

**PLANNING COMMISSION
MEETING MINUTES
December 16 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, H. Jugenitz, P. Hollifield, A. Bedogne, C. Zuellig, B. Mason

Absent: L. MacGregor (excused)

Staff: Bonnie Wessler, Planner II
Nan Schuette, Executive Secretary
Cynthia Kochanek, Planner I
Joe Meyers, Community Development Director

III. APPROVAL OF MINUTES

Commissioner Bedogne moved to approve the minutes of November 18, 2015 (Support: P. Hollifield) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. NEW BUSINESS

1. 1420 Washtenaw Avenue

Cynthia Kochanek, Planner, stated that this is a request for Special Use for alcohol sales and site plan approval. The property is a corner lot at Washtenaw and Cornell, with frontage on Washtenaw. There are 13 parking spaces on the site. A conditional special use permit was approved in July 1988 for an expansion of the interior service station and to operate on a 24 hour basis.

The structure is currently utilized as an automobile filling station with a small convenience store and an auto repair facility. The applicant is now seeking to expand the convenience store and include alcohol sales with the auto repair/service to be eliminated. To accomplish this, the applicant is seeking to expand the existing structure to the west and the north, thus reducing the rear setback. Staff is in receipt of a Special Use Permit application which is required for the sale of alcohol. They have also submitted a variance application for the rear setback which will be considered at the next Zoning Board of Appeals meeting.

The property is zoned NC-Neighborhood Corridor, which allows for an automobile filling station without repair and a food store with the sale of alcohol, less than 15,000 square feet as a special use.

Ms. Kochanek referred to the special use criteria and noted some of the issues they proposed - wall signs will have to be adjusted to correct size – specs on types of lights proposed is required, dumpster may need to be relocated; 6' easement along Washtenaw for the non-motorized plan and street scape is requested, engineering review is required for drainage and applicant needs to stripe a walk area from the sidewalk on Washtenaw Avenue. Waivers are requested for 9% of parking requirements, rear screening and foundation landscaping.

Staff is recommending approval of site plan and special use.

A number of questions were asked by commissioners about hours of operation, street tree requirements, sidewalks, foundation planting and the easement which were responded to by staff.

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

Tom Ballou, Focus/Design, architect for the project was accompanied by Ali Wahab, representing the project.

Mr. Ballou agreed this is a tight site – the grass along Washtenaw was removed because of the car traffic but they would not have a problem with whatever the board would require. Chairman Johnson stated that he was concerned about the lack of landscaping and he would like to see some kind of improvement in front. Mr. Ballou stated that they would be willing to work with staff on landscaping along the front. Chairman Johnson also asked about hours of operation and Mr. Wahab stated that they would like to be open 24 hours but if business does not warrant it, they will close at 11 pm, although by right, they can stay open until 2 am but could not sell liquor if the license is approved after that time.

Commissioner Zuellig had a number of concerns – she noted there is a loading area in front, and in the alley there is a service entrance, but a sign states “10' x 25' loading area in alley” - she asked if the intent is to load in the alley and if so, there would be no need for the front loading area. Mr. Ballou stated that the loading area would be in the alley and none in the front. Ms. Zuellig added that the alley is not passable and asked if they plan to pave that area and Mr. Wahab responded that they do not plan to pave the alley. Ms. Wessler added that this is a city responsibility and she does not know if DPS has the money for that. Commissioner Zuellig also asked about transparency with either bigger windows, or more windows. Mr. Ballou

stated that he can add windows in front although most of the liquor store will be storage but they have no problems adding more glass and agreed to work with staff on improvement of transparency.

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

Some discussion was held on hours of operation. Ms. Wessler stated if we did not state hours of operation, it would mean that they would close between 2:00 a.m. and 6:00 am – then if the liquor license was approved, they would have to come back on a Special Request to operate during these hours but the Liquor Control Commission would have say on whether or not they could operate 24 hours. Chairman Johnson reviewed the various conditions on the Site Plan to determine if further discussion was required. He also reviewed the proposed waivers with input from staff, as well as giving guidance to staff on same as needed. Much discussion was held on landscaping

Commissioner Bedogne moved that the Planning Commission approve the Special Use Permit for 1420 Washtenaw Avenue 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 Jugenitz. A roll call vote was taken and carried 5:1. Commissioner Zuellig opposed.

Commissioner Jugenitz moved that the Planning Commission approve the Site Plan for 1420 Washtenaw Avenue with the following findings, waivers and conditions:

Findings:

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

Conditions:

1. That a 6 ft easement along Washtenaw Avenue for non-motorized transportation is granted to the City.
2. Engineering approval is required for the capacity of the existing drain in the southwest area of the site and if the capacity of the drain is insufficient, then the drain will be enlarged to the needed capacity.
3. That a light be installed at the rear of the structure near the service door and specifications/cut sheets on the type of lights proposed be submitted for staff approval.
4. ZBA approval of the variance for the decrease in the rear setback.
5. The applicant shall adjust the wall sign dimensions for the sign application to meet the requirements.
6. Curbs of at least six inches in height must be installed around the perimeter of all surfaced areas.

7. That the applicant will seek to increase compliance with the ground floor transparency requirement (60%) through an additional window bay on the southern side, glass block windows on the western side or a combination of the two.

Waivers:

1. Waiver for 9% of the vehicle parking requirements due to site constraints.
2. Waiver from Sec 122-704 for two trees along Cornell frontage and 7 trees along Washtenaw frontage due to site constraints along Washtenaw Avenue with the understanding that a minimum of 50% of the requirement shall be fulfilled within the southernmost 50 feet of the parcel.
3. Waiver from Sec 122-707 due to site constraints.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried 5:1. Commissioner Zuellig opposed.

2. Schedule of 2016 Meetings

Commissioner Zuellig moved to approve the meeting schedule for 2016 (Support: H. Jugenitz) and the motion carried unanimously.

VI. OLD BUSINESS

None

VII. FUTURE BUSINESS DISCUSSION/UPDATES

A meeting will be held in January to discuss a rezoning. The meeting will be postponed by one week to January 27th, at which time, training will also be held for both the Planning Commission and Zoning Board of Appeals.

VIII. COMMITTEE REPORTS

Minutes of Non-Motorized Committee meeting held December 3, 2015 were included in the packet.

IX. ADJOURNMENT

Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: H Jugenitz). The meeting adjourned at 8:48 p.m.