

**PLANNING COMMISSION
MEETING MINUTES
March 18, 2015
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

II. ROLL CALL

Present: C. Zuellig, A. Bedogne, P. Hollifield, H. Jugenitz, S. Straley

Absent: R. Johnson (excused) N. Sandberg (excused)

Staff: Bonnie Wessler, Acting Planner II
Nan Schuette, Executive Secretary
Gino Piccirilli, Planning Intern

III. APPROVAL OF MINUTES

Commissioner Hollifield moved to approve the minutes of February 18, 2015 as read (Support: S. Straley) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATIONS AND PUBLIC HEARING ITEMS

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

1. Planned Unit Development – Water Street Flats

Bonnie Wessler, Planner II, presented her staff report, stating that this is a request for site plan approval and rezoning to PUD for the project formerly named Water Street Flats now changed to River Walk Commons, 300 S. River Street. The applicant is proposing to construct a four story apartment building, containing 80 units, on a 74,069 sq. ft. lot, with associated parking, landscaping and other site improvements. The applicant is also proposing to construct South River Street, a portion of Park, a portion of Gilbert, and a portion of Lincoln Street and associated right-of-way improvements, to be dedicated to the City at the completion of the project, also including the utilities.

Staff has reviewed the application and finds that it is substantially in compliance with the zoning regulations; the majority of the conditions, about 20, are largely engineering problems that can be worked out in the plan review stage. Two items she wished to bring to the attention of the board are lack of a frontage shown on River with no public entrance shown on River. In conversation since this review, the applicant talked about providing an entrance on the southwest corner of the building at the intersection of River and Gilbert. Also on the plans they did not show the extension on South Street from Lincoln to connect to Park to the east but they have also agreed that they will be providing that. Those are the two biggest pieces.

Only six exceptions are being requested from the zoning ordinance. Ms. Wessler is recommending that we add another exception for the entire north side setback to give them more flexibility with that entrance.

Mike Rodriguez, Developer with Herman & Kittle Properties – stated that they are currently in contract with the City to purchase the property, develop the site, and once the building and infrastructure is complete, deed back the streets to the city. As requested by City Council, they did change the name of the proposed project from Water Street Flats to Riverwalk Commons. They do intend to extend South Street all the way to Park – this was an oversight by him to include on the plans. Regarding the main entrance off River on the southwest corner, they will work on that and put a substantial entrance there. He added that their civil engineers are also in attendance to answer any questions.

Vice-Chair Zuellig recommended that the board go through the Site Plan Criteria and Review step-by-step. Ms. Wessler began with the items to be addressed:

Requirements:

Ms. Wessler stated that the maximum lot width in the new ordinance is 300'. The frontage build-out is 89% and that is in excess of our threshold by 9% -- it is staff's opinion that 89% is acceptable in our center zone. This percentage may increase with the addition of a frontage. We will revisit this in our conditions.

Building Location Site Arrangement:

No items to be addressed.

No sign plan has been included at this time.

Site Access, Traffic and Parking:

No circulation plan was provided – an exception was requested due to lack of other development at this time. No marked crosswalks within parking lot or across driveways. The applicant is to provide. They need to increase the total parking and parking bay & maneuvering aisle width from 58' to 62'. They need to widen maneuvering 4' to meet standards. Currently sidewalks shown along one side of street only and shall be constructed along both sides of streets. Ms. Wessler will check the purchase agreement on this issue.

Damon Garrett, Civil Engineer, Metro Consulting, 45345 Five mile Road, Plymouth - stated that he is not opposed to 62'.

Marcus McNamara, OHM Engineering – keep striping, and wider aisle is no problem.

Vice-Chair Zuellig would like to add a sidewalk to connect to the new Border-to-Border trail. Commissioner Bedogne added that no crosswalk was recommended and asked if there is any disadvantage to that. Ms. Wessler stated that this will be a condition. Commissioner Jugenitz asked if the change of plans influence landscaping. Commissioner Zuellig referred to the parking – that they need 95 spaces minimum; however, staff says 120 plus 8 additional. Ms. Wessler explained how the parking was calculated. She added that we should go with the 95 minimum on site allowing 20% reduction and 4 space reductions under the PUD. Commissioner Zuellig asked about covered bike spaces and Mr. Rodriguez responded that they have 8 bike hoops. They also have 18 storage units that can be rented that would be easily accessible but they could cover the bike hoops.

A motion was made by Commissioner Jugenitz to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Street Design:

Ms. Wessler stated that street cross sections are the same for A & B streets. Sidewalks would be 6' in width with buffered parking lane, 11' travel lane with 66' ROW. "A" streets (Gilbert and River) would be paved with planters, benches and "B" streets on South/Lincoln would be greener. Streetlights are shown on street side – they need to talk to DTE about lighting.

Screening:

The lighting would be .5' above ft. candle at the lot line – staff would like to see a photometric. The refuse containers would be 8' tall. Mr. Rodriguez added that they could plan to have an additional dumpster, possibly behind the garages, from Lincoln to entrance to parking lot.

Street Trees:

Ms. Wessler added that there are spacing requirements for trees so that streetlights and trees don't interfere with each other. Commissioner Zuellig stated that on South Street there are shrubs, which in her opinion is not working as screening. She would like to consider installing a knee wall instead of landscaping.

Tammi Creason, Herman & Kittle, added that it was her opinion that they could come up a compromise on the knee wall.

Ms. Wessler stated that staff is working with YCUA for utilities, Department of Public Services for Engineering and our Master Plan requirements. She added that the Development Agreement Requirements will be met and staff recommended approval with all the conditions and exceptions that are laid out.

Commissioner Jugenitz moved that the Planning Commission conditionally recommend to City Council approval of the Planned Unit Development Plan and rezoning to Planned Unit Development for Riverwalk Commons at 300 S. River with the following waivers, findings, exceptions and conditions:

Waiver:

1. A 20% parking discount will be granted from the 95 required spaces used, due to size of the parcel and density of the proposed use.

Findings:

1. The proposed development is consistent with the Planned Unit Development concept of providing zoning flexibility in return for material community benefit.
2. The infrastructure proposed has a significant positive impact upon the Water Street Redevelopment Area.
3. The proposed development will be consistent with all surrounding uses.
4. The proposed development will not have an adverse impact on traffic or other public services and infrastructure.
5. The proposed development meets several Master Plan goals for the City and for the Water Street Redevelopment area.

Exceptions:

1. Lot width exceeds maximum by 22'. Exception requested.
2. The building encroaches into side yard setback, leaving approximately 1' to the south and zero feet to the north. Exception requested.
3. Frontage build-out exceeds maximum by 9%. Exception requested.
4. No circulation plan provided. Exception requested due to lack of other development at this time.
5. Exception requested for street tree dimensional requirements, other than distance from streetlights, due to site considerations.

Conditions:

1. No main entrance shown. Applicant will show main entrance on the corner of River and Gilbert Street.
2. No sign plan provided. The applicant is to provide at time of sign permit application.
3. No marked crosswalks within parking lot or across driveways. The applicant is to provide.
4. Applicant will increase the total parking bay and maneuvering aisle width from 58' to 62'.
5. Sidewalks shown along one side of streets only. Sidewalks shall be constructed along both sides of streets.
6. The site grading shall be revised to accommodate the extension of South Street and the future extension of Lincoln and Gilbert Street.
7. The first flush volume must be treated prior to discharge from the site. Off-site detention will not be required.

8. The domestic water service will require review and approval from YCUA.
9. A dedicated fire protection line and FDC shall be provided that meets the requirements of the Fire Department.
10. The sidewalk perpendicular to parking shall be a minimum of 7' wide.
11. A circulation plan shall be provided that shows the site can accommodate refuse vehicle movements.
12. The proposed road geometry shall be in accordance with that provided by the City Engineer.
13. The full right-of-way shall be developed for all proposed streets. This includes parking bays and sidewalks on both sides of the street.
14. Dead end intersections shall be continued to the spring point in the terminus direction.
15. The proposed utility sizes do not coincide with the utility master plan. The City/YCUA will provide additional information during the engineering plan review phase on required public utility sizing. YCUA review and approval will be required for all proposed water main and sanitary sewer.
16. River Street shall be three lanes from Michigan Avenue 250 feet south. A 75 foot taper is required to transition back to the two lane section.
17. South Street shall continue to the connection at Park Street.
18. Water Street shall be relabeled as "Gilbert Street".
19. Lighting: >0.5 fc shown at lot line, applicant will show photometric both with and without streetlights to ensure adequate coverage.
20. Masonry rubbish enclosure is 8' tall; note on the site plan that dumpster shall not exceed 7' in height.
21. Applicant will provide a 30" knee wall in lieu of shrubs along South Street screening parking spaces from the public right-of-way between parking lot and dumpster enclosure.
22. Provide cover for 16 bike parking spaces shown. Provide alternative vehicle or bicycle parking spaces to satisfy the requirements of Sec. 122-837(6).
23. Applicant will provide a minimum of two containers for refuse.
24. Applicant will provide a mix of species that are more diverse and ensure that the trees planted on River and Gilbert is of similar form and size.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried unanimously 5:0.

2. Nonconforming use ordinance revision

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

Zach Fosler, Exec. Director, Ypsilanti Housing Commission – he stated that the proposed update is very critical to the YHC's mission of promoting quality affordable housing for their residents, and most directly for the Strong Housing Project involving the substantial renovation of 112 units of existing deteriorating housing, including Paradise Manor, Hollow Creek, Towner Apartments and other lower density quads and duplexes scattered over 12 locations throughout the city. The Strong Future Project has been stalled due to threats imposed by current language in the City's Zoning Ordinance, which prohibits the continuation of legal non-conforming uses and the rebuilding of legal non-conform buildings, which may be

damaged or destroyed in the future. The update to the Zoning Ordinance is critically important for the Strong Future Project because the project is financed with low income housing tax credits, which are awarded on the continuation of the number of rentable units. Tax credits require that each of the units remain available as affordable housing for the fifteen year compliance period.

The Ypsilanti Housing Commission encourages the Planning Commission to approve a modification to the City's existing zoning ordinance to implement a process to allow for the special designation of certain existing residential non-conforming uses and structures that would allow them to be rebuilt and continued for the same use provided other conditions and safeguards are satisfied to protect surrounding conforming uses and to have that special designation determined upfront similar to a special use permit.

Mr. Fosler added that he applauded the Planning Department for recognizing and responding to this administrative roadblock by proposing the changes to the zoning ordinance.

Copy of Mr. Fosler's presentation was included for the record.

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

Ms. Wessler stated that during the Master Planning public input process and the zoning ordinance input process, staff heard from residents who were not unwilling to allow nonconforming multifamily uses in lower-density/lower-intensity zoning districts (such as a three apartment in a single family residential area), but who were not pleased with the prospect of new multifamily uses and were also concerned with the potential loss of the investment these multifamily uses represented. At the time, staff was unable to find a way to allow these uses to continue, without allowing new uses as well. Staff, with our consultants, has found a possible solution in Trenton's zoning ordinance; a special category for certain types of nonconforming uses, called "nonconforming A."

Trenton has a 2 tier system, nonconforming A and nonconforming B. Designation A is a special status that allows one to apply for that designation and if approved, it would allow rebuild rights. Designation A calls for a sketch plan; similar to a site plan. If the building was destroyed it would be allowed to be re-built. Under our current ordinance, that would not be allowed.

Class B non-conforming structures – do not have special designation, and would be treated as our zoning ordinance currently treats nonconformities. During our zoning charrettes the way it was worded people would have 18 months to rebuild these non-conforming structures after they had been destroyed, and staff is asking PC to confirm that clause again tonight.

Higher-density multifamily uses in lower-density residential districts would be eligible to apply for A. The process would be similar to a special use process, requiring public noticing and certain findings of fact; the status could run with the land. Ms. Wessler is asking Planning Commission to review the draft ordinance and recommend changes as needed in particular with regard to Sec 122-207(c)(4). She attached a draft of the ordinance as well as the current ordinance for their review and explained in detail the differences. There is a lot of difficulty to

get financing for non-conforming and this would be a mechanism to come to the Planning Commission to resolve that issue. Commissioner Zuellig asked Ms. Wessler to present a hypothetical case as an example for further clarification, which she did.

After much discussion on the subject, Commissioner Jugenitz moved that the Planning Commission approve Article VI, Non-Conforming Uses, Buildings, Structures or Lots with the following modifications:

1. Addition of CN-SF district to the list of eligible districts
2. Addition of revocation clause
3. Include conformance to the property maintenance code as prerequisite of approval
4. Addition of "odor" as a criteria in Sec 122-209
5. Note to staff to confirm Planning Commission's approval of the 18 month timeline for repairing any damage or rebuilding a nonconforming structure

The motion was supported by A. Bedogne. A roll call vote was taken and carried unanimously 5-0.

VI. NEW BUSINESS

1. Capital Improvements Review – Water Street Infrastructure

Ms. Wessler stated that this is just confirmation from the Planning Commission on the A & B Streets – the sections and intersections and no parking sections. Ms. Wessler stated that this was briefly covered during the Herman & Kittle review.

Ms. Wessler added that staff is looking for general approval. After further discussion by board members including comments from our engineer, Marcus McNamara, OHM, Ms. Wessler stated that what she is hearing from the board is the general approval with the addition of more information about specific treatment of the streets, including bio swales and/or rain gardens at the intersections, addition of the trees and/or street lights to underscore that we do want these here, the special treatment along the cross section of Gilbert Street affecting the Linear Park, and to provide lighting banners.

No further comments were added by the board members.

2. Engineering Standards (OHM)

Marcus McNamara, Engineer, OHM – stated that typically the Engineering Design Standards and Site Development Procedures Manual would be something that would be recommended to City Council by the Planning Commission. Mr. McNamara continued by adding that the advantage of the document is to provide clarity to developers so they can understand the process, level of engineering that is required, procedures to ensure stormwater requirements, etc. design checklist and reference of materials that are most commonly required, grading certification, etc.

He added that they do these standards for many other communities. It does not get into specifics of the Master Plan of the city, but is used more for the Planning

Commission to determine that it meets all the other criteria, and that this is the way it has to be built.

Commissioner Jugenitz referred to the General Plan Requirements and asked about the possibility of a checklist. She asked if there was another document that lays out these requirements. Mr. McNamara responded that they have had a separate engineering checklist in the past, but that got cumbersome and caused confusion on the part of the applicant as to which part of the process they were in and they would end up putting in too much/not enough detail. He could highlight the section that shows more general information. Mr. McNamara asked that the board members get together with Ms. Wessler to see about something specific but he has seen in the past that this could work both ways, for and against, since depending on the site, someone can end up doing more than is actually required.

Commissioner Zuellig stated that she would like to see included a cross reference of pervious paving – by adding comments or additional information to reference the most current information that is out there. Mr. McNamara does not recommend writing a standard that is more specific than is necessary since it is constantly being revised. He would suggest adding information where they can reference the most current technology out there including but not limited to grass pavers, concrete pavers, etc.

Commissioner Bedogne moved that Planning Commission recommend to City Council engineering standards as presented at the March 18, 2015 meeting, with the additional recommendation and improvements recorded by staff during Planning Commission's discussion and recommend City Council's adoption (Support: H. Jugenitz). A roll call vote was taken and the motion carried unanimously 5:0.

VII. OLD BUSINESS

1. Angled Lot Line memo

Ms. Wessler stated that at the February Planning Commission meeting, discussion was held about how to address sites with a front lot line that is not perpendicular to its side lot lines. The question being whether buildings would be required to follow the angle of the front lot line, with related questions about how that would impact frontage build-out as well as front and side setbacks. The memo was included in the packet and will be on file and distributed to new Planning Commission members for their review.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

1. Another text amendment on blight
2. Special Use for Towner Street
3. Capital Improvement Plan
4. Student Presentation
5. April meeting reminder: Next month's meeting will be begin at 6:30 p.m. instead of the regularly scheduled time of 7:00 p.m.
6. Annual Report Update: Ms. Wessler stated that the annual report will be included in the April meeting.

IX. COMMITTEE REPORTS

Non-Motorized Committee: The meeting minutes will be included in the April meeting.

X. ADJOURNMENT

Since there was no further business, Commissioner Jugenitz moved to adjourn the meeting (Support: P. Hollifield). The meeting adjourned at 10:50 p.m.