PLANNING COMMISSION
MEETING MINUTES
October 22, 2014
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, C. Zuellig, P. Hollifield, N. Sandberg, A. Bedogne, S. Straley

Absent: H. Jugenitz (excused

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

III. APPROVAL OF MINUTES

Commissioner Sandberg moved to approve the minutes of August 20, 2014 (Support: P. Hollifield) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS

1. Alley Vacation Application

This is a request for an alley closure second from East N-S Alley between Forest and Oak. The applicant and his family live at 317 Oak, at the southwest end of the alleyway. With the recent closure of the alley to their east, which was approved by Planning Commission in 2011, he and his neighbors have seen an increase in cut-through traffic in the alley. Because of this traffic, the neighbors are concerned about the health, safety and welfare. They do not want the alley to be vacated, since pedestrians use the alley frequently, and the neighbors use it for garage access.

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

Robert Grams, 317 Oak – has complained about the problems with cut-through traffic on many occasions – signage is ignored. Mr. Grams had his four other neighbors sign the petition for the alley closure. Residents also prefer that the city not maintain it with snow removal, etc.

Commissioner Hollifield moved to close the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.

After some discussion of board members with staff, Commissioner Zuellig moved to recommend to City Council to approve closing the alley from East N-S between Forest and Oak, based on the following findings:

Findings:

1. Area served is residential
2. Closing will not create an undue burden on traffic or affect future plans
3. Cut-through traffic has been redirected from the alley to the east to this alley.
4. Closure would prevent cut-through traffic

The motion was supported by Commissioner Straley. A roll call vote was taken and carried unanimously 6:0.

2. Alley Vacation Application

This is a request for an alley vacation at the easternmost portion of the east-west alley Whittier, Cornell, Washtenaw and Mansfield, immediately south of 1403 Whittier.

Ms. Wessler, Planner II, stated that this would be a vacation, which means that the city would give up any property interest in the alley. The ownership would revert to the neighboring property owner. Only a small portion of the full alley is being petitioned for vacation, immediately behind 14 Whittier. The primary reason for this request is because the trash from the south goes on the fence line and the northern portion of the alley and under current code, 1403 Whittier is responsible for picking up the trash on their portion. The intent is that once the alley is vacated, they intend to deed it to the southern property owner, thus have no responsibility for upkeep.

This alley is currently open and owned by the city. The property owner at 1415 Whittier, immediately adjacent, uses the alley for access to their garage, as does the property at 1439 Whittier. Businesses along the Washtenaw frontage use the alleyway for access to parking, ingress and egress.

Ms. Wessler reviewed the standards. The closing would not create a burden on traffic but as the alley would become private property, it could possibly be built over. It is not being used as a cut-through. As far as present and future use by the city, because Washtenaw is a very high intensity corridor, it is going to be more intense in a single residential neighborhood. This alley could serve as a buffer or unloading/loading zone. Staff is recommending denial at this time.

Chairman Johnson asked if the city has closed partial alleys previously, to which, Ms. Wessler responded in the affirmative.

Commissioner Zuellig moved to open the public portion of the hearing (Support: N. Sandberg) and the motion carried unanimously.

Bill Schram, President, Homes for Autism - has owned this property since 1999. The roadway is being primarily used by the gas station for ingress and egress. He has no interest in the right-of-way and is asking that the property be transferred to the gas station owner contingent upon use by the gas owner as is currently being done. The property is not being used as a buffer between both property owners but being used by traffic going in and out of the gas station. The Fire Department has no objection since it has no effect on the residents. Staff has stated they have not received any objection by any homeowners. He believes he has met the code requirements of a vacation. He is also asking that the fee be waived since they are a 501(3)(c) organization.

Commissioner Bedogne asked Mr. Schram if he has an expectation that the gas station owner will initiate the taking over this property. Mr. Schramm responded that he did not know who should initiate this but feels that this is the responsibility of the city. Commissioner Zuellig asked if the issue was mainly the use since if the property was transferred, the same use would continue. The issue appears to be more of a maintenance problem since Mr. Schram is being cited for debris that is on his property that is occurring because of the traffic in and out of the gas station. If the property was transferred to the gas station, they would not be responsible for the trash. The question remains if the gas station owner does not want the property transferred to him.

Robert Grams – agrees that the city should cite the gas station to maintain the alley.

Karen Grams – asked why the gas station allowed having a dumpster. Ms. Wessler responded that the dumpster is on the property of 1421. Chairman Johnson added that the dumpster has been there a long time, which was approved in the original site plan. We cannot go back now and ask them to add a screen; however, if they applied for any site changes to the property in the future, screening the dumpster would be a requirement.

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

Commissioner Straley asked if the vacation was approved, could language be attached to that sliver of land requiring an easement for the properties between Mansfield and Cornell and Washtenaw and Whittier. Ms. Wessler responded that the way it is constructed in the city code, the alley has to be divided up the middle but the city can reserve the right for utilities but wouldn't be able to reserve the right for access. Commissioner Zuellig did understand the frustration with the applicant is mainly that of the trash and citations being received and wondered what steps can be taken if the gas station owner does not want the property. Ms. Wessler added that the gas station owner is currently being cited for trash on his half of the alley.

Chairman Johnson is concerned about the access by the residents to the west. Also, if we vacate the alley, he feels there could be a lot of legal recourse since the city cannot force the property on to someone.

After further discussion, Commissioner Straley moved that the Planning Commission recommend to City Council that the alley located at the Easternmost portion of the east-west alley of Whittier, Cornell, Washtenaw and Mansfield, immediately south of 1403 Whittier, not be vacated based on the following findings:

Findings:

1. Because the alley serves both a residential and a business area, and is in active use for both.
2. No feedback has been received from other parties abutting the alleyway, and this portion of Washtenaw is considered to be a major traffic corridor of the City, and the commerce located along it serves mostly neighborhood needs.
3. Staff also recommends to City Council to direct staff and consider amendment of Chapter 42, Section 75 of the Ypsilanti City Code of Ordinances to reconsider how citations to adjacent property owners in similar circumstances are handled where one party has primary enjoyment and access of an alley.

The motion was supported Commissioner Bedogne. A roll call vote was taken and carried unanimously 6:0.

3. Lathers Street Vacation

Ms. Wessler stated that this is a request for a street vacation at Lathers Street within the City. The family of the applicant lives at 1010 W. Michigan, at the corner of Warner and Michigan Avenue. Immediately to the north of the property is the disused Lathers Street, and to the north is 15 W. Warner, a single-family residence. This portion of Lathers has not been in use as a street for many years; it has become effectively part of the neighbor's yards; it is not used for access. The neighbors are requesting the City formally vacate the street so that it may become part of their respective properties.

City code does not currently outline a process by which streets are vacated. Currently, we abide by state statute, which only requires Council resolve to vacate the street in question. However, in defense of the public interest, the City has chosen to, for the time being; address street vacations in the same manner as alley vacations, including a mirroring of the review process and public noticing. We anticipate revising the ordinance within the next year to address this procedure directly.

Staff recommends that Lathers be vacated, as it currently serves no public purpose and will not negatively impact traffic patterns. Staff further recommends that if Lathers be vacated, then the portion of Warner Street adjacent to Recreation be un-vacated.

Commissioner Sandberg moved to open the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously.

Commissioner Zuellig stated that she was concerned about vacating this property since it could affect future properties to be developed.

Mary Louis Foley, 1010 W. Michigan – stated she purchased the property 30 years ago. The city has never cut grass on the property in question. When she bought the property, she was told that the street had been vacated. She later found out that the vacation had never taken place. Ms. Wessler added that according to the Assessor, the property to the north had never been vacated.

Commissioner Bedogne asked Ms. Foley why she is requesting the vacation. Ms. Foley stated that since the city has never taken care of the upkeep, and it has always been done by her and her neighbor, it is her opinion that it should be vacated and be considered part of her property.

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

After further comments by board members, Commissioner Bedogne moved that the Planning Commission recommend to City Council to vacate Lathers Street, as it currently serves no public purpose and will not negatively impact traffic patterns based on the following findings:

Findings:

1. The street is effectively closed currently
2. The street does not serve traffic currently
3. Warner Street is with no outlet
4. Further recommend that the Lathers be vacated but the Planning Commission note that right-of-way connecting Warner to West Warner shall not be vacated at this time to the north where the built road dead-ends into Recreation Park.
5. The vacation supports the future land use plans of the city.

The motion was supported by Commissioner Hollifield. A roll call vote was taken and carried unanimously 6:0.

VI. NEW BUSINESS

1. 540 S. Mansfield

Ms. Wessler corrected the staff report to read 540 S. Mansfield. Ms. Wessler stated that this is a request for site plan approval for the UPS Parking Lot immediately south of the existing UPS facility on the west side of South Mansfield, south of Michigan Avenue, in the Industrial Park. The applicant is a long-time resident of the city's industrial park and due to the increasing importance of internet-based sales; they are seeing an increased need for seasonal employee parking. They are applying to lay a gravel parking lot to the south of the existing parking area this year, and to pave it in the following year, as well as install a sidewalk along the Mansfield frontage. No other changes are proposed to the site.

Staff is recommending approval with conditions. We do not have an engineering review but will receive one in the future. They will be providing a sidewalk but not this season.

Commissioner Zuellig asked the definition of “temporary” parking lot, which Ms. Wessler explained in detail.

Heather Puterbaugh, representing UPS – clarified their peak season runs from the week before Thanksgiving thru mid-January, which is when they have the overflow of employees. They plan to install a temporary gravel lot; however, if they are granted approval from the city, they would begin their engineering in 2015 and complete the permanent parking lot in 2016.

Brett Hart, Soils Materials Engineering – was in attendance to respond to any questions by the board.

Chairman Johnson stated we are basically talking about Phase I and Phase II. We do not want to have an opened ended approval. He asked if we can dictate the timing so that we are locked in to eventually having an asphalt parking lot – Ms. Wessler responded in the affirmative. Commissioner Johnson thought the conditions were pretty reasonable.

Commissioner Zuellig asked about the waiver for curbing, to which Ms. Wessler explained in detail. Commissioner Zuellig was also concerned about storm water, which Mr. Hart addressed. It was agreed that lighting would be necessary for the overflow lot and standards would be met. Commissioner Johnson was concerned about any unintended consequences and Ms. Wessler agreed that this is an unusual situation. Commissioner Zuellig stated that they are really approving the final review and asked how long the site plan review covers for completion. Ms. Wessler responded that as long as they are diligently working on the project, the permit does not expire. She added that the entire site will be brought into compliance. See staff report dated 17 October, 2014.

If the applicant were to change something, they would have to come back before Planning since it would be a significant change. .

Commissioner Zuellig moved to recommend the Planning Commission approve the site plan for the UPS Overflow Parking Lot at 540 S. Mansfield with the following findings, waivers, and conditions:

<u>Findings</u>

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

<u>Waivers</u>

1. To accept lack of parking area curbing and pavement in the first phase of construction only.

<u>Conditions:</u>

1. Applicant to bond prior to installation of gravel parking area for the construction of permanent overflow parking area and sidewalk in calendar year 2016.
2. Applicant to provide lighting for overflow parking area.
3. Applicant must obtain a permit from the Department of Public Works prior to constructing anything in the right-of-way.
4. Engineering approval must be received.
5. Applicant to install gate in fence for users of overflow parking in Phase I.

The motion was supported by Commissioner Sandberg. A roll call vote was taken and carried unanimously 6:0.

VII. OLD BUSINESS

1. 311. S. Grove

Commissioner Zuellig moved to remove from table (Support: P. Hollifield) and the motion carried unanimously.

Ms. Wessler stated that she only saw the original site plan on September 16th. The applicant had sent an additional site plan very shortly thereafter, but only to Ms. Gillotti, which she assumed was the same one but with the survey attached. Since Ms. Wessler had not seen the updated site plan, consequently, she reviewed an outdated site plan. Mr. El-Baba sent Ms. Wessler a new site plan, which also included changes from the latest site plan. Ms. Wessler has included a memo, dated 17 October, 2014, which includes comments by her on the latest site plan.

Many of the issues in the memo were addressed. The applicant is requesting a waiver for the amount of parking; they are requesting a waiver to have parking stalls 18' feet deep. The applicant still needs to submit a plan for engineering review that includes more information on stormwater run-off for the added portion. They also need to indicate the portions of sidewalk on Grove/Spring Street that will be repaired as part of this project, specifically the locations and also some notes on Fire Department review.

As a whole, the site plan she received on the 22nd October 2014 is approvable upon the condition that it conforms to Engineering and Fire review.

Commissioner Bedogne asked for clarification on parking, which Ms. Wessler provided. Commissioner Zuellig asked about landscaping requirement, which Ms. Wessler provided. Commissioner Bedogne asked about a dumpster, to which Ms. Wessler responded that no dumpster is required.

Ziad El-Baba, Engineer for the project – clarified that there is a note on the plan regarding the sidewalk stating that they agree to do what is required by the city engineer. He also referred to customer parking and stated there will be two more parking spaces on the south side of the building.

After further discussion and comments, Commissioner Zuellig moved to approve the site plan for Complete Auto, 311 S. Grove, with the following findings, waivers and conditions:

Findings

1. Substantially complies with Sec. 122-127.

Waiver

1. Waiver to permit a stall depth of 18'
2. Waiver to omit foundation landscaping due to site constraints
3. Waiver to omit underground sprinkler system.

4. Waiver for off-street parking landscaping on “South Grove to accept landscaping proposed as part of conditional rezoning.

Conditions:

1. Correct spelling errors on the Site Plan dated 10/21/14
2. Engineering approval from OHM
3. Must have approval of Fire Department

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried unanimously 6:0.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

1. October 29 meeting – Zoning ordinance revision modifications

IX. ADJOURNMENT

Commissioner Hollifield moved to adjourn the meeting (Support: A. Bedogne) and the motion carried. The meeting adjourned at 9:20 p.m.