the landscape plans with improved landscaping – access to rear controlled with fences and gates. Turning radius for vehicles has been remedied. Four conditions are left on her recommendation for approval.

- Dimension driveway and all sidewalks
- Note on site plan that applicant will apply for sign permit and submit master sign plan for any new or changed signage on the site.
- Remove existing concrete post in front of perpendicular building closes to the street, near the bus stop.

- Ensure pedestrian access from the public sidewalk to the front of the building is ADA compliant as the sidewalk is not dimensioned.

There are still some waivers required, which have been previously discussed.

Chairman Johnson asked the applicant about the four conditions. He will agree to all conditions.

Commissioner Jugenitz moved to approve the site plan with the following conditions:

Waivers

1. To permit a reduction in required parking by up to 20%, due to the site's dimensional challenges.
2. To accept the proposed foundation landscaping.
3. To omit in-ground irrigation.
4. To permit landscaping in lieu of a landscaped berm

Conditions

1. Dimension driveway and sidewalks.
2. Note on the site plan that the applicant will apply for a sign permit and submit a master sign plan for any new or changed signage on the site
3. Remove concrete post/footing in front of perpendicular building.
4. Ensure pedestrian access from public sidewalk is ADA-compliant.

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

VII. NEW BUSINESS

None

VIII. COMMITTEE REPORTS

Non-Motorized Committee – inadvertently left out of the packet. Will be submitted at the next meeting in November.

VII. FUTURE BUSINESS DISCUSSION/UPDATES

Family dollar monuments

VIII. ADJOURNMENT

Since there was no further business, Commissioner Bullard moved to adjourn the meeting (Support: H. Jugenitz) and the motion carried unanimously. The meeting adjourned at 9:58 p.m.