

**PLANNING COMMISSION  
MEETING MINUTES  
August 16, 2017  
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:** H. Jugenitz, L. Dahl MacGregor, A. Bedogne, T. Dennis, M. Dunwoodie, P. Hollifield, C. Madigan, J. Talaga, C. Zuellig

**Absent:** None

**Staff:** Bonnie Wessler, City Planner  
Cynthia Kochanek, Associate Planner

**III. APPROVAL OF MINUTES**

Commissioner Hollifield moved to approve the minutes of July 19, 2017 as amended to add M. Dunwoodie as present at the meeting and to edit the third sentence in section 8 to clarify who made a statement (Support: J. Talaga) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

None

**V. PRESENTATION AND PUBLIC HEARING ITEMS**

1. 75 Catherine-rezoning

Ms. Kochanek stated that the applicant is requesting a rezoning for 75 Catherine, from CN-Core Neighborhood to PMD - Production, Manufacturing & Distribution. The total area of the parcel is just over an acre. In 2013, the Planning Commission approved a Site Plan and Special Use for the property to permit a medical marijuana grow facility. At that time, the zoning was M1-Light Manufacturing, which permitted a grow facility once approved as a special use. The 2014 zoning ordinance amendment changed the zoning to CN- Core Neighborhood, which does not permit a medical marijuana grow facility. Prior to the 2014 amendment, this property was continuously zoned as light industrial or light manufacturing. The property was previously used as an auto body shop, a motorcycle club and a hair product production facility. Prior to that and for the majority of the structure's existence, the property was used as commercial laundry

or linen facility. Historic maps depict this property as the Ypsilanti Laundry Co. as early as 1916, thus this property has always been used for light industrial.

Ms. Kochanek stated that the future land use for this property as listed in the master plan is “Central Neighborhood”. These neighborhoods are some of the oldest in Ypsilanti. Initially oriented on the Huron River, they are built on a grid street network connected to the adjacent business districts. They border downtown, Depot Town and EMU. These neighborhoods have a range of residential building types, with churches, schools, stores and gas stations intermixed. Around the railroad, industrial uses are mixed into the neighborhood.

Ms. Kochanek then proceeded to go through the rezoning considerations and responses from staff along with the staff recommendation.

Commissioner Talaga inquired as to what staff meant by the “incorrectly” in regards to the statement that the “property was rezoned incorrectly”.

Ms. Kochanek stated that perhaps that term is not the right one to use, however, the point that she was trying to make was that it was interesting that this parcel was rezoned to neighborhood with its industrial past.

Chairperson Jugenitz stated that she does not recall this specific parcel in regard to the rezoning but that perhaps the thinking was to limit a lot of small areas of zoning in the City, to decrease the hodge-podge in zoning map.

Commissioner Zuellig asked about the previous M-1, Light Manufacturing zoning classification. She also asked if that was the lightest of the industrial zoning classifications. Ms. Wessler stated that the commercial industrial was one of the lighter industrial classifications and that there were heavier classifications as well.

Commissioner Bedogne asked what is prompting this zoning change. Ms. Wessler stated that this is to make the future a little easier under the new medical marijuana facilities licensing act. She stated that in the coming year, commercial facilities such as those that are permitted in Ypsilanti will be permitted throughout the state. She stated that one of the ways that the facilities will be able to get their licensing is by having the appropriate zoning and appropriate sign offs from the local authority. Currently, the city allows less than 500 plants per grow facility; under the new state licensing act, the smallest license is 500 plants. Plus, in order for anyone to become competitive under the new licensing act, they have to at least obtain a C which may or may not involve some sort of physical expansion. Since they are currently zoned CN, the facility cannot be expanded. Commissioner Bedogne clarified that this is due to the need of this facility to expand. Ms. Wessler stated that the decision of whether or not to rezone should not be based on any future potential use.

Chairperson Jugenitz clarified that as far as the City is concerned, this facility could still continue to operate without a change to the zoning but the issue seems to be with the state level since the state licensing requirements will shift in such a way as to make an incompatible zoning problematic for the business.

Commissioner Zuellig asked for clarification on whether the grow facility could expand its number of plants without expanding the building footprint and still be valid under the previously granted special use. Ms. Wessler stated that she would need to check into the previous special use requirements.

Chairperson Jugenitz asked if there is an applicant in the audience and if they would like to speak.

**Anthony La Russa, 112 Watson St, Apt 24** – Stated that the rezoning request is to align with the new state licensing requirement for the zoning. Stated that if they cannot get the appropriate zoning then they would remain a caregiver based grow facility but then they would not be part of the seed to sale tracking system, where the City has a possible tax revenue. He stated that eventually, they may expand the building, but that is secondary to the need to align to the state zoning requirement.

Commissioner Dennis asked if the planning commission does not approve the rezoning if that will negatively impact his current business.

**La Russa** – Confirmed that is the case; he would only be able to continue as a caregiver based facility and there would be no tax revenue for the City and that there would not be a state issued license for his facility.

Commissioner Zuellig asked for clarification on the whether this is a choice for the applicant or if it is a requirement.

Chairperson Jugenitz stated that it is her understanding that there are two options that the applicant could pursue. She stated that the applicant could continue on his current track or he could pursue the state licensed track where there is a tax revenue potential for the City.

Commissioner Dahl-MacGregor clarified that there is a fee based tracking system as part of the new law. She added that the change to the Production, Manufacturing & Distribution zoning is so that the applicant can make a production level increase and meet the requirements of the new state licensing system.

**La Russa** – Stated that he would probably cease operations if he was unable to get the rezoning since he would prefer to operate with the state licensing moving forward since it clears up some of the grey areas and that it does not make sense for him to continue to operate the facility at its current level.

Commissioner Dahl-MacGregor moved to open the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously. Since there was no input from the public, Commissioner Dennis moved to close the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Chairperson Jugenitz asked staff to give the commission a refresher on the things that the commission should take under consideration for the decision on the rezoning. Ms. Wessler stated that they should consider precisely what is listed in the staff report completed by Ms. Kochanek. Chairperson Jugenitz asked staff to list the things that should not be taken under

consideration by the commission in regard to the rezoning. Ms. Wessler stated that the future revenue and future plans for the site should not factor into the decision on this rezoning.

Commissioner Dennis stated that she does not see a problem with the rezoning especially since the property was previously zoned for light industrial.

Commissioner Zuellig stated that this rezoning does not fit into the future land use map and that this area is primarily residential and it is zoned consistently Core Neighborhood. She does not feel that it was zoned incorrectly and that this will be spot zoning. She stated that this use is not consistent with the area and that Production, Manufacturing & Distribution is no longer just a light industrial classification.

Commissioner Dahl-MacGregor stated that since this site is only an acre and it may not lend itself to other larger Production, Manufacturing & Distribution permitted uses. She would like to know more of why General Corridor was not a better option for the rezoning. Ms. Wessler stated that General Corridor is meant more for high traffic areas and that while PMD now contains the previous M-1 and M-2 zoning classifications, there is now special uses that are regulated in the PMD district if they are adjacent to a residential use. Ms. Wessler listed those uses.

Commissioner Madigan agreed with Commissioner Zuellig in that he does not feel comfortable permitting a rezoning when it does not correspond to the future land use map.

Commissioner Bedogne stated that he feels that this is spot zoning but that he is in support of the rezoning due to the history of the property.

Commissioner Zuellig asked if the applicant could still expand the number of plants within the current footprint without triggering the need for the rezoning. Ms. Wessler stated that the applicant could do that and still stay within the current special use. Ms. Wessler stated that there is some uncertainty with the new laws but that as of right now under the new laws, grow facilities must be located in an industrial or agricultural zoning district.

Chairperson Jugenitz stated that she does not feel that this is the strongest case for rezoning but that she will take into account the history of the site in her decision.

**La Russa** –Stated that he is near the old Ford plant, near a floodplain and the City's mulch yard so he does not see how this is spot zoning.

Chairperson Jugenitz asked for any more comments and seeing none, she requested a motion be made.

Commissioner Talaga moved that the Planning Commission recommend *approval* of the rezoning for 75 Catherine to City Council with the following findings:

1. This rezoning is consistent with the master plan goal of "Ypsilanti is a great place to do business, especially the green and creative kind".
2. The parcel that will be rezoned is only 1.03 acres in size and as such it will prohibit the development of this area as many of the larger industrial uses that are allowed in the Production, Manufacturing & Distribution district.

3. This property has been used as light industrial for the past 100 years and was incorrectly rezoned to Core Neighborhood during the 2014 adoption of the current zoning ordinance.
4. The rezoning to the proposed Production, Manufacturing & Distribution district is more appropriate than rezoning to another district or than amending the list of land uses within the Core Neighborhood district.

Commissioner Hollifield supported the motion. A roll call vote of 6:3, Commissioners Jugenitz, Madigan and Zuellig opposed. Motion carried.

**VI. NEW BUSINESS**

None

**VII. OLD BUSINESS**

None

**VIII. FUTURE BUSINESS DISCUSSION/UPDATES**

Ms. Kochanek stated that there are three applications for the September Planning Commission meeting including a site plan for 809-815 W. Michigan, a site plan for 708 Pearl and a special use for 311 Ballard.

**IX. COMMITTEE REPORTS**

None

**X. ADJOURNMENT**

Since there was no further business, Commissioner Dennis moved to adjourn the meeting (Support: C. Zuellig) and the motion carried unanimously. The meeting adjourned at 7:58 p.m.