

1. 7:00 P.M. Planning Commission May 2020 Regular Meeting (Virtual Meeting)

Documents:

01 - MAY 2020 AGENDA.PDF
02 - VIRTUAL MEETING PUBLIC NOTICE.PDF
03 - MAY 2020 SPECIAL MEETING MINUTES.PDF
04A - TEXT AMENDMENT STAFF REPORT.PDF
04B - TEXT AMENDMENT APPLICATION.PDF
MAY 2020 FULL PACKET.PDF

Agenda
Planning Commission
Wednesday, 20 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 the Public Hearing through the video conferencing application, or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, May 20.

I. Call to Order

II. Roll Call

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

III. Approval of Minutes

- May 6, 2020 Special Meeting

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.

V. Presentations and Public Hearing Items

- Zoning Ordinance Text Amendment: Drive-through financial services as special land uses in Center zoning districts.
 - *Public Hearing*

VI. Old Business

VII. New Business

VIII. Future Business Discussion / Updates

IX. Committee Reports

- Non-motorized Committee Report
- Master Plan: Housing Affordability and Access Committee report

X. Adjournment



**PUBLIC NOTICE
CITY OF YPSILANTI
PLANNING COMMISSION MEETING – VIRTUAL MEETING**

The Ypsilanti Planning Commission will hold a virtual meeting on Wednesday, May 20, 2020 at 7 p.m. The meeting will be held in accordance with Governor Whitmer's Executive Order 2020-75.

The Planning Commission meeting is being held virtually in order to prevent the spread of COVID-19.

The meeting can be attended through the below link, or through the below toll free numbers.

May 20, 2020 Planning Commission Meeting Virtual Access Link

<https://us02web.zoom.us/j/84703833480>

When prompted, enter **Meeting ID:** 847 0383 3480

May 20, 2020 Planning Commission Meeting Toll Free Phone Number Access

877 853 5257 US Toll-free

888 475 4499 US Toll-free

When prompted, enter the **Meeting ID:** 847 0383 3480, followed by the #, press # again to be connected.

The public will be able to make comment during *Audience Participation* or during the *Public Hearing*. To address the Planning Commission, meeting participants will need to "raise their hand" to indicate they want to speak.

To raise your hand while participating online, click the "Raise Hand" icon at the bottom of the Zoom Screen or press *9 via phone. After you raise your hand you will be informed when it is your turn to speak, and your microphone will be unmuted at that time. Your microphone will be muted again when you have finished your comments or when your speaking time has expired.

Instructions for Persons with Disabilities

Persons with disabilities who need accommodations to effectively participate in the meeting should contact the City Clerk, Andrew Hellenga at ahellenga@cityofypsilanti.com by 5:00 p.m. on the day before the meeting to request assistance. Closed Captions will be provided during the meeting.

City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1100

Andrew Hellenga
City Clerk
Posted: May 15, 2020

**Special Meeting Minutes
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.cityofpysilanti.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@cityofpysilanti.com by 4 pm, May 6.

I. Call to Order

II. Roll Call

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

P
P
P
P
P
P
A
P
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 Marihuana 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: Johno 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 marihuana 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 Marihuana Permit. Special use permit becomes void if 576 S. Mansfield does not cease to operate as a medical marihuana 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)



May 20, 2020

Staff Review
Drive-Through Financial Services Text Amendment

GENERAL INFORMATION

Applicant: Eastern Michigan University Credit Union (a division of University of Michigan Credit Union)

Action Requested: Applicant requests zoning text amendment to Chapter 122: Article IV, Division 3, Subdivision II (§122-446). Text amendment would allow for financial services, including banks, to have drive-in or drive-through facilities permitted as a Special Land Use in Center zoning districts.

SUMMARY

Center zoning districts allow for "financial services, including banks" uses, but explicitly prohibit drive-in or drive-through facilities as part of a "financial services, including banks" use (§122-446). This text amendment request would make a drive-in or drive-through facility permissible as a special land use in Center zoning districts. Planning Commission has the authority to authorize special land uses. Walk-up financial services, including banks and credit unions will not be affected by this request.

The applicant's literal request is to change the right-most column in the "financial services, including banks" row of the §122-446 Permissible Uses chart to read "Drive through or drive-in facilities are permitted only as a Special Use."

Figure 1: Capture of existing §122-446 Permissible Uses chart

SERVICES			
Business and professional offices and services	P		
Financial services, including banks	P		No drive through or drive-in facilities are permitted in C.
Personal service establishments	P		
Body Art Facilities	P		

Zoning text amendments are reviewed by Planning Commission, who then gives a recommendation to City Council. The recommendation is made via motion, and also involves a report that will be transmitted to City Council. City Council has the ultimate authority to adopt the text amendment.

BACKGROUND

The applicant's team met with City staff in February 2020, requesting to convert the existing building at 611 W. Cross St. into a drive-through credit union. However, the property is zoned Center, and drive-in and drive-through facilities are explicitly prohibited in Center zoning districts. The applicant then chose to apply to for the text amendment, expressing drive-in/drive-through facilities should be permitted as a special land use on a case-by-case basis rather than ubiquitously prohibited throughout Center zoning districts.

Drive-through services are defined as "a business activity so developed that its retail or service character provides a driveway approach and waiting spaces for motor vehicles so as to serve patrons while seated in their motor vehicle. An automatic teller machine or similar device shall not be included in this definition, provided that the device is not staffed and does not use any type of amplification device." Therefore, the built development of drive-throughs could entail infrastructure such as canopies, pneumatic tubes, extra paving, and extra signage. Off-street stacking spaces would be required on a site, per §122-523. For the purpose of clarity, staff interprets ATM's to be exempt from drive-through facilities, but ITM's involving a video screen service and amplification as not exempt.

DISCUSSION

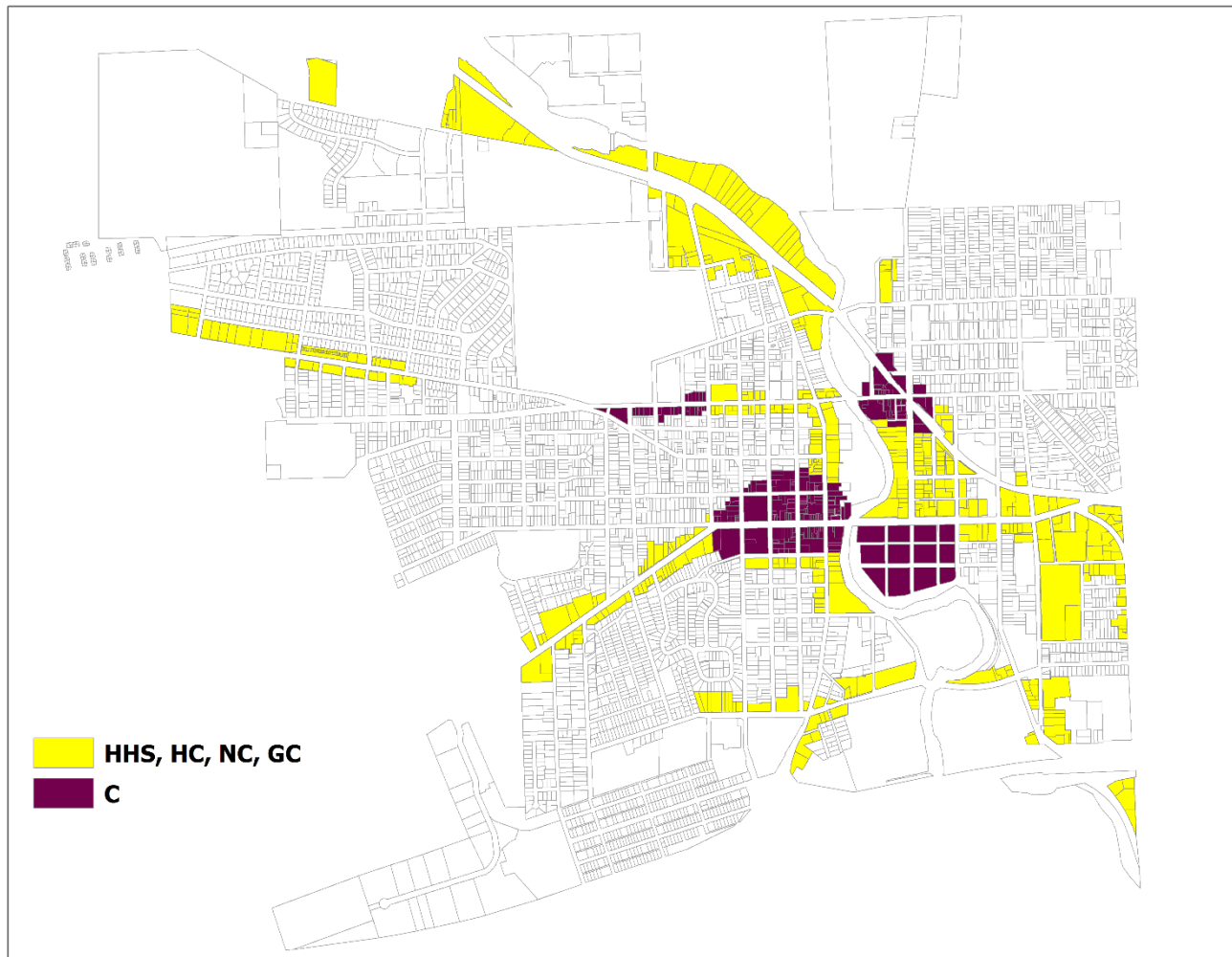
Financial services, with drive-through/drive-in facilities are currently allowed as special uses in Historic Corridor (if less than 15,000 square feet), Neighborhood Corridor, General Corridor, and Health and Human Services. See Figure 2.

Figure 2: Where and How Financial Services with Drive through or drive-in Facilities are Permitted.

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>							
USES	HHS	C	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
SERVICES							
Financial services, including banks, less than 15,000 square feet			P	P	P		Drive through or drive-in facilities require special land use.
Financial services, including banks, 15,000 square feet or more			--	S	P		Drive through or drive-in facilities require special land use.
Financial services, including banks	P	P					Drive through or drive-in facilities require special land use in HHS.
							No drive through or drive-in facilities are permitted in C.

Based on 2018 data (most recent zoning map amendment), HHS, HC, NC, and GC account for approximately 484 parcels. Center accounts for 285 parcels. Comparing the eligible (HC, NC, GC, and HHS) parcels to the City's total non-single-family-residential zoned parcels (1,987), eligible parcels account for more than 24% of the City. There are ample opportunities for drive-through/drive-in facilities throughout the City. See Figure 3.

Figure 3: Map of Relevant Zoning Districts



STANDARDS FOR AMENDMENTS

§122-362(a)

(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and

This proposed amendment is inconsistent with the guiding values of the Shape Ypsilanti Master Plan. The guiding values most conflicting with the proposed amendment are *safety comes first* and *easily walk, bike, drive or take transit from anywhere*.

Within the *safety comes first* guiding value, a noted measure City of Ypsilanti officials and staff should consider is the “number of pedestrians in centers and public spaces.” Regulations should allow for, and encourage pedestrian activity in public spaces. Within the *easily walk, bike, drive,*

or take transit from anywhere guiding value, a noted measure is “change in number of pedestrian, bicycle and vehicle crashes.” The increase of curb-cuts and automobile entries and exits may only create more vehicle versus pedestrian or bicyclist conflict.

(2) The rezoning is consistent with description and purpose of the proposed district, and.

The proposed amendment is inconsistent with the description and purpose of the proposed district. The Center zoning district is a district under the umbrella of “Walkable Urban Districts”. Allowing for the opportunity of drive-in/drive-through, automobile-friendly facilities could adversely affect a walkable urban district. Center districts include essentially cores of the three DDA areas: traditional Downtown, Depot Town, and West Cross.

According to §122-445, “The intent of the zoning district is preserve the urban form, walkable nature and vibrant mix of uses in these areas.” Center zoning districts evolve from the City Framework’s “Centers” in the community-driven Shape Ypsilanti Master Plan (“City Framework” is the name of the Master Plan’s future land use plan, the important piece of a master plan which bridges land use planning to zoning regulations). Therefore, zoning regulations should be consistent with the City Framework’s “Centers” in Chapter 4 and 6 of the Master Plan. To preserve the urban form and walkable nature of the Center zoning district, the City’s decision making should cater more towards the pedestrian on foot or bicycle rather than the automobile. Developments that carve curb-cuts for the automobile, space-out automobile stacking, and construct drive-through canopies should be discouraged. These developments would create gaps and interruptions in the urban form and streetscape that is cherished in Center zoning districts.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and

Per §122-100, the intent of the zoning ordinance is to promote the public health, safety, and welfare. This entails the guiding of location of residence, recreation, industry, trade, service, and other uses of land. It also entails ensuring that uses of the land shall be situated in appropriate locations and relationships. Any land use is not appropriate anywhere.

In Walkable Urban Districts, the intent is to separate certain uses, while also encouraging a walkable, pedestrian-friendly environment by regulating through Building Types. These districts include Center districts as the most walkable district. Despite separating many uses, there are still drive-through/drive-in facilities allowed in certain districts, as stated earlier. Drive-through/drive-in facilities are allowed as Special Uses in Historic Corridor (if less than 15,000 square feet), Neighborhood Corridor, General Corridor, and Health and Human Services.

Overall, there are ample opportunities for drive-through/drive-in facilities throughout the City. See Figure 2 and Figure 3. Center districts should be preserved as the areas with the most urban and walkable form and should not sway towards development that does not prioritize the pedestrian.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and

Staff does not anticipate this amendment will enhance functionality of the City. The amendment more-so encourages pedestrian-vehicular conflict, which should be discouraged as mentioned in standard #1. Alternative modes of transportation should be considered. By not allowing drive-throughs, a local resident might be encouraged to walk or bicycle to the credit union rather than drive.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and

Staff does not anticipate that this amendment will preserve the historic nature of the City. The City does not recognize parking lots or drives as historic resources. The prioritization of parking areas and drives has potential to harm the historic nature of the surrounding area, rather than preserve it.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and

The allowance of an increase in automobile-friendly development could negatively affect the environmental sustainability of the City. The City is engaging in sustainability planning efforts. Alternatives to emissions-producing vehicles should be emphasized when appropriate. In City staff's opinion, finding alternatives to vehicles in Center districts is very appropriate. Additionally, the development of drive-throughs might increase impervious surface, which could create stormwater runoff and heat-island problems.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or

Staff anticipates this amendment will create more harm to the health, safety, and general welfare, than protection. Again, as stated in standard #1 and #4, this amendment could have the potential to create more pedestrian-vehicular conflicts in a walkable corridor. The environmental sustainability and the health of the public could be adversely affected too, as stated in standard #6.

(8) The proposed amendment is needed to correct an error or omission in the original text; or

This amendment does not correct an error.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and

Staff does not anticipate that this change will address a community need in physical or economic conditions. However, it has significant potential to alter development practices in Center areas of the City.

(10) The proposed amendment will not result in the creation of significant nonconformities in the City.

The proposed amendment will not result in a significant creation of nonconformities.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend ***denial*** of the proposed text amendment to Chapter 122: Article IV, Division 3, Subdivision II (§122-446), with the following findings:

- (1) The proposed amendment is inconsistent with the guiding values of the Master Plan;
- (2) The rezoning is inconsistent with description and purpose of the proposed district;
- (3) The proposed amendment is inconsistent with the intent of this Zoning Ordinance;
- (4) The proposed amendment will not enhance the functionality, transportation network or character of the future development in the City;
- (5) The proposed amendment will not preserve the historic nature of the surrounding area and of the City;
- (6) The proposed amendment will not enhance the natural features and environmental sustainability of the City;
- (7) The proposed amendment will not protect the health, safety, and general welfare of the public;
- (8) The proposed amendment will not address a community need in physical or economic conditions or development practices;

Andy Aamodt
City Planner, City of Ypsilanti

c.c. File



Text Amendment

§122-360 through 365

This Fact Sheet is not a substitute for the ordinance, but addresses common questions about City ordinances. For further information, please call the Building Department.

All permit applications are available from the Building Department and at cityofypsilanti.com/permits.

Completed applications may be dropped off at the Planning Department.

City Hall

One South Huron
Ypsilanti, MI 48197

Building

3rd Floor, City Hall
Phone: (734) 482-1025
cityofypsilanti.com/building

Planning

3rd Floor, City Hall
Phone: (734) 483-9646
cityofypsilanti.com/planning

Historic District

3rd Floor, City Hall
Phone: (734) 483-9646
cityofypsilanti.com/hdc

All permits, fees, and factsheets can be found at cityofypsilanti.com/permits.

Purpose of Zoning

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, a zoning ordinance also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed.

Need for a Text Amendment

When a property owner wants to use land in a way that is not permitted by the zoning of their property, sometimes all that is needed to allow that use and protect the public interest is a text change. This could be allowing the use in a certain zone, allowing it in that zone only under certain conditions, or disallowing a previously-permitted use. A text amendment may also be pursued if there's a desire to adjust where buildings are able to be located on a lot, how many parking spaces are required for certain spaces and uses, or anything else contained in the text of the zoning code.

Applying for a Text Amendment

Anyone may apply to amend the text of the zoning ordinance using the attached application. Generally, text amendments are considered justifiable if they meet a list of criteria provided in section 362 of the Zoning Ordinance. Those criteria include, *but are not limited to*:

- The amendment is consistent with the Master Plan;
- The amendment is consistent with the purpose of the Zoning Ordinance;
- The amendment will correct an error or oversight in the Zoning Ordinance.

Review Process and Timeline

Once your application is received, staff will schedule a public hearing. If your application is complete and received by 4:00 p.m. on the third Wednesday of the month, it will be heard in front of Planning Commission at their regular meeting at 7:00 p.m. on the third Wednesday of the following month. During the intervening time, staff will review the application and place a notice in the Washtenaw Legal News.

At their meeting, the Planning Commission will hold a public meeting, where the public is invited to address them about the proposed rezoning. They will also hear a staff report about the amendment's appropriateness, and invite the applicant to speak. With the information they gather at this meeting, they make a recommendation to City Council.

City Council will generally hear the text amendment request and the Planning Commission recommendation at their regularly scheduled meeting on the second Tuesday of the following month. There is another public hearing at this meeting, advertised again in the Washtenaw Legal News, and the text amendment is addressed as the first reading of an ordinance change. The ordinance must be read and approved a second time before it is considered adopted, and will take effect 30 days after adoption. This 30 day period allows for a protest under §122-363.



City of Ypsilanti
Planning & Development Department

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646
www.cityofypsilanti.com

ZONING TEXT AMENDMENT APPLICATION

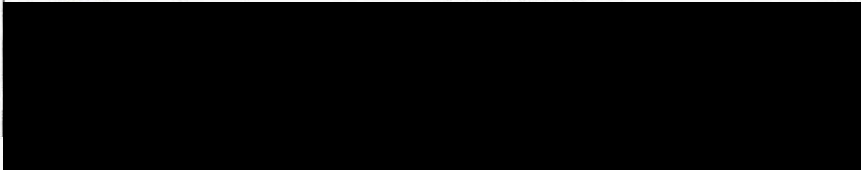
Applicant*

Name Eastern Michigan University Credit Union, a division of University of Michigan Credit Union		
Address 340 East Huron Street		
City Ann Arbor	State MI	Zip 48104
Phone / Fax 734.662.8200, ext. 2760		E-Mail dramos@UMCU.org

Change

Change requested (may continue on a separate sheet): (See attached memo/narrative)
Circumstances, factors, and other relevant information (may continue on a separate sheet): (See attached memo/narrative)

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti ing staff reports and/or evaluating this	
	Date: 3.17.2020

Print Name:

DeAnne Ramos, Vice President

MEMO

DATE: March 16, 2020

TO: Andy Aamodt

COMPANY: City of Ypsilanti

FROM: Robert A. Hoida, AIA

PROJECT: Proposed Zoning Ordinance Text Amendment

PROJECT #: 19-200

Dear Andy,

This memo is written to accompany the Proposed Text amendment Request being made by the Eastern Michigan University Credit Union. This memo identifies the specific request being made as well as providing the background information that both precipitates the request as well as the logic behind it.

The Requested Change

The City of Ypsilanti, Michigan Zoning Ordinance, Chapter 122
Division 3: Walkable Urban Districts
Subdivision II: Center
Section 122.446. Permissible Uses

This section notes that "In the Center district, no uses shall be permitted, except the following."

The Services section notes that Financial services, including banks are a Permitted Use.
The Specific Regulations state that "**No drive through or drive-in facilities are permitted in C**"

The heart of this request is to revise the Specific Regulations to read "**Drive through or drive-in Facilities are permitted only as a Special Use.**"

Circumstances, factors, and other relevant information:

The area on West Cross Street has been identified as Center "C" zoning. West Cross Street is identified as a Center area and Core zoning. It is comprised of the properties facing Cross Street for four blocks. The Center zoning here encompasses six (6) street blocks, as two of the blocks are EMU property/use. So while a zone as Center, "C", this particular area is a small satellite of the Center Core.

This Center area is immediately adjacent to a Historic Corridor five blocks east of this core center, and then extending south along Huron Street. It is more an extension of the Historic Corridor, despite its Center zoning. The particular area in question is a small island of Center zoning which is limited by its zoning. The Historic Corridor zoning, closer to the actual center of Ypsilanti indicates that Financial services, including banks, less than 15,000 s.f. are permitted uses. The Specific Regulations indicate that "Drive through or drive-in facilities require special land use." This indicates an inconsistency in the zoning requirements that can be remedied by this text change.

Other specific factors:

Some factors relate to the specific site that the applicant is wishing to redevelop. This site, located at 611 West Cross Street is the site which has led to this request. These can and will be discussed if the text amendment is approved as part of the Special Use application, but a short outline is included below as an extension of the reasoning for this request.

The site was most recently used by Eastern Michigan University as a professional office, specifically used as a part of a psychiatric treatment center. However, it was originally built as a financial facility, i.e. a bank or credit union that included drive-in facilities. That is apparent when looking at the building outline. The building's use is in keeping with its original use.

The City of Ypsilanti is certainly interested in development in the City being Sustainable development. One of the important factors in considering the sustainability of a development is its initial construction materials. Increasingly, architects and developers are concerning themselves with "embodied energy and embodied carbon" in developments. That is, they are considering the amount of energy and materials that are used to construct a development. This is but one factor in considering the existing building stock as a valuable asset. The energy originally used in constructing buildings is best conserved by re-using existing structures. This building is ideal in many ways to be re-used by EMUCU as a new branch, since it is being purposed for its original use. In this case, for the reasons stated above, being able to consider it for a Special Use is a logical consideration that unfortunately is not currently able to be pleased due to a very specific limiting clause. This mitigating language can be altered, while retaining control of this and other proposed drive through banking facilities by limiting the use to a Special Use and not a permitted one. Exceptions can be considered on a case by case basis. This is, in our opinion, a logical request.

Thank you, [REDACTED] Council in advance for your consideration.

Signature [REDACTED]

Robert A. Holda, AIA

Vice President

Cc: Ms. Tiffany Ford, EMUCU
Ms. DeAnne Ramos, EMUCU
Mr. Michael Nicholas, EMUCU

[REDACTED]

**Agenda
Planning Commission
Wednesday, 20 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 the Public Hearing through the video conferencing application, or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, May 20.

I. Call to Order

II. Roll Call

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

III. Approval of Minutes

- May 6, 2020 Special Meeting

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.

V. Presentations and Public Hearing Items

- Zoning Ordinance Text Amendment: Drive-through financial services as special land uses in Center zoning districts.
 - *Public Hearing*

VI. Old Business

VII. New Business

VIII. Future Business Discussion / Updates

IX. Committee Reports

- Non-motorized Committee Report
- Master Plan: Housing Affordability and Access Committee report

X. Adjournment



**PUBLIC NOTICE
CITY OF YPSILANTI
PLANNING COMMISSION MEETING – VIRTUAL MEETING**

The Ypsilanti Planning Commission will hold a virtual meeting on Wednesday, May 20, 2020 at 7 p.m. The meeting will be held in accordance with Governor Whitmer's Executive Order 2020-75.

The Planning Commission meeting is being held virtually in order to prevent the spread of COVID-19.

The meeting can be attended through the below link, or through the below toll free numbers.

May 20, 2020 Planning Commission Meeting Virtual Access Link

<https://us02web.zoom.us/j/84703833480>

When prompted, enter **Meeting ID:** 847 0383 3480

May 20, 2020 Planning Commission Meeting Toll Free Phone Number Access

877 853 5257 US Toll-free

888 475 4499 US Toll-free

When prompted, enter the **Meeting ID:** 847 0383 3480, followed by the #, press # again to be connected.

The public will be able to make comment during *Audience Participation* or during the *Public Hearing*. To address the Planning Commission, meeting participants will need to "raise their hand" to indicate they want to speak.

To raise your hand while participating online, click the "Raise Hand" icon at the bottom of the Zoom Screen or press *9 via phone. After you raise your hand you will be informed when it is your turn to speak, and your microphone will be unmuted at that time. Your microphone will be muted again when you have finished your comments or when your speaking time has expired.

Instructions for Persons with Disabilities

Persons with disabilities who need accommodations to effectively participate in the meeting should contact the City Clerk, Andrew Hellenga at ahellenga@cityofypsilanti.com by 5:00 p.m. on the day before the meeting to request assistance. Closed Captions will be provided during the meeting.

City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1100

Andrew Hellenga
City Clerk
Posted: May 15, 2020

**Special Meeting Minutes
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.cityofpysilanti.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@cityofpysilanti.com by 4 pm, May 6.

I. Call to Order

II. Roll Call

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

P
P
P
P
P
P
A
P
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 Marihuana 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: Johno 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 marihuana 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 Marihuana Permit. Special use permit becomes void if 576 S. Mansfield does not cease to operate as a medical marihuana 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)



May 20, 2020

Staff Review
Drive-Through Financial Services Text Amendment

GENERAL INFORMATION

Applicant: Eastern Michigan University Credit Union (a division of University of Michigan Credit Union)

Action Requested: Applicant requests zoning text amendment to Chapter 122: Article IV, Division 3, Subdivision II (§122-446). Text amendment would allow for financial services, including banks, to have drive-in or drive-through facilities permitted as a Special Land Use in Center zoning districts.

SUMMARY

Center zoning districts allow for "financial services, including banks" uses, but explicitly prohibit drive-in or drive-through facilities as part of a "financial services, including banks" use (§122-446). This text amendment request would make a drive-in or drive-through facility permissible as a special land use in Center zoning districts. Planning Commission has the authority to authorize special land uses. Walk-up financial services, including banks and credit unions will not be affected by this request.

The applicant's literal request is to change the right-most column in the "financial services, including banks" row of the §122-446 Permissible Uses chart to read "Drive through or drive-in facilities are permitted only as a Special Use."

Figure 1: Capture of existing §122-446 Permissible Uses chart

SERVICES			
Business and professional offices and services	P		
Financial services, including banks	P		No drive through or drive-in facilities are permitted in C.
Personal service establishments	P		
Body Art Facilities	P		

Zoning text amendments are reviewed by Planning Commission, who then gives a recommendation to City Council. The recommendation is made via motion, and also involves a report that will be transmitted to City Council. City Council has the ultimate authority to adopt the text amendment.

BACKGROUND

The applicant's team met with City staff in February 2020, requesting to convert the existing building at 611 W. Cross St. into a drive-through credit union. However, the property is zoned Center, and drive-in and drive-through facilities are explicitly prohibited in Center zoning districts. The applicant then chose to apply to for the text amendment, expressing drive-in/drive-through facilities should be permitted as a special land use on a case-by-case basis rather than ubiquitously prohibited throughout Center zoning districts.

Drive-through services are defined as "a business activity so developed that its retail or service character provides a driveway approach and waiting spaces for motor vehicles so as to serve patrons while seated in their motor vehicle. An automatic teller machine or similar device shall not be included in this definition, provided that the device is not staffed and does not use any type of amplification device." Therefore, the built development of drive-throughs could entail infrastructure such as canopies, pneumatic tubes, extra paving, and extra signage. Off-street stacking spaces would be required on a site, per §122-523. For the purpose of clarity, staff interprets ATM's to be exempt from drive-through facilities, but ITM's involving a video screen service and amplification as not exempt.

DISCUSSION

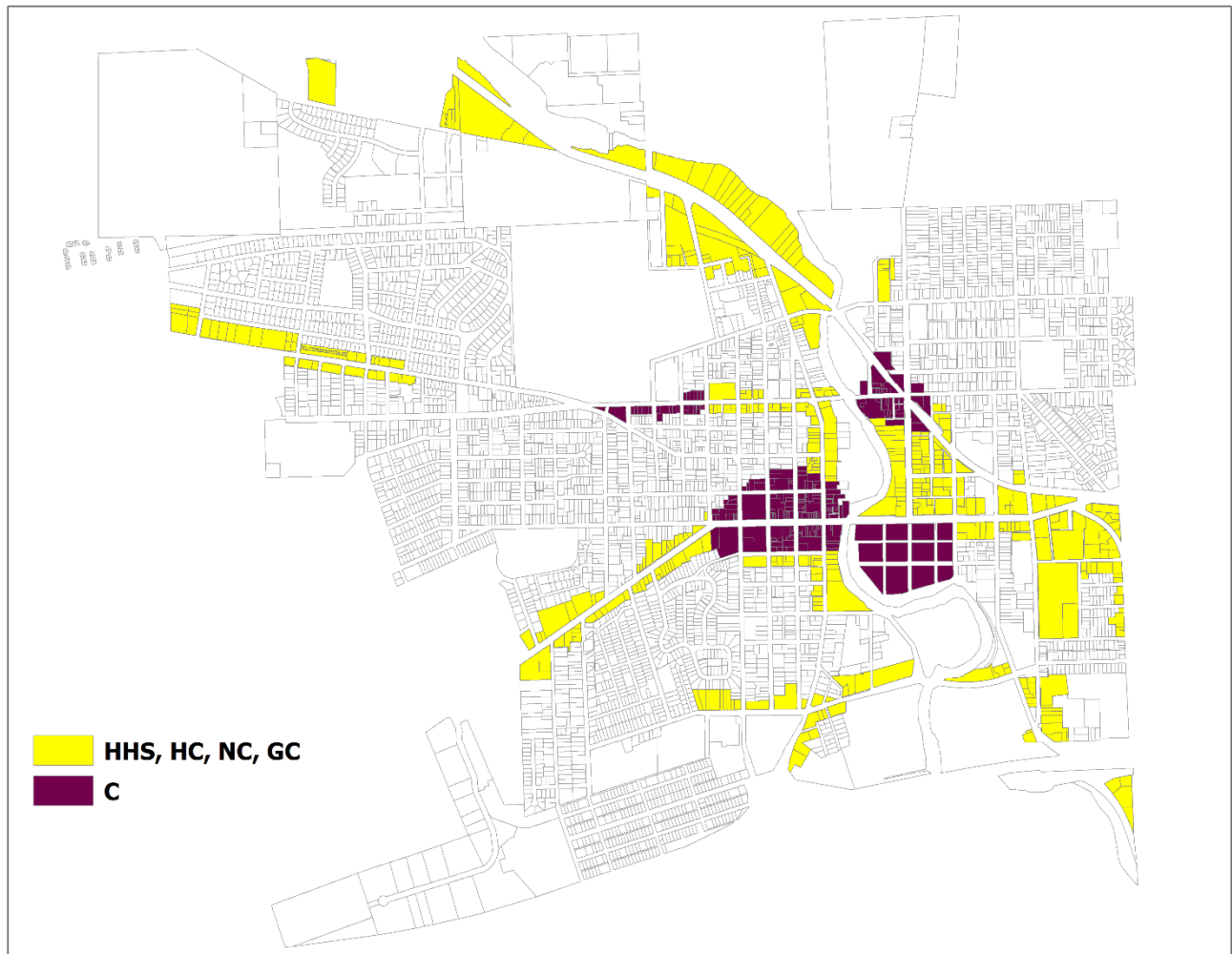
Financial services, with drive-through/drive-in facilities are currently allowed as special uses in Historic Corridor (if less than 15,000 square feet), Neighborhood Corridor, General Corridor, and Health and Human Services. See Figure 2.

Figure 2: Where and How Financial Services with Drive through or drive-in Facilities are Permitted.

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>							
USES	HHS	C	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
SERVICES							
Financial services, including banks, less than 15,000 square feet			P	P	P		Drive through or drive-in facilities require special land use.
Financial services, including banks, 15,000 square feet or more			--	S	P		Drive through or drive-in facilities require special land use.
Financial services, including banks	P	P					Drive through or drive-in facilities require special land use in HHS.
							No drive through or drive-in facilities are permitted in C.

Based on 2018 data (most recent zoning map amendment), HHS, HC, NC, and GC account for approximately 484 parcels. Center accounts for 285 parcels. Comparing the eligible (HC, NC, GC, and HHS) parcels to the City's total non-single-family-residential zoned parcels (1,987), eligible parcels account for more than 24% of the City. There are ample opportunities for drive-through/drive-in facilities throughout the City. See Figure 3.

Figure 3: Map of Relevant Zoning Districts



STANDARDS FOR AMENDMENTS

§122-362(a)

(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and

This proposed amendment is inconsistent with the guiding values of the Shape Ypsilanti Master Plan. The guiding values most conflicting with the proposed amendment are *safety comes first* and *easily walk, bike, drive or take transit from anywhere*.

Within the *safety comes first* guiding value, a noted measure City of Ypsilanti officials and staff should consider is the “number of pedestrians in centers and public spaces.” Regulations should allow for, and encourage pedestrian activity in public spaces. Within the *easily walk, bike, drive,*

or take transit from anywhere guiding value, a noted measure is “change in number of pedestrian, bicycle and vehicle crashes.” The increase of curb-cuts and automobile entries and exits may only create more vehicle versus pedestrian or bicyclist conflict.

(2) The rezoning is consistent with description and purpose of the proposed district, and.

The proposed amendment is inconsistent with the description and purpose of the proposed district. The Center zoning district is a district under the umbrella of “Walkable Urban Districts”. Allowing for the opportunity of drive-in/drive-through, automobile-friendly facilities could adversely affect a walkable urban district. Center districts include essentially cores of the three DDA areas: traditional Downtown, Depot Town, and West Cross.

According to §122-445, “The intent of the zoning district is preserve the urban form, walkable nature and vibrant mix of uses in these areas.” Center zoning districts evolve from the City Framework’s “Centers” in the community-driven Shape Ypsilanti Master Plan (“City Framework” is the name of the Master Plan’s future land use plan, the important piece of a master plan which bridges land use planning to zoning regulations). Therefore, zoning regulations should be consistent with the City Framework’s “Centers” in Chapter 4 and 6 of the Master Plan. To preserve the urban form and walkable nature of the Center zoning district, the City’s decision making should cater more towards the pedestrian on foot or bicycle rather than the automobile. Developments that carve curb-cuts for the automobile, space-out automobile stacking, and construct drive-through canopies should be discouraged. These developments would create gaps and interruptions in the urban form and streetscape that is cherished in Center zoning districts.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and

Per §122-100, the intent of the zoning ordinance is to promote the public health, safety, and welfare. This entails the guiding of location of residence, recreation, industry, trade, service, and other uses of land. It also entails ensuring that uses of the land shall be situated in appropriate locations and relationships. Any land use is not appropriate anywhere.

In Walkable Urban Districts, the intent is to separate certain uses, while also encouraging a walkable, pedestrian-friendly environment by regulating through Building Types. These districts include Center districts as the most walkable district. Despite separating many uses, there are still drive-through/drive-in facilities allowed in certain districts, as stated earlier. Drive-through/drive-in facilities are allowed as Special Uses in Historic Corridor (if less than 15,000 square feet), Neighborhood Corridor, General Corridor, and Health and Human Services.

Overall, there are ample opportunities for drive-through/drive-in facilities throughout the City. See Figure 2 and Figure 3. Center districts should be preserved as the areas with the most urban and walkable form and should not sway towards development that does not prioritize the pedestrian.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and

Staff does not anticipate this amendment will enhance functionality of the City. The amendment more-so encourages pedestrian-vehicular conflict, which should be discouraged as mentioned in standard #1. Alternative modes of transportation should be considered. By not allowing drive-throughs, a local resident might be encouraged to walk or bicycle to the credit union rather than drive.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and

Staff does not anticipate that this amendment will preserve the historic nature of the City. The City does not recognize parking lots or drives as historic resources. The prioritization of parking areas and drives has potential to harm the historic nature of the surrounding area, rather than preserve it.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and

The allowance of an increase in automobile-friendly development could negatively affect the environmental sustainability of the City. The City is engaging in sustainability planning efforts. Alternatives to emissions-producing vehicles should be emphasized when appropriate. In City staff's opinion, finding alternatives to vehicles in Center districts is very appropriate. Additionally, the development of drive-throughs might increase impervious surface, which could create stormwater runoff and heat-island problems.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or

Staff anticipates this amendment will create more harm to the health, safety, and general welfare, than protection. Again, as stated in standard #1 and #4, this amendment could have the potential to create more pedestrian-vehicular conflicts in a walkable corridor. The environmental sustainability and the health of the public could be adversely affected too, as stated in standard #6.

(8) The proposed amendment is needed to correct an error or omission in the original text; or

This amendment does not correct an error.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and

Staff does not anticipate that this change will address a community need in physical or economic conditions. However, it has significant potential to alter development practices in Center areas of the City.

(10) The proposed amendment will not result in the creation of significant nonconformities in the City.

The proposed amendment will not result in a significant creation of nonconformities.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend ***denial*** of the proposed text amendment to Chapter 122: Article IV, Division 3, Subdivision II (§122-446), with the following findings:

- (1) The proposed amendment is inconsistent with the guiding values of the Master Plan;
- (2) The rezoning is inconsistent with description and purpose of the proposed district;
- (3) The proposed amendment is inconsistent with the intent of this Zoning Ordinance;
- (4) The proposed amendment will not enhance the functionality, transportation network or character of the future development in the City;
- (5) The proposed amendment will not preserve the historic nature of the surrounding area and of the City;
- (6) The proposed amendment will not enhance the natural features and environmental sustainability of the City;
- (7) The proposed amendment will not protect the health, safety, and general welfare of the public;
- (8) The proposed amendment will not address a community need in physical or economic conditions or development practices;

Andy Aamodt
City Planner, City of Ypsilanti

c.c. File



Text Amendment

§122-360 through 365

This Fact Sheet is not a substitute for the ordinance, but addresses common questions about City ordinances. For further information, please call the Building Department.

All permit applications are available from the Building Department and at cityofypsilanti.com/permits.

Completed applications may be dropped off at the Planning Department.

City Hall

One South Huron
Ypsilanti, MI 48197

Building

3rd Floor, City Hall
Phone: (734) 482-1025
cityofypsilanti.com/building

Planning

3rd Floor, City Hall
Phone: (734) 483-9646
cityofypsilanti.com/planning

Historic District

3rd Floor, City Hall
Phone: (734) 483-9646
cityofypsilanti.com/hdc

All permits, fees, and factsheets can be found at cityofypsilanti.com/permits.

Purpose of Zoning

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, a zoning ordinance also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed.

Need for a Text Amendment

When a property owner wants to use land in a way that is not permitted by the zoning of their property, sometimes all that is needed to allow that use and protect the public interest is a text change. This could be allowing the use in a certain zone, allowing it in that zone only under certain conditions, or disallowing a previously-permitted use. A text amendment may also be pursued if there's a desire to adjust where buildings are able to be located on a lot, how many parking spaces are required for certain spaces and uses, or anything else contained in the text of the zoning code.

Applying for a Text Amendment

Anyone may apply to amend the text of the zoning ordinance using the attached application. Generally, text amendments are considered justifiable if they meet a list of criteria provided in section 362 of the Zoning Ordinance. Those criteria include, *but are not limited to*:

- The amendment is consistent with the Master Plan;
- The amendment is consistent with the purpose of the Zoning Ordinance;
- The amendment will correct an error or oversight in the Zoning Ordinance.

Review Process and Timeline

Once your application is received, staff will schedule a public hearing. If your application is complete and received by 4:00 p.m. on the third Wednesday of the month, it will be heard in front of Planning Commission at their regular meeting at 7:00 p.m. on the third Wednesday of the following month. During the intervening time, staff will review the application and place a notice in the Washtenaw Legal News.

At their meeting, the Planning Commission will hold a public meeting, where the public is invited to address them about the proposed rezoning. They will also hear a staff report about the amendment's appropriateness, and invite the applicant to speak. With the information they gather at this meeting, they make a recommendation to City Council.

City Council will generally hear the text amendment request and the Planning Commission recommendation at their regularly scheduled meeting on the second Tuesday of the following month. There is another public hearing at this meeting, advertised again in the Washtenaw Legal News, and the text amendment is addressed as the first reading of an ordinance change. The ordinance must be read and approved a second time before it is considered adopted, and will take effect 30 days after adoption. This 30 day period allows for a protest under §122-363.



City of Ypsilanti
Planning & Development Department

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ZONING TEXT AMENDMENT APPLICATION

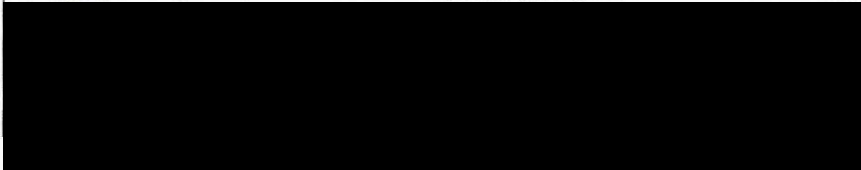
Applicant*

Name Eastern Michigan University Credit Union, a division of University of Michigan Credit Union		
Address 340 East Huron Street		
City Ann Arbor	State MI	Zip 48104
Phone / Fax 734.662.8200, ext. 2760		E-Mail dramos@UMCU.org

Change

Change requested (may continue on a separate sheet): (See attached memo/narrative)
Circumstances, factors, and other relevant information (may continue on a separate sheet): (See attached memo/narrative)

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti ing staff reports and/or evaluating this	
	Date: 3.17.2020

Print Name:

DeAnne Ramos, Vice President

MEMO

DATE: March 16, 2020

TO: Andy Aamodt

COMPANY: City of Ypsilanti

FROM: Robert A. Hoida, AIA

PROJECT: Proposed Zoning Ordinance Text Amendment

PROJECT #: 19-200

Dear Andy,

This memo is written to accompany the Proposed Text amendment Request being made by the Eastern Michigan University Credit Union. This memo identifies the specific request being made as well as providing the background information that both precipitates the request as well as the logic behind it.

The Requested Change

The City of Ypsilanti, Michigan Zoning Ordinance, Chapter 122
Division 3: Walkable Urban Districts
Subdivision II: Center
Section 122.446. Permissible Uses

This section notes that "In the Center district, no uses shall be permitted, except the following."

The Services section notes that Financial services, including banks are a Permitted Use.
The Specific Regulations state that "**No drive through or drive-in facilities are permitted in C**"

The heart of this request is to revise the Specific Regulations to read "**Drive through or drive-in Facilities are permitted only as a Special Use.**"

Circumstances, factors, and other relevant information:

The area on West Cross Street has been identified as Center "C" zoning. West Cross Street is identified as a Center area and Core zoning. It is comprised of the properties facing Cross Street for four blocks. The Center zoning here encompasses six (6) street blocks, as two of the blocks are EMU property/use. So while a zone as Center, "C", this particular area is a small satellite of the Center Core.

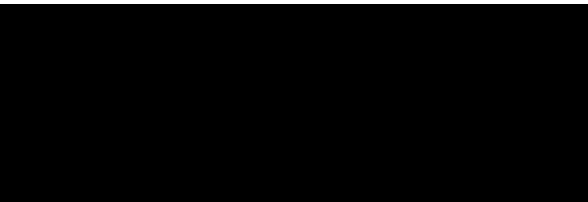
This Center area is immediately adjacent to a Historic Corridor five blocks east of this core center, and then extending south along Huron Street. It is more an extension of the Historic Corridor, despite its Center zoning. The particular area in question is a small island of Center zoning which is limited by its zoning. The Historic Corridor zoning, closer to the actual center of Ypsilanti indicates that Financial services, including banks, less than 15,000 s.f. are permitted uses. The Specific Regulations indicate that "Drive through or drive-in facilities require special land use." This indicates an inconsistency in the zoning requirements that can be remedied by this text change.

Other specific factors:

Some factors relate to the specific site that the applicant is wishing to redevelop. This site, located at 611 West Cross Street is the site which has led to this request. These can and will be discussed if the text amendment is approved as part of the Special Use application, but a short outline is included below as an extension of the reasoning for this request.

The site was most recently used by Eastern Michigan University as a professional office, specifically used as a part of a psychiatric treatment center. However, it was originally built as a financial facility, i.e. a bank or credit union that included drive-in facilities. That is apparent when looking at the building outline. The building's use is in keeping with its original use.

The City of Ypsilanti is certainly interested in development in the City being Sustainable development. One of the important factors in considering the sustainability of a development is its initial construction materials. Increasingly, architects and developers are concerning themselves with "embodied energy and embodied carbon" in developments. That is, they are considering the amount of energy and materials that are used to construct a development. This is but one factor in considering the existing building stock as a valuable asset. The energy originally used in constructing buildings is best conserved by re-using existing structures. This building is ideal in many ways to be re-used by EMUCU as a new branch, since it is being purposed for its original use. In this case, for the reasons stated above, being able to consider it for a Special Use is a logical consideration that unfortunately is not currently able to be pleased due to a very specific limiting clause. This mitigating language can be altered, while retaining control of this and other proposed drive through banking facilities by limiting the use to a Special Use and not a permitted one. Exceptions can be considered on a case by case basis. This is, in our opinion, a logical request.

Thank you  council in advance for your consideration.

Signature

Robert A. Holda, AIA

Vice President

Cc: Ms. Tiffany Ford, EMUCU
Ms. DeAnne Ramos, EMUCU
Mr. Michael Nicholas, EMUCU

