

**PLANNING COMMISSION
MEETING MINUTES
August 17, 2016
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: C. Zuellig, A. Bedogne, H. Jugenitz, P. Hollifield, M. Dunwoodie

Absent: L. MacGregor (Excused), J. Talaga (Excused), T. Dennis (Excused)

Staff: Bonnie Wessler, City Planner
Cynthia Kochanek, Planner I
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES

Commissioner Dunwoodie moved to approve the minutes of July 20, 2016 (Support: C. Zuellig) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Chairperson Jugenitz reviewed the procedure on public comment on items not related to public hearing items. There were no members of the public who wanted to speak on items that did not have a public hearing.

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Alley Vacation – 211 Woodward

C. Kochanek, Planner I, did a presentation on the request for a portion of the alley to be vacated just - south of the owner's property at 211 Woodward. The owner cited safety concerns and issues with theft. The owner also stated that they already maintain that area of the alley. The alley in question is south of Woodward and north of Catherine, between S. Washington and S. Adams. The eastern portion of this alley, between 210 and 214 S.

Washington was vacated in 2005. The properties surrounding the alley are single and multi-family residential.

If approved, the City will give up ownership of the alley and the alley will be split up among the adjoining properties, and then becomes the responsibility of the neighbors to maintain and/or obstruct, as they so choose. The City will retain and reserve an easement for installation and maintenance of utilities within the entire former right-of-way unless such an easement, or any portion thereof, is specifically abandoned. Once the city has passed a resolution vacating its interest in the ally, the applicant must pursue the matter in district court for a full vacation.

Ms. Kochanek reviewed the standards on alley closures as noted in the staff review dated August 8, 2016, also indicating that the Department of Public Services and Fire Department had both reviewed the application and had no objections. The Master Plan does not address this alley specifically or other alleyways generally. The partial vacation of the alley would not alter the existing traditional form of the block nor alter traffic patterns. Staff is recommending Planning Commission recommend approval to City Council with findings. Under the City Code, the proposed vacation would require final approval by City Council.

Commissioner Zuellig asked if the property owner would have to come to some easement agreement in order to get their car back there and Ms. Wessler responded that this might not likely be necessary depending on the size of the car, as it would be 8' wide.

Commissioner Bedogne asked if the city has to maintain easement for utilities and if this would be on record and Ms. Wessler responded that the various utility companies were notified of this issue and we did not receive any response. This would be part of the ordinance which is recorded.

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

Alice Boss, owner of 211 Woodward – is new to the area and wanted to clarify the possibility of building a garage in the future and if any exceptions could be made since she would like to build a garage in the future. Commissioner Zuellig suggested that the owner contact the neighbor for the possibility of having them deed the required 8 ft. to Ms. Boss. Commissioner Zuellig also added that alleys were instituted to allow residents to have access to the back of their property. Ms. Boss added that she is not impeding access for any other neighbor's property.

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

After further discussion and questions to staff regarding the possibility of vacating the alley entirely in favor of the neighbor to the north, Commissioner Zuellig moved to table the requested alley vacation at 211 Woodward to give staff the opportunity to look at State law regarding alley vacations and to look at the potential presence of a utility easement within the current alley (Support: M. Dunwoodie). A roll call vote was taken and carried unanimously, 5:0.

2. Alley Closure – 2nd Alley West of Prospect between Maple and Oak

C. Kochanek, Planner I, stated that this is a request for an alley closure of the 2nd Alley west of Prospect, between Maple and Oak Streets. The owners of the properties surrounding the alley are citing concern for small children that stay in the area and the wishes of the neighborhood. The properties surrounding the alley are mainly single family residential, with one multi-family unit.

If approved, this alley will be closed to vehicle traffic travelling through the alley by a barrier placed in the center of the alleyway, with rights of access reserved by the City to maintain, repair, and construct any necessary utilities. Pedestrian and bicycle traffic will still be able to traverse the alleyway. The property owners adjacent to the alley will still be able to utilize the alley for access to parking, ingress and egress.

Ms. Kochanek reviewed the standards on alley closures also indicating that the Department of Public Services and Fire Department had both reviewed the application and had no objections. The Master Plan does not address this alley specifically or other alleyways generally. The alley will still be open to local traffic thus maintaining the traditional form of the neighborhood and would incur no undue burden to traffic. Staff is recommending approval to City Council of the closure of the second alley west of Prospect, between Maple and Oak Streets with findings. Under the City Code, the proposed closure would require final approval by City Council.

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

Michael Kozura, owner of 323 Maple Street – stated that he is the applicant requesting this closure. His only concern is if the barrier is moved to where the actual property line is, he would not have easement access. Ms. Wessler stated that she can have Department of Public Services go out there to review it at a pre-installation meeting.

Wylie Massengill , 318 Oak Street – he is happy with this request for closure and supports it.

Becky Alliston, rents the property at 320 Oak Street – has been at the location for six years. It is her opinion that it is dangerous because of speeding traffic. She supports this request.

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

None of the commissioners had questions and were in support of this request. Commissioner Bedogne moved that the Planning Commission recommend approval to City Council of the closure of the second alley west of Prospect, between Maple and Oak Streets with the following findings:

- a. The alley closure does not serve a primary role for traffic in the neighborhood and should not alter existing traffic patterns.
- b. The alley closure will not change the traditional form of the block.

- c. This closure will still allow for local usage while improving safety for the neighboring properties.
- d. Staff and residents to coordinate a meeting to determine the location of the barrier.

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

3. Rezoning of 107 E. Cross/400 N. River

B. Wessler, City Planner, stated that staff is requesting that the land formerly known as 107 E. Cross, now combined with the Thompson Block at 400 N. River, be rezoned from CN-SF to Center because this 0.2 acre area was overlooked during the Master Plan Update in 2013 and subsequent zoning update in 2014, as it was part of an active Planned Unit Development (PUD) project that was presumed to be progressing. The PUD has been inactive for some time and will soon expire.

Ms. Wessler continued by stating that after a review of the project, it revealed that although a new owner could re-use the Thompson Block in its existing envelope, they would be unable to use the eastern portion of the parcel for the uses customarily accessory to a commercial use, as the zoning code states that if a lot is zoned multiple districts, each portion must be treated as though it belongs to that district as noted in Sec 122-234(4). Therefore, a new developer would be unable to use the vacant portion for parking, outdoor seating, loading/unloading, dumpsters, etc. Under another PUD with the current code, we would face similar obstacles; PUDs are not permitted in CN-SF under Sec 122-572. To enable the vacant area of this lot to be able to serve the occupied area of this lot, it must be rezoned.

Ms. Wessler reviewed the Central Neighborhood designation from the Master Plan as well as the land use map as well as the existing surrounding land use and zoning. She also reviewed the rezoning considerations and found no issues. Staff is recommending that the Planning Commission recommend approval to City Council of the rezoning for the west 0.2 acres of 400 N. River, formerly known as 107 E. Cross, with findings.

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

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

Commissioner Bedogne moved that the Planning Commission recommend approval to City Council of the rezoning for the east 0.2 acres of 400 N. River, formerly known as 107 E. Cross, with the following findings:

- a. The rezoning is consistent with three of the guiding values of the Master Plan: "Anyone can easily walk, bike, drive, or take transit from anywhere in Ypsilanti and to anywhere else in Ypsilanti and beyond;" "Ypsilanti is a great place to do business, especially the green and creative kind;" and "Everyone in the region knows Ypsilanti has great things to do in great places that are in great shape!"

- b. The rezoning enables the remainder of the parcel to be used per its zoning classification.
- c. All of the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning.
- d. City infrastructure and services can accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
- e. The rezoning will aid the redevelopment of a significant vacant property in Depot Town, both directly adding to the City's tax base in the long-term, and helping to raise property values overall in the Depot Town/Historic Eastside neighborhood overall.
- f. The rezoning is consistent with development trends in the Depot Town area.
- g. This area's initial zoning classification of CN-SF was in oversight.
- h. Rezoning this area to Center is the most appropriate zoning amendment for this situation.

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

Commissioner Zuellig moved to amend the agenda by switching the last two items (Support: P. Hollifield) and the motion carried unanimously.

A five-minute recess was called.

4. Resolution – Support of I-94 pedestrian crossing and lane reduction on Huron/Hamilton

B. Wessler, City Planner, stated that staff is requesting a renewal of support for the City's further investigation into the possibility of reducing the number of car travel lanes on Hamilton, Huron, and a small portion of Washtenaw and for the City's further partnership with WATS to develop a non-motorized crossing of I-94 at Huron. These projects have been supported in the past, but stalled in 2015. MDOT and WATS have recently come to the City to see if the City would be interested in resuming the project.

P Hollifield moved to open the public hearing (support: Dunwoodie) and the motion carried unanimously.

Troy Grams, 324 Oak Street – in support of the pedestrian crossing as he sees it to be a significant safety issue when he drives across it.

Since there was no further public comment, Commissioner Hollifield moved to close the public portion of the hearing (Support: Dunwoodie) and the motion carried unanimously.

Commissioner Dunwoodie moved that the Planning Commission adopt resolution 2016-1 in support of both the lane reduction and the non-motorized crossing, be they joint or separate (support: P. Hollifield). A roll call vote was taken and carried unanimously, 5:0.

5. Zoning Ordinance Update

B. Wessler, City Planner, gave a brief presentation on the zoning ordinance update. She first went over organizational changes, such as renumbering and reordering of

divisions and sections; then went over agreed-upon changes such as the drive-through signage, billboards, internally lit signs, and some exempt signs; a change to the size restrictions on PUD to permit PUDs of only 0.5 acre in the Walkable Urban Districts, and leave the PUD size at 1.0 acre in the Use-Based Districts; and asked Commissioners for their continuing feedback. The next steps of review, by legal, by staff, and by Clearzoning (courtesy of MEDC) were discussed.

Since there were no participants in the audience, no public hearing was held.

Commissioner Zuellig moved that the Planning Commission recommend adoption of the updated zoning code as discussed (support: A. Bedogne). A roll call vote was taken and carried unanimously, 5:0.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

None

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

670 Harriet, Nonconforming A application;
309 N. Adams – Special Use for 5 dwelling units.

IX. COMMITTEE REPORTS

Non-motorized Advisory Committee – July Minutes. Commissioner Bedogne added that he was not present at the Non-Motorized Advisory Committee meeting in August therefore he could not provide a report.

X. ADJOURNMENT

Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously. The meeting adjourned at 8:45 pm.