PLANNING COMMISSION
MEETING MINUTES
November 14, 2018
CITY COUNCIL CHAMBERS
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. ROLL CALL

Present: M. Dunwoodie, J. Donnelly, M. Simmons, T. Dennis, J. McGadney H. Jugenitz

Absent: J. Talaga (Excused) P. Hollifield (excused)

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

III. APPROVAL OF MINUTES

Commissioner Jugenitz moved to approve the minutes of October 17, 2018 (Support: M. Simmons) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Amber Fellows, Vice-Chair, Human Relations Commission, was in attendance representing the Human Relations Committee to discuss "flyer-ing". While she realizes that City Council is the only body that can make a decision on this, she is asking that the Planning Commission support looking at the possibility of installing 4 public kiosks in Ypsilanti. In 1983, the city put together under a nuisance ordinance, a section about "flyer-ing" to prevent this on public utility poles and public spaces. Since then, they have done some research to see if there are any public kiosks and found that they have an ordinance that doesn't really function. The community consists of artists, musicians, tutors, etc. and it is her opinion that people need to be able to put out their services and there is no real way for people to participate in noticing. They decided to follow up on this. There is no news outreach in Ypsilanti and it is a huge barrier for people reaching out to others in the community. There is broad community support for this. She is asking that a resolution be added to this agenda or a future agenda giving support prior to them taking it to City Council. She distributed copies of a resolution, in which the Human Relations Commission are asking that Section 42-81 of the Ypsilanti Code of Ordinances be referred to the Planning Commission suggesting the ordinance be lifted until the installation of a minimum of four kiosks to installed in the city. She also stated that it was her understanding that a grant had been turned down on the proposed skate park and thought it was of interest to the Planning commission. She planned to go before the Parks & Recreation Commission to discuss this.

Commissioner Dennis asked if there was any way to pay for these kiosks and Ms. Fellows responded that this would be up to city council.

Samuel Jones-Darling, Chair Humans Relations Commission, stated that he agreed with the previous speaker and hopes that the Planning Commission will offer some guidance and take this matter up.

Isaac – added that he is excited with this resolution and feels it would be helpful to have everyone work together on a resolution. He is a musician and feels it would be helpful to him to be able to spread the word.

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. 528-530-534 N. Hamilton, The Keg

City Planner Wessler, gave a presentation, stating that the applicant is planning to demolish the small building that was formerly a pizza place and expand the Keg's footprint southward adding quite a bit of parking and do a number of site improvements. They are required to submit for a Special Use Permit since they will be a food store selling alcohol, less than 15,000 sq. ft. which triggers special use permit in this district. Staff has reviewed the application against the conditions of the special land use and has been discussed that in the report, with no issues. There are a Few issues with the site plan, primarily about landscaping, that can be surmountable. Planning is recommending conditional approval with two waivers, one with a setback of the parking from the property to the south and one from the street due to the lack of parking on N. Forest with 8 conditions noted in the staff report included in the packet. We do require up to 3 trees be added to the site as part of our off-street landscaping requirements and a 3-4 ft screen at 80% opacity and be done in accordance with our corner clearance guidelines. OHM provided engineering review just received a couple of hours ago – they are recommending denial, with site plan review comments and preliminary detailed engineering review comments.

Commissioner Jugenitz asked for confirmation about bike parking – recommendation to move to the westernmost parking to which Ms. Wessler agreed. Commissioner Dennis asked about the entry off the street – Ms. Wessler stated that the applicant has applied for a variance. Chair Dunwoodie asked Ms. Wessler to give some background information on this request. Ms. Wessler stated that had been tabled and referred to the ZBA - the applicant withdrew application and this is a re-application.

Commissioner Jugenitz moved to open the public portion of the hearing (Support: T. Dennis) and the motion carried.

Jeff Lieb, Attorney, 30445 Northwestern, Joe Novitsky, Architect, Berkley and Tom Tamou, Owner, Sterling Heights were in attendance to represent the owner.

Mr. Lieb stated that Mr. Tamou, who is the owner of the Keg for 15 years, wants to renovate and upgrade. Building has been there at least 80 years as a party store. After

a ZBA decision in May, they ended with a facilitation that was orchestrated by the City Attorney, Dan Duchene. They met with Ms. Wessler and others of staff and agreed to come before ZBA last month and to come here this evening. The ZBA did not have a quorum and there was no meeting held. They understand that this could be approved by the Planning Commission subject by to ZBA approval at their meeting in two weeks. He referred to 23 pages of signatures by neighbors in a petition of supports. All the suggestions made can be accommodated.

Mr. Novitsky stated that with reference to the door on front, they did what was recommended and will be put on the corner. They have no problem with staff recommendations. The bike rack will take up one of the parking spaces. They will facilitate everything that is required.

Mr. Tamou added that he has a perfect spot for a kiosk that was referred to by one of the speakers during audience participation.

Commission Jugenitz moved to close the public portion of the hearing (Support: T. Dennis) and the motion carried unanimously.

Chair Dunwoodie stated that there are significant changes from the last time they came before the board. Ms. Wessler added that primarily the design of the façade was a sticking point of the ZBA, which is now improved. Commissioner Jugenitz agreed. Chair Dunwoodie wanted confirmation of the street tree requirement and Ms. Wessler responded that we could grant a waiver for part or all of it – the trees would be in area where there is a lot of street signage. They are showing three trees – might be able to do four trees – could grant waiver for all six trees or some number less than six, it's the discretion of the Planning Commission. Commissioner Jugenitz asked about the number of parking spaces. Chair Dunwoodie stated 20 are proposed and 17 are required. Chair Dunwoodie also discussed screening and said he would be comfortable with that and doesn't see a problem. Commissioner Jugenitz added that she is in favor of the bike parking closer to Huron Street as possible. Chair Dunwoodie also added that with regard to the letter from OHM dated today; the engineering would need to be met as a condition of approval. Chair Dunwoodie stated we need to add a condition that approval would be subject to the requirements of the ZBA. Ms. Wessler also added that we need to add a condition if the ZBA does not grant the variances, it would have to come back before the Planning Commission.

Commissioner Dennis moved that the Planning Commission approve the Special Use Permit for the Party Store Expansion at 534 N. Huron subject to approval of the site plan and the Planning Commission also recommends the approval of the Site Plan for the Party Store Expansion at 534 N. Huron subject to the ZBA review of the variance from the street side setback on the N. Huron frontage and HDC review of the demolition of 530 N. Huron, with the following findings, waivers, and conditions:

Findings:
The applicant is legally eligible to apply for site plan review, and all required information has been provided under Sec 122-311(a).

Waivers:

1. Waiver requested from Sec 122-683(h) due to provision of screening fence and presence of curb & gutter.
2. Waiver requested from Sec122-636, Street Trees, due to lack of available space on W. Forest and for up to three (3) trees on N. Huron.

Conditions:

1. Applicant to combine the three subject parcels.
2. Applicant to provide three (3) trees on-site, or mark existing trees to remain to meet the requirements of Sec122-684(b)(1).
3. Applicant to provide a 3'-4' screen at 80% opacity where the parking lot is visible from ROW, per Sec122(c)(2).
4. Applicant to consider relocating bike parking to south-westernmost vehicle parking space to make bicycle parking more accessible and visible to site visitors, as well as to ensure adequate lighting is available.
5. Applicant to mark a pedestrian walkway in eastern drive and/or to provide signage advising drivers to watch for pedestrians, as a raised walkway cannot be provided at this location.
6. Applicant to modify fence along east side and south sides of property in accordance with visibility standards.
7. Applicant to provide three to four street trees on the N. Huron St side of the property.
8. Applicant to provide more information about the plant material proposed.
9. Applicant needs to meet requirements of OHM letter dated November 14, 2018.
10. If Zoning Board of Appeals does not approve the variances to the site plan, it must come back before the Planning Commission

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

2. Non-Family Occupancy Cap – Text Amendment

City Planner Wessler stated that City Council has the power to ask Planning Commission to do a text amendment. The resolution is included in the packet and the action requested is in the Zoning Ordinance Text Amendment to changing the "three unrelated adults' requirement". Per this resolution, Council is requesting this change specifically in the CN and CN-Mid zoning districts, which are centrally located and largely rental. What was discussed were some options – removing occupancy cap or tie it to number of bedrooms; removing for the cap entirely for both of these zoning districts.

The requested change refers to the definition of "family." Which effectively caps the number of unrelated persons who can reside together in a dwelling unit not within the GC, NC, HC, and MD districts at three persons, within those districts this cap is set at 4. This does not limit the size of families who can dwell together. The definition of "family" includes those related by blood, legal action, or by virtue of being a continuing, non-transient domestic unit acting as a single non-profit housekeeping unit. Further it allows for up to two unrelated individuals to reside in the same unit as a family.

Non-family households with more than the threshold number of occupants are de facto considered "group residence." Group Residences/Roominghouses are permitted by right in the HHS district with up to six residents; 7 or more residents require a special use permit. Group Residents/Roominghouses in the CN district are permitted only by Special Use Permits that have been issued in the city, as well as similar SUPs that predated the current definitions (fraternity/sorority being the most common). Special Use Permits do not expire except in rare cases, such as medical marijuana, and they run with the land, meaning that they stay with the property even if it changes hands or occupancy changes.

This was a contentious discussion during our last Master Plan. Public feedback on this topic is very vociferous. She compared with other areas, i.e. Ann Arbor, Ypsilanti Township and detailed her findings and feels there is not a great answer out there at this time. Staff recommends approval and that we ask the Housing Committee to take up as part of their planning process. We have not received guidance from City Council. There is not any consensus from City Council on one particular issue.

Commissioner Dennis stated that as a member of the Housing Committee, it is her opinion that this is something we should look at since one of our issues is that the Housing Committee doesn't have enough housing stock. Lifting a ban or tie it to the number of bedrooms would allow more people to live together. Commissioner Jugenitz is in favor of changes that are not going to restrict where people can live whether they are a member of a family or not. It is her opinion that the Housing Committee can take up this issue and come back with a recommendation, especially when we have a sub-group that is working on housing. It seems that there is some hesitation on the part of Planning on where to draw the line. Commissioner McGadney asked the pitfalls and wondered why it had not been taken up by Council before now. Ms. Wessler responded that in regard to process, Planning Commission has to make a recommendation and there are many people out there that feel very comfortable with six unrelated people living next door to them and there are others who feel very strongly against it. Chair Dunwoodie asked if there was a specific issue that prompted this discussion and Ms. Wessler responded that she doesn't know if there was a specific issue but it was brought forward by then Councilmember Bashert. Ms. Wessler feels that this is a very polarizing issue.

Commissioner Jugenitz gave some detailed information on how this would be handled in the Housing Committee.

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

Amber Fellows - Housing Committee has broader reach in different parts of the community and more support. The discussion needs more finessing. What she has heard in the past is it is more restrictive in certain areas. It seems to be more concentrated where renters are and more of a segregating issue and she would be happy to see more relaxation in places like Normal Park, College Heights, Depot Town, etc. If we are going to do it in one area, we should do it in every area.

Samuel Jones-Darling - He feels that this should be taken seriously. We could end up in the situation that Ann Arbor is now where this has become a matter of gentrification which will literally force certain populations of students into a certain area of the city. He is concerned about that since Ypsilanti has a number of larger property management property owners that own a large number of properties and that are rental usage and we could end up with a rent-a-room style where we need family housing and the landlords would not want that because they would make more money by renting out rooms instead of renting to a family. We would end up forcing families to move to the Township losing our core of the city because landlords would be more interested in making a profit. He hopes that when it comes back to the Planning Commission that we look at that aspect of the process.

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

Commissioner Simmons asked if they are expecting a turn-around time on this. He feels that it should go to the Housing Committee first. Ms. Wessler responded that she doesn't know what timelines council has in mind – all timelines are fungible and if the applicant is fine with the progress, there should not be any problems.

Chair Dunwoodie asked Commissioner Jugenitz if the Housing Committee has time and is comfortable with addressing this with their remaining responsibilities and she responded that she sees this as consistent with their responsibilities but not sure of the of time and resources they are going to have. If the committee does not have appropriate resources to take on both of them, she would still ask them to consider weighing in on a statement or opinion on this and then it would come back to this commission to decide whether or not they wanted to accept that recommendation

Commissioner Dennis moved to table and refer it to Housing Committee and then take it back upon submission or conclusion of Housing Committee (Support: H. Jugenitz). A roll call vote was taken and carried unanimously.

Chair Dunwoodie asked staff about definition of family as it related to safety of the community and Ms. Wessler responded that people can't be safe unless they have a roof over their heads. There is also the perception that there are safety issues at all levels.

VI. OLD BUSINESS

1. 307 N River – Site Plan Review.

This item will be going to Zoning Board of Appeals on November 28th.

2. Medical Marijuana Provisioning Centers: Increase in buffer

No update on this item. Waiting for direction from Council. Probably not any real changes until 2020. Records from voting precincts were pretty high in favor of State recreational proposal.

VII. NEW BUSINESS

Commissioner Dennis likes the idea of having a place where public notices can be posted and would like Planning Commission to look at this. There are issues that we can address – could probably come up with an ordinance, which doesn't cost money

The city doesn't own utility poles and we have no say on what can be done with them. Regarding pricing on kiosks, the signs that we have in our parks, run about $2500 and kiosks about $5000 – council controls budget and it would be their decision – Dennis thought maybe some kind of bulletin board on public buildings or maybe some private owners would allow it on their property. Ms. Wessler added there is nothing to prevent private owners to do this and it would be up to city council for a decision on this as far as public buildings are concerned. Commissioner Jugenitz feels it would be within our purview to discuss this issue and would like to wait until we have a complete board to have this conversation within the Planning Commission and members of the public on some kind of accommodation.

Commissioner Simmons says there is a need for more dialog since he has been a victim of not getting public notices and the public not getting their information. Agrees that more dialog is necessary. Commissioner McGadney agrees that we should pursue this.

Chair Dunwoodie stated most of what he has heard he is in agreement with the fact that something needs to happen but we have the contradictory issue that we can't post notices except public kiosks and us not maintaining public kiosks. We should look at this subjectively since we do not have the power to change the nuisance ordinance nor do we have the power to affect how it is enforced – these are issue that are under City Council and City Manager respectively, not to say that we cannot do something, but more what it would look like.

Ms. Wessler agreed that we have previously discussed private signs – this would be a different item – a public kiosk to put on public land but is not something under the purview of zoning but more in the realm of traffic signs. She also added that we recently took on a new staff member in Community Development Manager, Christopher Jacobs. We have tasked him to work on an improved public participation policy. She is not sure if it will go to Planning Commission first or Council first. It talks about some enhanced ways of getting people advised of public process, different kinds of mailings, etc. She suggested that we keep the kiosk issue in mind and consider it a more holistic approach to public participation – could be included a Capital Improvement Plan coming before Planning Commission.

Commissioner Dennis stated that we should support the HRC because it does affect our public notices and we should support them in a formal manner and come up with a resolution, etc. as opposed to something informal. City Council works for the residents and for the Planning Commission. Chair Dunwoodie agreed that Council works for us as residents, but not as Planning Commission. Commissioner McGadney asked if it is out of our purview to ask Council to take something up. Commissioner Simmons agreed that if someone brings something to our commission, we need to talk about it. Ms. Wessler responded to Commissioner McGadney's question stating that at a certain level, we have to consider the express ordinance request by the will of the people and Council is the agent of change, so - if the will of the people changes, then it is incumbent upon council to act. The ordinance provides the rights and responsibilities

of duties of both Planning and HRC. The way the ordinance works is that the HRC reports to Council and the Planning Commission reports to Council. There is no provision for dialog for the two groups to team up and provide information to council unless they have been asked to provide information. Since the HRC has already submitted a request to Council, it would be challenging for Planning Commission to submit the same thing to council without having been asked by council for its opinion. There is not a physical way for kiosks to be erected in the city before April. She would urge Planning Commission if they feel so moved as to recommend something to council, it would be to examine and improve public participation in the city. She will check with Christopher Jacobs to see where he is on a draft on public participation.

Samuel Jones-Darling – one of Planning Commission's responsibilities is to advocate use of the Master Plan. He feels that it is important for Planning Commission to pick this up - he referred to the resolution 2018-003 by the HRC referring this to the Planning Commission.

Amber Fellows – wants more Commission support for when it goes to Council. It is her opinion that Planning Commission can do this. Stated displeasure with staff's advice regarding the role of the Planning Commission.

It was agreed that this could be added to New Business for next month's agenda for further discussion.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

Couple of items in December.

IX. COMMITTEE REPORTS

1. Non-motorized Committee Report

No committee report available.

2. Master Plan – Housing Affordability/Access subcommittee report

Commissioner Jugenitz stated that the group had met and were focused on public engagement process on surveys. Their next meeting will be December 5th.

3. RFP

Ms. Wessler stated that staff did put an RFP for a Master Plan update and Sustainability Plan all on one. A lot of our plans are being updated.

X. ADJOURNMENT

Since there was no further business, Commissioner Dennis moved to adjourn the meeting (Support: J. Donnelly) and the motion carried unanimously. The meeting adjourned at 9:10 pm.