

Special Meeting Minutes - *APPROVED*
Planning Commission
Wednesday, 6 May 2020 – 7:00 P.M.
Virtual Meeting

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application in accordance with Governor Whitmer's Executive Order. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet. The public may choose to participate during Audience Participation or a Public Hearing through the video conferencing application or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, May 6.

I. Call to Order

II. Roll Call

Matt Dunwoodie, Chair	P
Jared Talaga, Vice-Chair	P
Eric Bettis	P
Michael Borsellino	P
Mike Davis Jr.	P
Jessica Donnelly	P
Phil Hollifield	A
Heidi Jugenitz	P
Michael Simmons	A

Commissioner Dunwoodie explained zoom meeting participation.

III. Approval of Minutes

- April 15, 2020
Motion to approve.
Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Jugenitz.
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)

IV. Audience Participation

Open for general public comment to Planning Commission on items for which a public hearing is not scheduled. Please limit to five minutes.
N/A

V. Presentations and Public Hearing Items

- Special Use Permit & Limited Site Plan Review: Group Child Care Home, 1226 S. Congress St.
Staff presentation by City Planner Andy Aamodt. He presented the requirements to run a childcare facility in the zoning ordinance.
Childcare facility run out of single-family home and resident run. There is a trampoline that needs to be removed and the applicant plans to do so. This use does not contradict our master plan.
Staff recommends the site plan be approved.

Motion to open the public hearing

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Davis Jr.
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)

Applicant: Terry Yates – Reiterated that she has plans to remove the trampoline in the next 30 days and plans to fence in the backyard with a privacy fence.
Terry Yates' attorney confirmed the above statement.

Motion to close the public hearing

**Offered By: Commissioner Jugenitz; Seconded By: Commissioner Donnelly.
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)**

Motion that the Planning Commission approve the Special Use Permit for the group childcare home with the following findings and conditions:

Findings:

The application is substantially in compliance with §122-324(b).

Conditions:

Special use approval shall be subject to approval of site plan.

**Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Talaga.
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)**

Motion that the Planning Commission approve the site plan for the group childcare home at 1226 S Congress with the following findings, and conditions:

Findings:

The application substantially complies with §122-310.

Conditions:

- 1. Childcare centers and group day care homes must be registered by the State of Michigan Licensing and Regulatory Affairs and must comply with the minimum state standard for such facilities, including a minimum 600 square foot outdoor recreation area in the rear, side, or street side yard.*
- 2. Such outdoor recreation area must be properly fenced and screened from any adjacent lot per §122-521.*
- 3. Building must meet Building Code requirements.*

**Offered By: Commissioner Jugenitz; Seconded By: Commissioner Talaga.
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)**

- Special Use Permit & Limited Site Plan Review: Marihuana Retailer, 50 Ecorse Rd.
Andy Aamodt shared a staff presentation.
Existing compliant medical marijuana provisioning center that is seeking a recreational marijuana use. Zoned GC with multi-family residential in the rear.
Staff recommends a protocol for customer safety and accessibility outside the facility.
The sidewalk in the right-of-way needs repair.
The site plan does not include the modular office that is present on the property. Parking spaces need to be striped as the site plan shows.
Site plan has other missing elements that were observed in site visits.
Staff recommends screening by natural screening or a privacy fence.
Staff recommends approval of the special use permit and recommends postponing the limited site plan review because of site plan inconsistencies. A new site plan should be submitted.

Applicant: Johno Norian- We are a tenant of the building and we have no plans to remove the landscaping and the modular office. We don't have a problem sitting down with the landlord and the city. As far as the parking goes, we are only putting in the ADA space that is required for us to operate, but not including all of the spaces for the strip.

Motion to open the public hearing

**Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Jugenitz.
Approved: Yes – 6; No – 0; Recused – 1 (Donnelly) Absent – 2 (Hollifield, Simmons)**

Jim Garmo- Landlord 50 Ecorse Rd. Thinks the applicant submitted the wrong site plan, and used 52 Ecorse, which is a used car lot. There is no plan to remove landscaping. Has had issues of vandalism with the fence from the tenants behind the property. He plans to fix the parking lot and the entrances. The sidewalk belongs to the city, and he was told not to repair it.

Motion to close the public hearing

**Offered By: Commissioner Jugenitz.; Seconded By: Commissioner Talaga.
Approved: Yes – 6; No – 0; Recused – 1 (Donnelly) Absent – 2 (Hollifield, Simmons)**

Commissioner Talaga expressed concern approving anything without the correct site plan.

The commission discussed city permitting processes with special use approval and site plan approval.

Commissioner Dunwoodie suggested a third condition – Special use permit approval shall be subject to issuance of city marijuana permit.

Commissioner Jugenitz pointed out that the new condition contradicts the information in the packet.

The city clerk will not issue a recreational marijuana permit until a special use permit and site plan review are approved.

The commission spoke about the order of operations.

Commissioner Dunwoodie does not see a compelling reason to not vote on the special use permit but does see one for the site plan.

*Motion that the Planning Commission **approve** the Special Use Permit for the Capital Solutions Ypsilanti, LLC (Green Vitality) existing facility at 50 Ecorse Rd. with the following findings and conditions:*

Findings:

The application is substantially in compliance with §122-324(b).

Conditions:

- 1. Special use approval shall be subject to approval of site plan.*
- 2. Applicant utilize line control measures such as bollard stanchions or pavement markings to ensure customer/pedestrian safety in the case of queues.*

**Offered By: Commissioner Jugenitz; Seconded By: Commissioner Bettis.
Approved: Yes – 4; No – 2 (Talaga, Davis Jr.); Recused – 1 (Donnelly) Absent – 2 (Hollifield, Simmons)**

Commissioner Jugenitz suggested changing “postponing” the limited site plan to “tabling”.

*Motion that the Planning Commission **table** the limited Site Plan for the Capital Solutions Ypsilanti, LLC (Green Vitality) existing facility at 50 Ecorse Rd. with the following findings:*

Findings:

- 1. The existing building and site design are nonconforming under §122-352.*
- 2. Proposed site plan does not substantially comply with §122-309 and the City’s zoning ordinance. There are inconsistencies in what is proposed versus what is existing, and site plan does not make substantial effort to comply with zoning ordinance standards. Applicant shall resubmit a new and corrected site plan.*

**Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Talaga.
Approved: Yes – 6; No – 0; Recused – 1 (Donnelly) Absent – 2 (Hollifield, Simmons)**

- Special Use Permit & Limited Site Plan Review: Medical and Recreational Marijuana Growing/Processing Facility, 580 S. Mansfield St.
Staff presentation by Andy Aamodt.
Applicant is applying for a special use permit as a medical and recreational growing facility.
The applicant has a growing facility permitted in 2011, but they are looking to move their location.
Because there is a cap, their current operations will have to close if they are granted a marijuana permit for 580 S. Mansfield.
Staff estimated that the required parking would be 23 spaces based on assessing information. A parking plan would need to be provided.
Staff recommends approval of the special use permit and the site plan.
Applicant: John Norian – Clarified that they recounted the parking spaces and it was 26 including two ADA spaces. Next door is a separate entity, they are not moving.
Andy Aamodt clarified that the cap of this type of marijuana license is three, and the applicant would not be able to get a license from the city if the operation at 576 S. Mansfield does not cease operation.
Joe Meyers reiterated what Andy Aamodt explained.
Jason- Applicant attorney. There is confusion here. Capital Solutions Ypsilanti is trying to transfer the license and cease operations at 576.

Public hearing – no attendees

*Motion that the Planning Commission **approve** the Special Use Permits for the medical marijuana growing use and recreational marijuana growing use for HH Enterprises LLC, at 580 S. Mansfield, with the following findings and conditions:*

Findings:

- 1. The application is substantially in compliance with §122-324(b).*

Conditions:

- 1. Special use approval shall be subject to approval of site plan.*
- 2. Special use permit approval shall be subject to issuance of City Marijuana Permit. Special use permit becomes void if 576 S. Mansfield does not cease to operate as a medical marijuana growing facility.*

**Offered By: Commissioner Talaga; Seconded By: Commissioner Jugenitz
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)**

*Motion that the Planning Commission **approve** the limited Site Plan for the Special Uses for HH Enterprises LLC, at 580 S. Mansfield, with the following findings, and conditions:*

Findings:

- 1. The application substantially complies with §122-310.*

Conditions:

- 1. Applicant provide revised site plan specifying parking based on requirements in §122-691.*

**Offered By: Commissioner Jugenitz; Seconded By: Commissioner Davis Jr.
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)**

VI. Old Business N/A

VII. New Business N/A

VIII. Future Business Discussion / Updates

Conversation about virtual meetings executive order. Right now, it expires on May 12th. Staff is working on precautions such as continuing zoom call-ins and social distancing. The goal is to have the least people physically present with the most participation possible.
May 20th meeting is a text amendment.
Staff is working on the master plan.

IX. Committee Reports

- Non-motorized Committee Report
 - No meeting
- Master Plan: Housing Affordability and Access Committee Report
 - Virtual meeting is planned next Wednesday.

Commissioner Dunwoodie revisited the by-laws regarding conflict of interest. Commissioner Davis Jr. shared his objections about leaving the room during a presentation for a conflict of interest. A commissioner is a citizen and would normally have a right to hear the presentation.
Commissioner Jugenitz suggested looking into procedures and laws about recusal. Staff confirmed that the bylaws do ask for commissioners to leave the room.

X. Adjournment

Motion to adjourn.

**Offered By: Commissioner Jugenitz; Seconded By: Commissioner Donnelly.
Approved: Yes – 7; No – 0; Absent – 2 (Hollifield, Simmons)**