

**PLANNING COMMISSION
MEETING MINUTES
July 15, 2015
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, H. Jugenitz, P. Hollifield, A. Bedogne

Absent: S. Straley (excused)

Staff: Bonnie Wessler, Planner II
Nan Schuette, Executive Secretary

Chairman Johnson welcomed the new Associate Planner, Cynthia Kochanek.

III. APPROVAL OF MINUTES

Commissioner Jugenitz moved to approve the minutes of June 17, 2015 with one correction on page three (Support: C. Zuellig) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATIONS AND PUBLIC HEARING ITEMS

1. Special Use Permit Application – 50 Ecorse

Bonnie Wessler, City Planner, gave a short presentation on this request. She stated that it also included 62 Ecorse into Auto Sales. She noted that the site plan lacks many items, including lighting, landscaping, and sidewalks along Ecorse – staff is recommending denial. She added that should the Planning Commission deny the request, the applicant could re-apply with a

revised application. The applicant did ask for an extension or to be tabled but she had not received anything further at this time.

Chairman Johnson asked if there was anything specific that would be a deal breaker. Ms. Wessler responded there was not as long as all the issues can be resolved. She is happy there will be an actual use for that property. Commissioner Hollifield asked about lighting. Ms. Wessler responded that no lighting information had been received. Commissioner Zuellig asked about curb cuts and if there had been any conversation about shared used and potential elimination of some of the drives and Ms. Wessler responded that they are proposing closing two curb cuts but she needs more information.

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

Jamal Garmo, is the landlord of the property – also owns 50 Ecorse. He stated that he purchased 62 Ecorse and gave background information on this. His tenant was parking more cars than allowed. After six years, the city found out and sent Mr. Garmo a letter to submit a new revised plan to comply with the permit. Mr. Garmo contacted Ms. Gillotti, former City Planner, who recommended that he try to get an easement, which he was unable to do, or he should come up with a new site plan to allow more cars to be parked. She later also advised him to delay the project since the city ordinance was going to be changed to reduce the parking requirement. In the meantime, the owner of the Big Boy came to him with an offer to sell. He bought the property immediately and told Ms. Gillotti that he would demolish the building and give to his tenant to allow more parking.

As soon as he demolished the building, he told his tenant he needed him to sign the lease. His tenant told him he could not afford the new rent payment without being sure that a permit would be given to allow him more parking.

Mr. Garmo realizes there is a lot to be done but he needs more time and is asking the board to reconsider giving him more time to allow him to submit all the requirements, landscaping, lighting, etc. etc. and enable him to comply with Ms. Wessler's request.

Commissioner Bedogne moved to close the public hearing (Support: C. Zuellig).

Chairman Johnson stated that the applicant has been given ample time to resolve everything since it has been over a year and if we consider tabling, we would require a firm date of when everything would be completed. There are various options available to the board - could deny; or table giving him more time, but the conditions need to be taken seriously. He asked Ms. Wessler for various options, which she provided; either denying, revoke Special Use or table giving him more time. As an additional point, if the board denies and the applicant would re-submit, they would have to pay all the application fees again. Commissioner Bedogne added that the applicant had previously been given a Special Use which he has not lived up to. Commissioner Zuellig stated that we should have a specific end date if we agree to table allowing the applicant time to come up with a new site plan that includes everything that the City Planner is requesting. Mr. Garmo added that there is no architect that could draw up new plans in 30 days and he will need at least 60 days.

Commissioner Johnson added that we have given people more time in the past and there is always an excuse and a request for even more time. Chairman Johnson further explained to Mr. Garmo that if he had not been in compliance for six years and the city didn't do anything, he has been getting a break, however, he is still responsible and so is the tenant. The applicant has been given enough time but staff has suggested that if this site plan is done and all of the details are included, there is a good chance we could support that. Commissioner Jugenitz added that if we do go with tabling, she feels we need to go with 90 days to get everything completed. Commissioner Zuellig agreed.

Chairman Bedogne emphasized that this is serious matter adding that we could deny it but he wanted to send a message that they have been operating with a Special Use and yet they have not been obeying it. If the decision is made to table it, we are making an exception. He indicated that Mr. Garmo stated staff is requesting this information but Commissioner Bedogne wanted to reiterate that it is not that staff is asking for it, it is the ordinance that requires it. If the commission is open to tabling this, the applicant should take it seriously that when he comes back, it should be in total compliance. Commissioner Hollifield is inclined to give him 90 days but agreed that he would not entertain any further extensions. Commissioner Bedogne was in agreement to table for 90 days but when he came back, he also agreed that it should be complete. Chairman Johnson added that he could support tabling.

After more discussion, Commissioner Zuellig moved that the Planning Commission table the Special Use Permit, the site plan and revocation of the special use permit for no later than the October Planning Commission meeting for the Auto Sales at 50-62 Ecorse Road (Support: H. Jugenitz) and by voice vote was carried unanimously.

2. Rezoning – Towner & Arnet

Ms. Wessler stated that this is a request to rezone to HHS, Health and Human Services for six parcels, 711 Towner, 103 Arnet, 700 Towner, 720 Towner, 730 Towner and 750 Towner. The properties are currently various uses, ranging from single family to a community center. The City wishes to re-zone this area from NC to Health and Human Services, since the majority of buildings are utilized for a community center, medical or similar uses.

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

Since there were no comments, Commissioner Jugenitz moved to close the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously.

Chairman Johnson stated that staff has listed the recommendations and findings, which staff was directed to do by the board.

Commissioner Jugenitz moved that the Planning Commission recommend approval to City Council the rezoning for 711 Towner, 103 Arnet, 700 Towner, 720 Towner and 750 Towner with the following findings:

Findings:

1. The rezoning is consistent with the goals and policies of the Master Plan.
2. The proposed zoning of the site is consistent with existing and planned surrounding zoning districts and land uses.
3. The proposed boundary for the rezoning is appropriate, based on the existing character of the site, and use of adjacent properties.
4. The rezoning will not result in an unplanned and isolated zones; it will connect to the adjacent HHS district.

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

3. Six-month Zoning Text Update

a. Historic Corridor

Ms. Wessler was unable to get text amendments completed in time. She does have an extensive list that she would like to review with the board and have another public hearing next month. There are three issues she would like to discuss. Ms. Wessler presented her staff report stating that the Planning Commission and City Council adopted a new Zoning Code in December, which became effective in January of this year. Since that time, staff has been tracking issues and bugs with the code, ranging from reference errors and misattributed figures to potentially larger issues. Driven by the imminent demise of the Ypsilanti Courier/Washtenaw NOW, staff noticed a public hearing for these text amendments, but they are not yet in a presentable form. Instead, staff is presenting questions to the Planning Commission on some of the more challenging issues.

Commissioner Jugenitz moved to open the public portion of the hearing (Support: a. Bedogne) and the motion carried unanimously. Since there was no comment from the audience, Commissioner Jugenitz moved to close the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously.

First discussion was the about the Historic Corridor – they do not need to provide additional parking on first floor but if changed to second floor or basement, they would have to provide additional parking. Ms. Wessler stated that in looking at the area and a couple of specific areas along W. Cross, parking is a challenge to redevelopment. Parking requirements have improved but because of the constraints of this area, parking would be difficult to add. Commissioner Zuellig asked for an example to help her understand, which Ms. Wessler provided, one of which is the Got Burger Restaurant, as well as the Ugly Mug, explaining in more detail.

Ms. Wessler added that it could be worded - if one adds a residential unit in the HC, one would still have to add the parking; but if someone flipped the first floor to commercial they wouldn't have to add parking; however, if the entire whole building goes to commercial, it would only require to provide parking for the first floor units. She will bring back an update at a later date.

b. General Corridor District

In the General Corridor District, medical marijuana dispensaries were omitted despite previously having been a permitted use in these areas. As GC is somewhat of a hybrid of the former C1 and B4, it is already “home” to grow operations. Two dispensaries are nonconforming because of this change. One grow facility continues to operate legally with its special use permit. Staff stated that she would like to discuss allowing dispensaries in GC as a permitted use, and grow facilities as a special use. All standards specific to these uses will remain.

Board members agreed to have staff do further exploration on this issue and bring back with the other information. Chairman Zuellig added that she feels it is important that the public have input to any changes that may occur. Chairman Johnson added that dispensaries could be considered a special use.

c. Fencing:

Ms. Wessler stated that there are no regulations for fencing in the Center District. Further, Section 122-713 classes commercial and industrial uses together. This issue warrants some discussion and direction from the board. She detailed some of the most restrictive requirements in other districts. One concern is chain link fencing.

After much discussion was it was agreed that for the Center District, it needs to have its own description. Ms. Wessler will bring back a recommendation at the next update.

VI. NEW BUSINESS

1. Modification of Sign Standards: 16 S. Washington

Ms. Wessler stated that this is an application for approval of the modification of sign standards request for mounting a rooftop sign. The parcel is approximately a third of an acre in size, fronting on South Washington Street. There is an existing 500 sq. ft. building, a covered area formerly used as a drive-through, and a large paved area formerly used as a parking lot. The applicant has converted the site to a farmer's market. Farmer's Markets and other organized markets are a permitted use in the Center district.

The applicant is proposing a roof sign, which are prohibited within the City and defined as a sign. “Constructed and maintained upon or above the roof of a building, marquee, or parapet wall and which is wholly or partially supported by such building.”

Ms. Wessler reviewed the applicable standards pertaining to signage and included a copy of the proposed sign and location. She gave some background information to the board on the definition of modification of signs that Planning Commission could approve. Chairman Johnson wondered if they should have something in writing to support this sign only since it is a unique situation. Commissioner Zuellig had some concerns about the sign. Ms. Wessler stated that the HDC had approved the sign; however, they were unaware that rooftop signs were not permitted. The applicant went ahead and ordered the signs unaware they were not allowed.

Chairman Johnson had some of the same concerns as Commissioner Zuellig since the language seems so generic – anyone can get a roof sign and it's just up to the board to say yes or no. He would like something specific to this sign and agreed that the standards are too generic. Ms. Wessler asked for guidance from the Planning Commission when they want to see the sign applications. Johnson agreed this is a “community sign” since it is a farmer’s market.

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

Laura Gillis – Stated that this sign is for the Farmer’s Market, which is part of the Master Plan for the city. This property is a one story building set back from the road. In order to attract attention to this building, they wanted put the lettering on the roof, which is a common trend in markets, so that it would be attached to the station. This suggestion was made by HDC, who also suggested the color. Ms. Wessler is correct about rooftop signs not being allowed, which they were also not aware of.

Some discussion was held on the lighting, which Ms. Wessler informed them must be from the top down because of the ordinance. Commissioner Jugenitz likes the aesthetics and she would not be opposed to this sign especially since this a community gathering place. Commissioner Zuellig feels if it is well done and there are places where we would think rooftop signs are allowed, we should have some standards.

Ms. Gillis feels that the sign is in keeping with the 1960’s style of the building.

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

Commissioner Zuellig moved that the Planning Commission approve the modification of sign standards request to permit a rooftop sign at 16 S. Washington, as submitted on 18 June, 2015, with the following findings:

1. The sign shall be installed per the requirements of the Building Code and in a safe and workmanlike manner.
2. The sign will not endanger the health, safety, or welfare of the residents and visitors of the City.
3. The style of the sign proposed echoes a trend in Farmers Markets’ signage.
4. The sign supports increased legibility of an important community gathering space identified as a vital asset to Ypsilanti residents and the Master Plan.

Conditions:

1. This approval shall be made conditional upon receipt of all necessary permits, including but not limited to, the Building Department and the Historic District Commission.
2. The approval shall be further conditional upon the submission of a complete sign plan for the site; the plan shall show in-use details as well as permanent.

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

VII. OLD BUSINESS

1. Special Use Permit Revocation: 50 Ecorse

Tabled until October – see **V** above.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

1. More “bug” fixes in ordinance
2. Modification to Sign Ordinance

IX. COMMITTEE REPORTS

1. Non-Motorized Committee

The June report was included in the packet.

X. ADJOURNMENT

Since there was no further business, Commissioner Zuellig moved to adjourn the meeting (Support: A. Bedogne). The meeting adjourned at 9:13 p.m.