

**PLANNING COMMISSION
MEETING MINUTES
March 20, 2013
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

II. ROLL CALL

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

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

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

III. APPROVAL OF MINUTES – February 20, 2012

Commissioner Clark moved to approve the minutes of February 20, 2013 as amended (Support: K. Weger) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS

75 Catherine

B. Wessler, Planner I, stated that this is a request for a site plan and special use approval for a medical marijuana growing/manufacturing facility located at 75 Catherine, north of Factory/Spring, east of South Huron at the intersection of Catherine Chidester. The building is approximately 7,500 sq. ft and no planned expansion is being considered. She did a brief review

of the request stating that the property is zoned M1 Light Manufacturing, which allows medical marijuana cultivation as a Special Use, subject to the specific requirements in Sec 122-815. This site most recently has been used for auto body repair, hair product manufacturing as well as a social club for motorcycle aficionados, but the predominant use throughout its history has been related to automotive repair. The applicant plans to perform significant renovations to the interior of the space. Ms. Wessler added that staff is recommending approval of this request with four conditions and three waivers, which she detailed. One additional condition will be added to the site plan regarding the sidewalk on Catherine.

Commissioner Johnson asked about curb cuts and Ms. Wessler responded that staff recommended that they be removed; this is part of the engineering conditions. The applicant had no comments this time.

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

Sue Melke, Chidester Apts – asked for clarification on the specific building to which Ms. Wessler responded. She added that Ypsilanti voters had clearly spoken and has no problems with this request.

Peter Gillenwaters, 314 Chidester – had a number of questions and concerns – a private concern or one that was a corporation, if this would be a manufacturing facility, selling cookies or brownies?? He is concerned that it would affect the air since many of the people living in the high-rise building suffer from asthma as well as contaminating the area surrounding his home. He feels that by allowing this goes against federal laws, even although state law has allowed the use of medical marijuana. He is opposed to this request.

Chelsea Miller, EMU – is supportive of this request if used for medical reasons only.

Peter Gillenwaters, 314 Chidester – asked if zoning would be changed. He also asked if staff has checked the credibility of the applicant to ensure that the applicant does not engage in other activities other than the use for which it is intended. He is concerned about the impact this business may have on his business and property.

Anthony LaRussa – applicant – stated that he had ordered special carbon filters to contain any odors within the property lines. He will also be improving the building. He stated that it is illegal to sell any marijuana to non-patients.

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

Chairman Johnson responded to the concerns of Mr. Gillenwaters stating that there is a thorough licensing procedure in Ypsilanti, which is verified by city council on potential candidates. There will be no zoning changes; there is a special use that allows medical marijuana in this zone. Ms. Wessler added that his concern of odor is covered under the conditions. Commissioner Lenart added that based on historic use of this property for dry cleaning, he recommended to the applicant that he may want to consider having an environmental assessment performed on property

Commissioner Lautenbach moved that the Planning Commission approve the Medical Marijuana Growing/Manufacturing Facility Special Use Permit for Aspen Gardens at 75 Catherine Street 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. 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 Weger. A roll call vote was taken and carried unanimously.

Commissioner Lenart moved that the Planning Commission approve the Site Plan for Aspen Gardens at 75 Catherine Street with the following findings, waivers and conditions:

Findings:

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

Waivers:

1. 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.
2. To accept the omission of gates on the refuse container masonry enclosure, with the finding that the benefit intended to be secured by Sec 122-709(a) will be provided, due to the refuse container and its enclosure being located behind an opaque fence in an area not open to the public.
3. To omit in-ground irrigation as required by Sec 122-712(e), maintenance, due to hardness of species selected and applicant commitment to hand-watering as needed.

Conditions:

1. Engineering conditions shall be met, including, but not limited to:
 - a. A separate full size existing condition sheet shall be added to the plan. The existing condition call-outs on Sheet 1 do not match the certificate of survey on sheet three.
 - b. It appears the net impervious surface on the site will be reduced as part of this project. Calculations shall be provided showing existing and proposed conditions.
 - c. Sheet flow storm drainage into the right-of-way is not permitted. The plans shall include onsite storm water collection and treatment/filtration. The applicant is encouraged to consider low impact designs such as rain gardens, bioswales, etc.
 - d. The existing gravel parking is permissible contingent on storm water being addressed as stated above.

- e. The existing water and sanitary sewer leads shall be shown on the plan. If no utility work is proposed for this project, a note shall be added to the plan. If water and/or sanitary sewer work are necessary; review, approval and permit will be required from YCUA.
2. A City Medical Marijuana License shall be required prior to operation.
3. Note height of building on plans.
4. A sidewalk to be constructed on Catherine consistent with city ordinances, contrary to the note on the site plan indicating that a fee will be provided in lieu of construction.
5. Remove curb cut on the northwest corner of the lot.

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

VI. OLD BUSINESS

1. Water Street Update

Ms. Gillotti gave an update of the city council meeting at which there was a public hearing and lengthy discussion on the Family Dollar. Council is considering a 1.1 acre property on the corner of Park and Michigan. It was agreed that The Family Dollar project has been delayed to the second meeting in April because of the Master Plan work that has been going on. Last week there was a number of focus groups to further lay out a little bit more of the Master Plan for the site including roads and what we would like for form and also ensure that then Family Dollar project would fit into that layout. Lincoln Street would be extended to the South which could affect this site.

Regarding the recreation center, resolutions of support were passed by the City and Washtenaw County Parks & Recreation to continue to work together on this project. YMCA has created a committee to do a full study since they will be operating this facility. They need to confirm there is a market and that they want to commit to operating the building.

Since it appears that we may not have any business for the April planning meeting, Ms. Gillotti recommended that we use this time for a joint meeting with the Planning Commission and City Council and the Master Plan consultants to give council an update on the goals and objectives for long-term, which would include the grid for Water Street and potential one-way street conversion. Members of the Planning Commission agreed that there should be some definite grid plan for Water Street so potential businesses know the exact lay-out to determine if their business would be possible before they incur any expenses only to find out at a later date that it would not work. Ms. Gillotti gave more update on the week with the Master Plan Consultant team and the various days' events. There will be another charrette beginning the week of April 16th.

Ms. Wessler gave an update on the Recreation Master Plan adding that it is coming along slowly. We have completed a draft of the community background, financial requirements and are now working on goals and objectives for the long-term, which will include capital improvements.

VII. NEW BUSINESS

1. 1425 Washtenaw

Ms. Wessler gave a brief staff report stating that this is a proposed restaurant. It is an existing 2,780 sq. ft. building with an 11 space parking lot, and is located on the southeast corner of Washtenaw and Owendale, off Washtenaw between Cornell and Mansfield. The property is zoned B1 and is in the Entryway Overlay district, which presents al challenges.

Because the site is so small and there is an existing building, and with the landscaping and parking requirements, there are some logistical challenges to this site, i.e. nineteen parking spaces are proposed taking up most of the area of the site, stormwater challenges, landscaping challenges along Washtenaw, and while the applicant has done an admirable job, there are still a number of items that need to be resolved. Staff is recommending tabling this item and listed the various waivers and conditions that are required. This could be handled on an administrative basis if the planning commission so agreed.

A number of questions were put forth by the board on curb cuts, clarification on number of seats (50 or less) and other issues. Clarification was made that there would be 50 seats or less. Commissioner Lenart stated that if the owner has reviewed all of the conditions and agrees to all of them, it is his opinion that this could be handled at this meeting and followed up administratively. He also recommended that parking be explored, possibly shared parking. Mr. Issa stated that he has read all of the conditions and agrees to them.

Mohammed Issa, owner – was accompanied by his architect, Adna-Al-Saati, who were in attendance to discuss the site plan. They were aware of all the proposed findings, waivers and conditions recommended by staff and were agreeable to everything that was discussed. Mr. Al-Saati made some modifications on the maneuvering lanes.

Kyle Sutherland – stated that his property is adjacent to the area behind the restaurant and had just recently become aware of this potential business and was interested to know more about it. He is not opposed to the restaurant but just wanted some information on the proposed plan. Ms. Wessler stated that permissive hours of business would be from 6:00 a.m. to 12 midnight and screening would be completed prior to opening. The owner gave him some information on his restaurant adding that he had three stores in Ann Arbor and another in Northville and would be happy to talk to his neighbor at any time answering any questions he may have. He stated that he plans to be a good neighbor in the area.

After further discussion, Commissioner Lautenbach moved that the Planning Commission approve the Site Plan for the proposed restaurant and accessory outdoor café at 1425 Washtenaw Avenue, with the following list of findings, waivers and conditions:

Findings:

1. The application is substantially in compliance with Sec 122-127.

Waivers:

1. To reduce the number of required parking spaces by 20%, per Sec 122-832(4), due to the site's dimensional constraints.
2. To reduce the depth of the proposed perpendicular parking spaces to 18', per Sec 122-834, due to the site's dimensional constraints.
3. To accept proposed foundation landscaping, under Sec 122-713(c).

Conditions:

1. Reduce the amount of seating provided to 50 customers or fewer.
2. Provide a Master Sign Plan for the site upon submission of sign permit application.
3. The proposed outdoor café, permitted as an accessory use under Sec 122-352(15), shall be subject to the conditions of Sec 122-799, and shall conform to that ordinance unless a variance is granted.
4. Note building height on site plan.
5. Applicant shall consider adding bicycle parking.
6. Reconfigure parking lot to meet the standards of Sec 122-834, Parking Dimensions.
7. Engineering conditions shall be met, including but not limited to those outlined in the review letter from the Planning Department staff.
8. Show lighting on site plan.
9. Show wheelstops.
10. Remove evergreen trees from front greenbelt; replace with hardy deciduous trees.
11. Show or note method of landscaping maintenance.

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

VIII. COMMITTEE REPORTS

- Non-motorized committee - minutes dated 3/7/2013 were included in packets.
- Food/Gardening – Ms. Gillotti stated that landscaping was changed to include “edible plants” and raised beds and city council agreed that R1 and R2 can do a community garden on vacant lots, subject to 3’ setback and other conditions, and expanded the catering definition.

VII. FUTURE BUSINESS DISCUSSION/UPDATES

Joint meeting with Planning Commission, City Council and the Master Plan Consultants.

VIII. ADJOURNMENT

Since there was no further business, Commissioner Lenart moved to adjourn the meeting (Support: G. Clark) and the motion carried unanimously. The meeting adjourned at 8:20 p.m.