

MINUTES - APPROVED
Planning Commission - Virtual Meeting
Wednesday, August 19, 2020 – 7:00 P.M.

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, August 19.

I. Call to Order

II. Roll Call

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

III. Approval of Minutes

- July 15, 2020 Meeting

Motion to approve

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

Motion to amend the agenda to move committee reports after audience participation

Offered By: Commissioner Hollifield; Seconded By: Commissioner Jugenitz

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

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.

Motion to open audience participation.

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

No audience participation.

Motion to close audience participation

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

V. Committee Reports

- **Non-Motorized Committee Report**

Commissioner Davis Jr. spoke about the nonmotorized plan update. Commissioner Talaga had done a lot of work on that, and he is taking that baton. They are looking for a plan that best works for the governor's directive. This committee really want to get work done this year and request that committee members meet monthly. There is a strain on staff for closed captioning, but the committee could do the CC for their own meeting.

- **Housing Affordability and Accessibility Committee Report**

Members of the committee met with Andy to discuss which portions of the report should be integrated into the master plan. There will be a special work session with council on housing affordability issues.

VI. Presentations and Public Hearing Items

- Special Use Permit & Limited Site Plan Review: Group Child Care Home at 416 Ainsworth Circle

Staff gave a presentation to the Commission.

416 Ainsworth is zoned R-1. This is for a group childcare home zoned that is a state licensed facility that will host 7-12 children. The property is large and exceeds play area requirements .25 acres and 1500 square foot house. The installation of screening of 80% is required. Staff recommends the planning commission approve the special permit.

Applicant: Princess Rankin is excited to move back to the neighborhood she grew up in. Her daycare has been open for 5 years, she has 17 years of experience, and an EMU degree. She teaches the high scope curriculum.

The applicant and commission discussed options for fencing in the front yard. The city does not allow opaque screening in the front yard.

Public Hearing

Motion to open the public hearing.

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

Seeing none.

Motion to close the public hearing.

Offered By: Commissioner Hollifield; Seconded By: Commissioner Jugenitz

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

No discussion, the commission agreed that the application was straight forward.

Motion that the Planning Commission approve the Special Use Permit for the group childcare home at 416 Ainsworth Circle 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 Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

Motion that the Planning Commission approve the limited site plan for the group child care home at 416 Ainsworth Circle with the following findings, and conditions:

Findings:

The application substantially complies with §122-310.

Conditions:

- 1. Child care 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 Simmons; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

- Special Use Permit & Limited Site Plan Review: Medical marijuana provisioning center/recreational marihuana retailer at 1070 Huron River Drive
Staff gave a presentation to the commission.
Indica LLC aka Sticky Ypsi is looking to transfer to a property next door to the old McDonalds at 1070 Huron River Dr. The primary use is medical and retail in nature. The zoning ordinance mentions drive thru facilities are prohibited. There is a bus stop within 300 ft, there is room to improve connection for pedestrian access.
Staff recommends approval with conditions.

Elimination of parking spaces, distance regulations, access management opportunities, walkability for Huron River Drive were discussed.

Jacob: Applicant, Indica LLC

Indica LLC remains in compliance with the state and City, and our adult use license and permit going well. The opportunity to repurpose the abandoned building was a good investment. We are needing to grow and expand; it has always been in the plan. This is the perfect opportunity, close to our current location, customers are familiar and know us. The State of Michigan allows us to provide curbside service, allows home delivery. I understand that the city has decided that it wants to eliminate drive-throughs. We would appreciate being able to utilize that during this time to use for curbside according to regulation.

Public Hearing

Motion to open the public hearing.

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Davis Jr.

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

Seeing none.

Motion to close the public hearing.

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

*Motion that the Planning Commission **approve** the Special Use Permit for medical marijuana provisioning center and recreational marijuana retailer use at 1070 Huron River Drive 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.*
- *Drive-through and/or pick-up window uses are prohibited.*

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

*Motion that the Planning Commission **approve** the Limited Site Plan for 1070 Huron River Drive with the following findings and conditions:*

Findings:

- *The application substantially complies with §122-311.*
- *The existing building and site design are legal nonconforming under §122-352*

Conditions:

- *Drive-through and/or pick-up windows shall be eliminated from plans.*
- *Provide markings for pedestrian access from public sidewalk to building.*
- *Provide off-street parking landscaping in conformance with 122-684 and 122-675.*
- *Provide at least 12 bike hoops/spaces on site, in conformance with 122-693.*
- *Provide a lighting plan conforming with the provisions of 122-609.*
- *Provide 16 trees in front yard, or fee-in-lieu for 16 trees if site constraints exist.*
- *Applicant provide dimensions for parking spaces and aisles for staff review*

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Simmons

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

- Special Use Permit Expansion & Site Plan Review: Medical marijuana provisioning center/recreational marijuana retailer at 539 S. Huron St.

Staff presented the application to the commission.

The applicant is willing to make the trailer connecting to the rear a permanent structure.

Marijuana is not permitted to be stored in a temporary building.

There is a stand-alone trailer that should be part of this review.

Staff recommends the temporary trailers shall remain on the site for no longer than one year, or until the future building is granted a Certificate of Occupancy, whichever is less.

Temporary trailers shall be inspected and permitted by the Building Department.

The setback of the trailer was not addressed in the plan, and should be included, the second trailer is placed on property lines.

Staff recommends the Planning Commission approve the Special Use Permit expansion and the site plan for the Patient Station at 539 S Huron.

Commissioner Dunwoodie expressed concern over temporary approvals.

This would be something the building department would have to sign off on.

Applicant: Dennis Crowlin, attorney. Jim and Eric Nemith of Patient Station are also present.

Applicant stated that the building department expressed that they will work with them. Their building is small, and an approval would make a big difference for the business. They are happy to comply with any building code. They are hoping to break ground with the new building soon.

Public Hearing

Motion to open the public hearing.

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

Seeing none.

Motion to close the public hearing.

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Simmons

Approved: Yes – 6; No – 0; Absent – 2 (Donnelly, Talaga)

The commission discussed moving forward or tabling approval because commissioners felt the application needed to be revised to reflect one temporary trailer, and one permanent trailer. The special use permit conditions would need to be revised to reflect two different trailers. Due diligence should be made in order to not appear preferential to the applicant.

*Motion that the Planning Commission **approve** the Special Use Permit expansion for the Patient Station at 539 S Huron with the following findings and conditions:*

Findings:

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

Conditions

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

2. One temporary trailer shall not become permanent.

3. No marijuana shall be stored or contained in the temporary trailer.

Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Hollifield

Failed: Yes – 3 (Hollifield, Dunwoodie, Davis Jr.) ; No – 3 (Jugenitz, Simmons, Bettis) ;

Absent – 2 (Donnelly, Talaga)

Commissioner Dunwoodie entertained a motion to table to allow for the review of a revised site plan that properly indicates temporary and permanent additions to the site.

Motion to table the Special Use permit for 539 S Huron

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Simmons

Approved: Yes – 4 ; No – 2 (Davis Jr., Hollifield) ; Absent – 2 (Donnelly, Talaga)

Motion to table the Site Plan Review for 539 S Huron

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Simmons

Approved: Yes – 5 ; No – 1 (Hollifield) ; Absent – 2 (Donnelly, Talaga)

VII. Old Business

- Draft Bylaws Amendments

Motion to adopt the proposed amendment to The Rules of Procedure and Bylaws of the Planning Commission of the City of Ypsilanti, Michigan as adopted April 17, 2019.

Article III - Membership, Section 4. to be amended as follows:

Section 4.

Each member of the Commission shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the member; the immediate family or household of the member; property owned by or neighboring property owned by the member; or a

corporation or partnership in which the member has an ownership, employment, or other financial interest; or when there is a reasonable appearance of a conflict of interest. For the purposes of this section, a neighboring property shall include any property falling within the 300' notification radius described by Section 103 of the Zoning Act. Potential conflicts of interest should be identified by the member prior to deliberation of the case. Members shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention. The member with the conflict of interest may choose to remain in the meeting room but must abstain from commenting and communicating during the case and its deliberation. Written comments may be transmitted to the Chair and/or City Planner by the member before the meeting and may be read aloud by the Chair.

Offered By: Commissioner Simmons; Seconded By: Commissioner Jugenitz

Approved: Yes – 6 ; No – 0 ; Absent – 2 (Donnelly, Talaga)

The commission reviewed a bylaw amendment to be voted on next meeting.

VIII. New Business

IX. Future Business Discussion / Updates

Staff asked the commission to consider setting consistent boundaries to all committees. The housing affordability committee has completed what has been asked by the commission and was a timed committee.

Staff asked committee members to consider providing closed captioning of their own meetings. Commissioner Jugenitz expects to dissolve the Housing and Affordability and Accessibility Committee after the City Council presentation coming up.

Commissioner Dunwoodie suggested dissolving the committee and continuing less formal working sessions. He does not want to cut off the work before it is done, but agrees that there has not been consistent quorum, or an official meeting in a while.

Commissioner Davis Jr. suggested that the committee stay in place until after the presentation and urged the committee to commit to provide closed captioning.

Commissioner Jugenitz thanked City Planner Aamodt for being thoughtful and careful by bringing the Patient Station application to the commission first.

X. Adjournment

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Simmons

Approved: Yes – 6 ; No – 0 ; Absent – 2 (Donnelly, Talaga)