



CITY OF YPSILANTI
Planning Commission MEETING
Wednesday, February 17, 2021 @ 7:00 PM
Virtual
One South Huron, Ypsilanti, MI 48197

Page

I. CALL TO ORDER

- 3** A. [February 2021 Virtual Meeting Notice](#)

II. ROLL CALL

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

III. AGENDA APPROVAL

- 5** A. [01 - February 2021 Agenda](#)

IV. APPROVAL OF MINUTES

- 7 - 9** A. [02 - January 2021 Meeting Minutes](#)

V. AUDIENCE PARTICIPATION

VI. COMMITTEE REPORTS

- A. Non-Motorized Committee Report

VII. PRESENTATIONS AND PUBLIC HEARING ITEMS

- 11 - 75** A. [03 - 487 Owendale](#)
 [04 - Buffalo Alley Vacation](#)
 [05 - 1820 Washtenaw](#)

VIII. OLD BUSINESS

IX. NEW BUSINESS

X. FUTURE BUSINESS DISCUSSIONS/UPDATES

XI. ADJOURNMENT



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

The Ypsilanti Planning Commission will hold a virtual meeting on Wednesday, February 17, 2021 at 7 p.m.

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.

February 17, 2021 Planning Commission Meeting Virtual Access Link

<https://us02web.zoom.us/j/89410319258?pwd=UWN1L0RSY21STWg5Y29aLzVsTjkrZz09>

When prompted, enter **Passcode:** 302527

When prompted, enter **Meeting ID:** 894 1031 9258

February 17, 2021 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:** 894 1031 9258, followed by the **Passcode:** 302527, followed by #, 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: February 11, 2021

Agenda
Planning Commission - Virtual Meeting
Wednesday, February 17, 2021 – 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. 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 during the Public Hearing, on the video conferencing application, or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, February 17.

I. Call to Order

II. Roll Call

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

III. Approval of Minutes

- January 20, 2021 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 three minutes.*

V. Committee Reports

- Non-motorized Advisory Committee

VI. Presentations and Public Hearing Items

- 487 Owendale St – Rezoning
 - *Public Hearing*
- S Washington St to S Huron St, south of Buffalo St – Alley Vacation
 - *Public Hearing*
- 1820 Washtenaw Ave – Special Use Permit and Site Plan Review for Provisioning Center/Marihuana Retailer
 - *Public Hearing*

VII. Old Business

VIII. New Business

IX. Future Business Discussion / Updates

- Distribution of Draft Master Plan Update

X. Adjournment

MEETING MINUTES
Planning Commission - Virtual Meeting
Wednesday, January 20, 2021 – 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. 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 during the Public Hearing, on the video conferencing application, or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, January 20.

I. Call to Order

II. Roll Call

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

P
P
P
P
P
P
P

III. Approval of Minutes

- December 16, 2020 Meeting
Motion to approve December 2020 minutes
Offered By: Commissioner Hollifield; Seconded By: Commissioner Talaga
Approved: Yes – 7; No – 0; Absent – 0

IV. Audience Participation

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

No attendees present.

V. Committee Reports

- Non-motorized Advisory Committee
 - Committee reviewed internal edits and proposals related to the Non-motorized Plan. Action-based elements were added including goals, objectives, and strategies. It will be a stand-alone plan.
 - There will be a Non-motorized committee public hearing in February.
 - The plan is being prepared with the goal that it be brought to the Planning Commission for a text review in March. There will be a public hearing for the plan as well.
 - Committee Reappointments
Motion to approve reappointment of Dylan Goings
Offered By: Commissioner Hollifield; Seconded By: Commissioner Donnelly
Approved: Yes – 7; No – 0; Absent – 0

Motion to approve reappointment of Helen Schulte
Offered By: Commissioner Hollifield; Seconded By: Commissioner Donnelly
Approved: Yes – 7; No – 0; Absent – 0

Motion to approve reappointment of Bob Krzewinski as Committee Chair

Offered By: Commissioner Hollifield; Seconded By: Commissioner Simmons

Approved: Yes – 7; No – 0; Absent – 0

- 2020 Annual Report
 - The committee is in search of new members. A suggestion has been made to connect the Non-motorized Advisory Committee to the planning staff and DPS more directly for more involvement and on-the-ground work.
- January 2021 Meeting Minutes

VI. Presentations and Public Hearing Items

- Zoning Ordinance Text Amendments
 - Staff Report — Andy Aamodt, City Planner
 - Staff proposed four zoning ordinance text amendments for the following sections:
 - R-1 Building Height
 - Forecourt Private Frontages
 - Home Occupations
 - Off-street Parking

- *Public Hearing*

Motion to open public hearing

Offered By: Commissioner Hollifield; Seconded By: Commissioner Donnelly

Approved: Yes – 7; No – 0; Absent – 0

Staff shared an emailed public comment.

Motion to close public hearing

Offered By: Commissioner Hollifield; Seconded By: Commissioner Donnelly

Approved: Yes – 7; No – 0; Absent – 0

Planning Commission revised the proposed amendments in the following manner:

- Section 122-531(a): Planning Commission added the parenthetical "*(except when properly permitted as family day care homes, group day care homes, adult foster care family homes, and adult foster care small group homes)*" after "*day care centers*"
- Section 122-682(c): Planning Commission added the following sentence after the amendment sentence "*The City Planner may waive this requirement in whole or in part with a finding that the lot shares a common access and common parking with the adjoining lot, or that stormwater, landscaping, and other similar concerns have been adequately addressed with other methods.*"

Motion to recommend approval of the proposed text amendments to Chapter 122 sections 122-422, 122-483, 122-531, and 122-682, as revised, with the following findings:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan;*
- (2) The proposed amendment is consistent with the intent of this Zoning Ordinance;*
- (3) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City;*
- (4) The proposed amendment will preserve the historic nature of the surrounding area and of the City;*
- (5) The proposed amendment will enhance the natural features and environmental sustainability of the City;*

- (6) *The proposed amendment will protect the health, safety, and general welfare of the public;*
(7) *The proposed amendment is needed to correct an error or omission in the original text;*
(8) *The proposed amendment will address a community need in physical or economic conditions or development practices;*
(9) *The proposed amendment will not result in the creation of significant nonconformities in the City;*

Offered By: Commissioner Talaga; Seconded By: Commissioner Simmons

Approved: Yes – 7; No – 0; Absent – 0

Note: A friendly amendment to note that Chapter 122 sections 122-531 and 122-682 are being recommended as amended.

VII. Old Business

VIII. New Business

- 2020 Planning Commission Annual Report
 - Commissioner Heidi Jugenitz resigned in December 2020.
 - Planning Commission met 12 times.
 - Planning Commission made action on 39 items. One item was denied which regarded a text amendment that would have allowed drive-thru banks in Center districts.
 - The City is currently undergoing a master plan amendment.
 - The City is working on a marketing plan with the Community Development Fellow.
 - The City applied for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant, but the grant was not awarded.

Motion to approve the 2020 Planning Commission Annual Report

Offered By: Commissioner Bettis; Seconded By: Commissioner Donnelly

Approved: Yes – 7; No – 0; Absent – 0

IX. Future Business Discussion / Updates

- Distribution of Draft Master Plan Update
 - City Council decided to strike the Housing Affordability and Accessibility report from the draft update and distribute the plan without the report and without the references to that report.
 - Staff followed up with City Attorney Mr. Barr regarding a memorandum and Mr. Barr stated that in his opinion rent control and the landlord to tenant agreements should be left out of master plans.
 - The master plan will come before the Planning Commission in April. There will be a public hearing in April as well.

X. Adjournment

Motion to adjourn

Offered By: Commissioner Hollifield; Seconded By: Commissioner Simmons

Approved: Yes – 7; No – 0; Absent – 0



City of Ypsilanti
Community & Economic Development Department

February 17, 2021

Staff Review of Rezoning Application
487 Owendale Rezoning
487 Owendale

GENERAL INFORMATION

Applicant: Musa Enterprises LLC

Project: 487 Owendale Rezoning

Public Hearing Date: February 17, 2021

Location: 487 Owendale St, south of Washtenaw Ave
(parcel ID: 11-11-05-363-017; legal description: YP CITY 47W-10
LOT 13 R. L. OWEN SUBDIVISION)

Zoning: R1 – Single-Family Residential

Master Plan: Outlying Neighborhood

Action Requested: Rezone lot to NC – Neighborhood Corridor

Staff Recommendation: Denial

PROJECT AND SITE DESCRIPTION

The rezoning is requested for 487 Owendale St (legal description named above). The parcel is about 6,000 square feet and sits vacant except for a garage. The proposed rezoning would change the property from R1- Single-Family Residential to NC- Neighborhood Corridor. The applicant, the property owner, wishes to rezone the parcel in order to expand their site adjoining to the north, 1465 Washtenaw Ave, which is used as an auto repair shop and gas station. The proposed expansion would be for parking purposes. If the rezoning is adopted, the applicant would need to appear again before Planning Commission for Site Plan Review. While the applicant expresses their plan for the property, a rezoning permanently changes the zoning designation; all potential impacts regarding a rezoning should be considered even if the plan is to simply expand the parking lot.

In 2009, the subject property was requested to be rezoned from R1 to B2- Community Business, which was a similar zoning district to NC under the previous zoning iteration. That rezoning request was denied. There do not appear to be any variances or special uses previously granted for the property.

Figure 1: Subject Site Location & Zoning

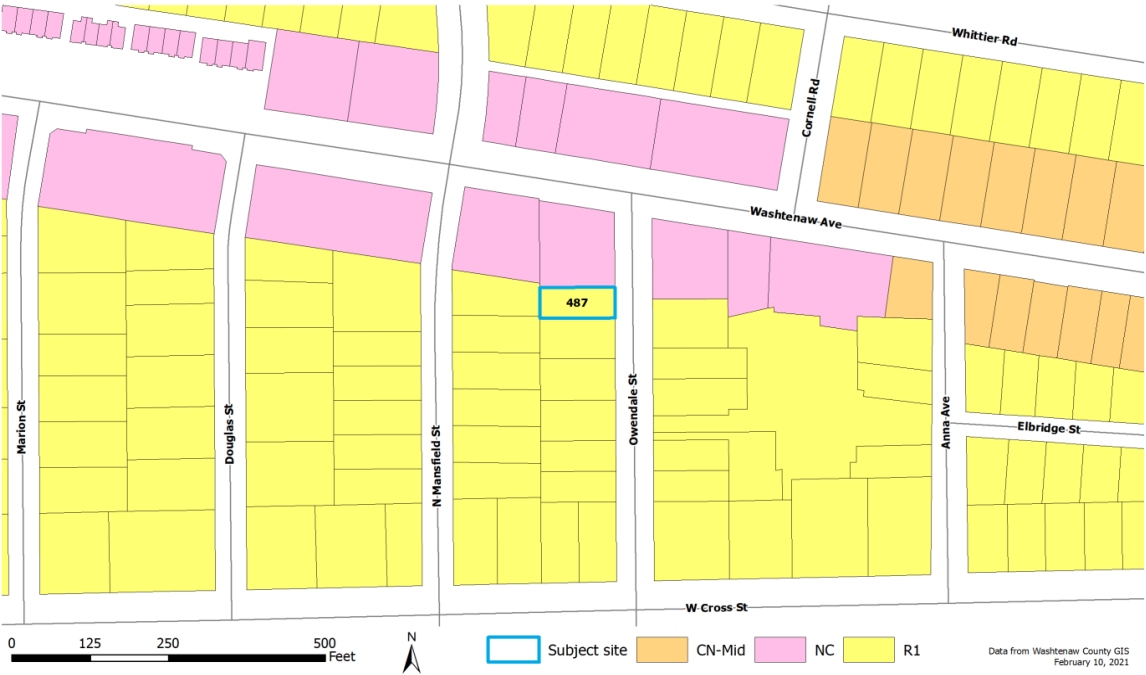


Figure 2: Site Aerial (2020)



Figure 3: Site Aerial Close-Up (2020)



Figure 4: View of Lot from Owendale (February 11, 2021)



Figure 5: View of Lot from Owendale (Google Street-View, July 2019)



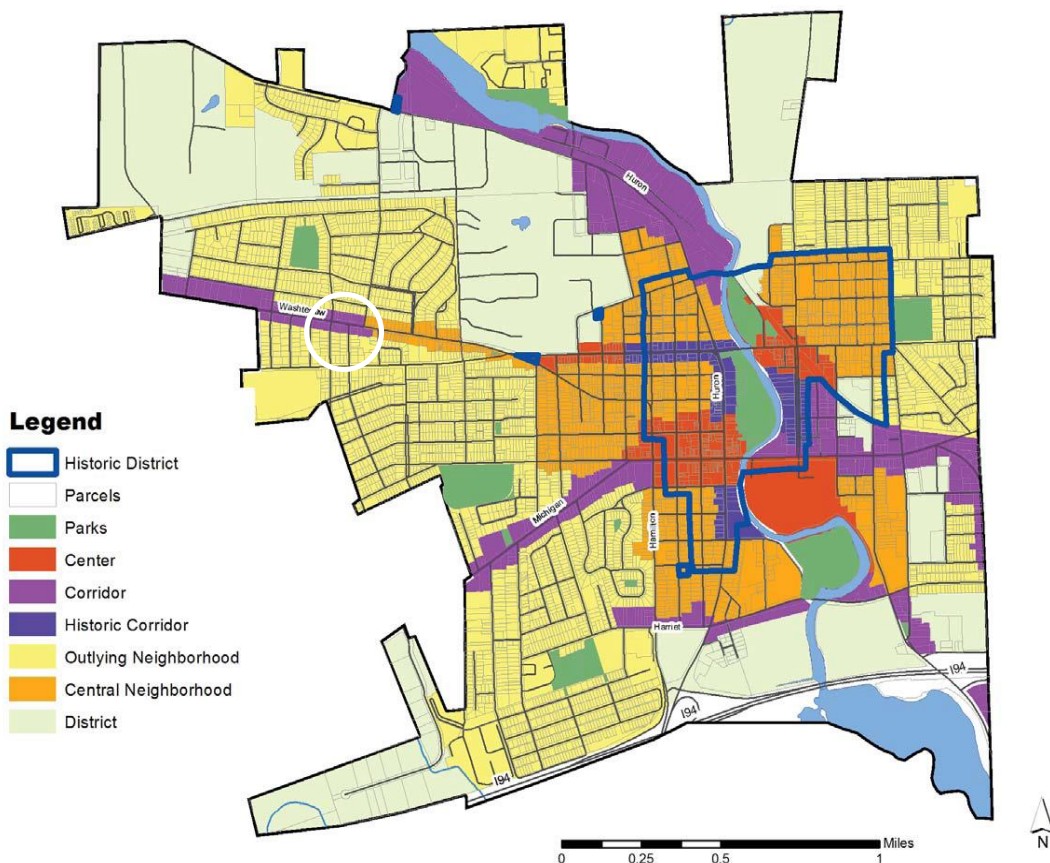
MASTER PLAN

The subject property is within the “Outlying Neighborhood” future land use.

According to the Master Plan, *these neighborhoods, constructed during or after World War II, are almost exclusively residential uses, with single-family and multiplefamily uses separated. Single-family residences are usually smaller than those in the central neighborhoods. The zoning changes below are designed to stabilize these neighborhoods.*

The future land use map, below, shows the Washtenaw corridor as “Corridor” but the neighborhoods from the side-streets as “Outlying Neighborhood.”

Figure 6: Master Plan’s Future Land Use Designations (subject area circled in white)



EXISTING LAND USE AND ZONING

The property is currently vacant, except for a small garage. It is about 122 feet south of Washtenaw Ave, measured closest-point to closest-point.

Figure 7: Surrounding Land Use and Zoning

	LAND USE	ZONING
NORTH	Auto repair and gas station	NC- Neighborhood Corridor
EAST	Single-family residential; Restaurant	R1- Single-family residential; NC- Neighborhood Corridor
SOUTH	Single-family residential	R1- Single-family residential
WEST	Single-family residential	R1- Single-family residential

REZONING IMPLICATIONS**INTENT**

R1- Single-Family Residential district allows for the lowest-intensity residential uses, such as single-family detached dwellings, parks, community gardens, bed & breakfasts/inns as special land uses, and group child care homes and adult foster care family homes as special uses and accessory uses, respectively. The ordinance says "the district is designed to provide an environment of predominantly low-density, single-family detached dwellings, along with related facilities such as schools and religious institutions."

NC- Neighborhood Corridor district allows for low-to-mid intensity commercial uses. The ordinance says these "have linear land pattern and are adjacent to residential neighborhoods. The size, form and scale of buildings and the type and intensity of uses should be complementary to abutting single-family or core neighborhoods, including less intense multiple-family residential building types and uses." The entire permissible uses chart is found in Figure 8.

Figure 8: Permissible Uses in NC

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
RESIDENTIAL					
Single-Family Detached Dwelling	P	--	--		
Single-Family Attached Dwelling	--	P	P		In "Townhome" building type only
Accessory Dwelling Unit	A	--	--		
Two-family dwelling units	P	P	P		
Multiple Family Dwellings, maximum of 4 units per building	P	P	P		
Multiple Family Dwellings, more than 4 units per building	S	S	P		Section 122-541
Apartments located above ground floor of permitted nonresidential uses	P	P	P		

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Apartments located below the ground floor of permitted nonresidential uses	P	P	P		
Home Occupation	A	A	A		Section 122-531
Family Child Care Home	A	A	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	A	A	A	Up to 12 children	Section 122-521
Adult foster care family homes	A	A	A	1-6 adults	Must be licensed by the state and must comply with the minimum state standards for such facilities.
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Parks	P	P	P		
Outdoor recreation	--	S	P		Section 122-533
Museums & libraries, less than 15,000 square feet	P	P	--		
Museums & libraries 15,000 square feet or more	S	S	--		
Primary & Secondary Schools (public & private)	S	S	--	Public schools are only subject to State regulations regarding location and construction.	Section 122-552
Post-secondary educational institutions (public & private)	S	S	--	Public schools are only subject to State regulations regarding location and construction.	Section 122-552
Religious institution	S	S	--		Section 122-550
Private assembly, including banquet halls	S	S	--		
Indoor recreation less than 15,000 square feet	--	P	P		
Indoor recreation 15,000 square feet or more	--	--	P		
Municipal, county, regional & state service uses	S	P	P		Section 122-542
Public Art	A	A	A		
SERVICES					
Business and professional offices, less than 15,000 square feet	P	P	P		
Business and professional offices, 15,000 square feet or more	--	S	P		
Financial services, including banks, less than 15,000 square feet	P	P	P		Drive through or drive-in facilities require special land use

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Financial services, including banks, 15,000 square feet or more	--	S	P		Drive through or drive-in facilities require special land use.
Homeless Shelter	--	--	P		Section 122-532
Personal service establishments, less than 15,000 square feet	P	P	P		
Personal service establishments, 15,000 square feet or more	--	--	P		
Body art facilities	--	--	P		
Offices for skilled trade services including but not limited to plumbing, electric, heating, and painting establishments	--	S	P		Section 122-544
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	--	S	S		Section 122-549
Bed & Breakfast or Inn	P	S	--		Section 122-520
Hotels & motels	--	--	P		
Child Care Centers	S	P	P		Section 122-521
Funeral homes	S	S	S		
Laundromats and dry cleaners, less than 15,000 square feet	--	P	P		No dry cleaning on premises.
Laundromats and dry cleaners, 15,000 square feet or more	--	--	P		No dry cleaning on premises.
Nursing Homes	S	--	S		Section 122-543
Medical or dental clinics, less than 10,000 square feet	P	P	P		
Medical or dental clinics, 10,000 square feet or more	S	S	P		
Veterinary hospitals and clinics	--	S	S		Section 122-556
Kennels, commercial	--	--	S		Section 122-535
Substance abuse treatment facilities	--	--	S		Section 122-554
Catering services, less than 15,000 square feet	P	P	P		
Catering services, 15,000 square feet or more	--	--	P		
Self-storage	--	--	P		Section 122-553
COMMERCIAL					
Retail stores, less than 15,000 square feet	S	P	P		
Retail stores, greater than 15,000 square feet	--	--	P		
Resale stores	--	P	P		

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Arts & crafts studios	P	P	P		
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	P	P		
Food stores, with sale of alcohol, less than 15,000 square feet	--	S	P		
Food stores greater than 15,000 square feet with or without sale of alcohol	--	--	P		
Commercial Greenhouse			P		
Farmers' market and other open-air markets	--	P	P		
Outdoor retail sales	--	S	S		Section 122-545
Firearms Sales Establishments	--	--	S		Section 122-527
Designated consumption establishment	--	--	S		Section 122-522
Marihuana retailers and/or provisioning centers	--	--	S		Section 122-538
Marihuana retailers and/or provisioning centers, less than 5,000 square feet gross floor area	--	S	S		Section 122-538
RESTAURANTS					
Carry-out and/or delivery restaurant	--	P	P		
Café or coffee shop	P	P	P		
Sit-down, with seating limit of 50 seats	P	P	P		
Sit-down, no seating limit	--	--	P		
Bar/Lounge	--	S	P		
Tasting room and accessory to microbrewer/ small distiller/ small wine maker	--	S	P		Carry-out sales allowed with proper licenses.
Fast Food	--	S	P		Must be located on major thoroughfare. Drive through or drive-in facilities require special land use.
Drive through restaurant of any type	--	--	S		Section 122-523
Outdoor cafes	A	A	A		Section 122-547
AUTO-ORIENTED					
Parking lot	--	--	S	Permitted as an accessory use without special use permit.	Section 122-519
Parking Garage	--	--	S		Section 122-518
Automobile Sales	--	--	S		
Automobile Filling Station - no repair	--	S	S		Section 122-516
Automobile Filling Station with repair	--	--	S		Sections 122-516 and 122-515

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Automobile Wash & Detailing	--	--	S		
Automobile Repair	--	--	S		Section 122-515
Automobile repair, less than 5,000 square feet	--	P	P		All repair and storage must be within a fully enclosed building. Business hours are limited to 7:00am to 10:00pm.
Automobile Share Parking	A	A	A		
Automobile rental or share organization (parking, storage, wash & repair)	--	--	S		
Vehicle, Recreational Vehicle, Storage and Towing	--	--	S		
RESEARCH					
Laboratories	--	--	S		
Research & Development	--	--	S		
PRODUCTION, MANUFACTURING & DISTRIBUTION					
Craft production, clothing production or food production, less than 16,000 square feet	--	P	P		
Craft production, clothing production or food production, 16,000 square feet or greater	--	--	S		
Microbrewer/ small distiller /small wine maker, less than 16,000 square feet	--	P	P		
Microbrewer/ small distiller /small wine maker, 16,000 square feet or greater	--	--	S		Carry-out sales allowed with proper licenses.
Wholesale or distribution facility with total gross floor area of less than 16,000 square feet	S	S	P		
Wholesale or distribution facility with total gross floor area 16,000 square feet or greater	--	--	S		
Marihuana growing and/or processing facility	--	--	S		Section 122-536
Marihuana microbusiness	--	--	S		Section 122-537
Marihuana secure transporter	--	--	S		Section 122-540
TEMPORARY USES					
Mobile Food Establishments	--	P	P		Section 122-335
INFRASTRUCTURE					
Essential Services	P	P	P		Section 122-524

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Communication Devices	A	A	A		Article V, Division 3
Alternative Energy	A	A	A		Section 122-513
GARDENS/COMMUNITY GARDENS					
Passive solar building	A	A	A		Must meet accessory structure regulations for building type. Maximum square footage is 800 square feet in the HC zoning district.
Community gardens	--	A	A		Section 122-529
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE					
Operation between 2 a.m. and 6 a.m. during any 24-hour period	--	S	S		
Drive through facilities	--	S	S		Section 122-523
Ongoing outdoor retail sales or display	--	S	S		Section 122-545
Outdoor storage	--	S	S		Section 122-546

Figure 9: Allowed Building Types

BUILDING TYPE		CN-SF	CN-MID	CN	C	HC	NC	GC	HHS
MA	Mansion	L	L	L	--	L	--	--	--
ES	Estate	P	P	P	--	P	P	--	--
HS	House	P	P	P	--	P	P	--	P
CO	Cottage	P	P	P	--	--	--	--	--
TH	Townhouse	--	P	P	L	--	P	--	P
AH	Apartment House	--	P	P	P	P	P	--	P
CA	Courtyard Apartment	--	--	P	L	P	P	P	--
AB	Apartment Building	--	--	P	L	L	P	P	--
CS	Commercial/Mixed-Use Small	--	--	L	P	P	P	P	--
CM	Commercial/Mixed Use Medium	--	--	--	P	P	P	P	--
CL	Commercial/Mixed Use Large	--	--	--	P	--	--	P	P
SC	Single Story Commercial Building	L	L	L	--	L	P	P	--
LS	Large Single Story Commercial Building	--	--	--	--	--	--	P	P
MB	Multiple Story	--	--	--	P	--	--	P	P
IT	Institutional	L	L	L	L	L	L	L	L

REZONING CONSIDERATIONS

For a change in the zoning map (rezoning), the Planning Commission shall consider and the City Council may consider, whether the proposed zoning meets the following standards: (includes staff recommended responses)

- 1) *Is the rezoning consistent with the policies, guiding values and Future Land Use Map in the Master Plan, including any subarea or corridor studies?*

No. The rezoning is not consistent with the Future Land Use Map as the map designates this property as part of *Outlying Neighborhood*. These Outlying Neighborhoods are often sited along the side-streets of major corridors which are often designated *Corridor*. The Future Land Use Map displays an intent to not blur these designations; a distinguishment should be made from *Corridor* to *Outlying Neighborhood*.

- 2) *Does the rezoning sustain the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district?*

Yes and No. The rezoning could potentially have a negative environmental affect on the site and neighboring sites, considering hazards and leaks that can be attributed to heavy auto use. However, a Site Plan Review and engineering review would be conducted prior to construction, and would help mitigate any potential physical, geological, or hydrological impacts, or environmental impacts of any kind. From a concept standpoint, the intended development appears to buffer the site, and provides underground detention storage for stormwater.

- 3) *Can the property that is proposed to be re-zoned accommodate the requirements of the proposed zoning district?*

Unlikely. At about 50 feet wide and 120 feet deep, the lot would be significantly smaller than the typical NC lot. While any future development would need Site Plan Review approval, it would be expected to be a very cramped commercial or mid-high density residential site. Additionally, Owendale St is a residential street, accustomed to residential traffic and lower levels of on-street parking. A commercial use on Owendale St would greatly increase traffic, on-street parking, and overall usage of the residential street.

- 4) *Are all of the potential uses and building types allowed in the proposed zoning district compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values?*

No. Potential uses and building types allowed in the proposed NC zoning district are not a gradual change, but a sharp change, from what R1 single-family uses and building types allow for.

While R1 zoning districts do not outline required *Building Types*, R1 developments tend to be one to two story single-family detached dwellings with required minimum front, rear, and side setbacks. NC can allow for a wide variety in residential building types, but (hypothetically) also allows for up to Commercial/Mixed-Use Medium. As the lot is dimensioned now, a Commercial/Mixed-Use Small would be a more realistic hypothetical, and would allow for up to a 5-story building. While there are areas of the City where this density and scale could be implemented, this is in conflict with the present Owendale single-family neighborhood.

- 5) *Is the capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City?*

Yes. There is little to no effect expected on the City infrastructure, water/sanitary utilities, and services with this rezoning.

- 6) *Will the rezoning be detrimental to the financial stability and economic welfare of the City?*

No. On a general-level, the rezoning would broaden the potential uses of the property, thus more likely finding a suitor if need be, and potentially spurring a development that would have more taxable value than the current vacant lot.

On a human-level, the rezoning will benefit the applicant, a local small business owner who wishes to expand their 1465 Washtenaw property onto 487 Owendale, and make improvements to the property.

- 7) *Would the rezoning negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts?*

Unlikely. This standard is more dependent on the exact nature of a future use. Based on the proposed use of the lot as a parking lot expansion, the lot would be re-paved and engineered in a manner that would need to pass Site Plan and engineering review. Screening would be recommended. It is not precisely known how such a parking lot would impact existing current per-square-foot leases or sales rates.

However, Owendale St is not accustomed to an increase in traffic and on-street parking for a commercial use, and it is not known how an increase in traffic and noise may impact the neighboring properties.

- 8) *Is the rezoning consistent with the trend of development in the neighborhood or surrounding area?*

No. A single-family detached dwelling would not be allowed to be built on this lot if it were rezoned to NC, which is contradictory to the existing single-family neighborhood, and contradictory to the theme of *Outlying Neighborhoods*.

Comparing to the surrounding commercial properties on Washtenaw Ave, the existing 1465 Washtenaw lot is typically-sized in terms of shallowness. A potential expansion of such property (combining 487 Owendale with 1465 Washtenaw) would expand the property's depth from about 142 feet to about 192 feet. That would make the 1465 Washtenaw property the "deepest" commercial property on the south side of Washtenaw in the City.

A few properties on Washtenaw Ave have parking areas extending into the rear of the commercial property, and protruding into residential neighborhoods. For example, 1490 Washtenaw has a parking lot on a lot to the rear, very clearly on a single-family residential stretch of Whittier Ave. However that parking lot is a legal nonconforming use and has existed for more than 40 years and predates multiple iterations of the Master Plan and zoning ordinances.

- 9) *Was the property in question improperly zoned or classified when this Chapter was adopted or amended?*

No. The classification of the property was also R1 during the previous zoning iteration.

- 10) *Where a rezoning is reasonable given the above criteria, is the map amendment or rezoning to the proposed zoning district more appropriate than another district or than amending the list of permitted or special land uses within a district?*

Unlikely. Other amendments are welcome to consideration. There may be a more suitable way to allow for the applicant's plan to flourish, however staff does not believe that a rezoning is the most appropriate route.

STAFF RECOMMENDATION

Staff recommends that Planning Commission recommend City Council decline the adoption of rezoning 487 Owendale St to NC- Neighborhood Corridor with the following findings:

1. The rezoning is inconsistent with the policies, guiding values and Future Land Use Map in the Master Plan.
2. The property that is proposed to be rezoned is unlikely to accommodate the requirements of the proposed zoning district.
3. All of the potential uses and building types allowed in the proposed zoning district are incompatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values
4. The rezoning is inconsistent with the trend of development in the neighborhood and surrounding area.
5. The property in question was correctly zoned when this Chapter was adopted.
6. It is unlikely that the rezoning is the most reasonable type of amendment considering the situation.

Andy Aamodt
City Planner, Community & Economic Development Division

c.c. File
 Applicant

**City of Ypsilanti
Planning & Development Department**

One South Huron · Ypsilanti MI 48197

Phone: 734 483 9646

www.cityofypsilanti.com

MAP AMENDMENT (REZONING) APPLICATION

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

APPLICANT

Musa Enterprises LLC

1465 Washtenaw Ave.

Ypsilanti MI 48197

PROPERTY

Name of Project

487 Owendale St. Ypsilanti MI - Rezoning and Redevelopment

Address

487 Owendale St. Ypsilanti MI 48197

List all parcel identification numbers

11-11-05-363-017

Property Owner

Musa Enterprises LLC

Current Zoning

R-1 Residential

Proposed Zoning

NC

Circumstances, factors, and other relevant information

See attached sheets (8)

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.

Signature

Date: December 17, 2020.

Print Name: Osama Musa

Mr. Aamodt
12/19/20
Page 2

I make the argument in the supplemental text submitted with the Application that auto repair is actually a permitted use on Lots 11 and 12. If that is so, the burden of persuasion on the Applicant for amending Lot 13 is reduced. A change for Lot 13 from R-1 to NC for a permitted use, auto repair, off-street parking, is an easier lift than arguing that the intended use of Lot 13 is consistent with a non-conforming use on Lots 11 and 12.

We retained the services of Brian D. Barrick at Beckett & Raeder, Inc., a planning, design, and engineering firm in Ann Arbor. Mr. Barrick consulted with me and prepared a concept master plan incorporating all three lots which shows an increase of green space and a significant improvement in the appearance of the three-lot site. Mr. Barrick has conferred previously with representatives of the Planning and Development Department.

The lot in question is presently vacant but for an ancient, small garage at the back of the lot in the southwest corner. Other than the garage, grass, and the screen of trees at the south edge of the lot, there is no sign of the lot ever having been developed. There is no concrete driveway or apron for garage access.

I re-typed the application form, because the form available on the website is not "fillable" and I wanted the application to be typed, not handwritten.

I'll be happy to meet with you at your convenience. I have a Zoom account.

Yours truly, 



Carl F. Schier

LAW OFFICES
CARL F. SCHIER P.L.C.

December 19, 2020

By Hand Delivery to 1 South Huron St

Mr. Andy Aamodt
City Planner, City of Ypsilanti
1 S Huron St., Third Floor
Ypsilanti, MI 48197-5420

Re: Rezoning of Lot 13, R. L. Owen Subdivision, 487 Owendale St.

Dear Mr. Aamodt:

I have enclosed the following to commence the rezoning process for the above referenced parcel:

- 1 Signed Application (two pages)
- 2 Applicant's check in the amount of \$1,500.00
- 3 Supplemental information (eight pages)
- 4 Copy of the letter mailed to residents for comment
- 5 Concept Master Plan prepared by Beckett & Raeder
- 6 Survey of Lot 13
- 7 Combined Survey of Lot 11, Lot 12, and Lot 13.
- 8 Washtenaw County Circuit Court orders dated January 20, 2006, February 14, 2007, October 5, 2007, applicable to Lots 11 and 12

Lot 13 is zoned R-1. The current zoning of the parcel owned by the applicant immediately on the north (Lot 11 and Lot 12, R. L. Owen Sub.) and which will be used in conjunction with the parcel for which re-zoning is sought, is NC. However, the use of the NC parcel is purportedly non-conforming and is controlled by orders of the Washtenaw County Circuit Court, copies of which are attached. I have a copy of the Register of Actions for case, and it shows that the three orders I have attached are the last three orders in the case. In the Application I refute the non-conforming use.

The client does not want to jeopardize the current use, whether or not it is non-conforming, for Lots 11 and 12, the two lots comprising 1465 Washtenaw, currently zoned NC.

CIRCUMSTANCES, FACTORS, AND OTHER RELEVANT INFORMATION

SUMMARY

Short term parking has become a serious problem for the Applicant, the owner of Standard Auto Service. This Application is a request to permit off-street parking on a lot owned by the Applicant immediately adjacent on the south to Applicant's business.

The subject property is identified as Lot 13, R.L. Owen Subdivision, commonly known as 487 Owendale Street, Ypsilanti MI 48197. The lot is in an Outlying Neighborhood (Normal Park Neighborhood) and in an R-1 Zoning District. The subject property is immediately adjacent to Lots 11 and 12, R.L. Owen Subdivision, on the north, commonly known as 1465 Washtenaw Avenue, Ypsilanti, MI 48197, owned by the Applicant. Lots 11 and 12 are in an NC Zoning District. The present use of Lots 11 and 12, for Standard Auto Service, is purportedly a non-conforming use. As noted, all three lots have common ownership.

The purpose of the Application is to permit Lot 13 to be used for short term parking in common with the present commercial use, auto repair, conducted on Lots 11 and 12, where parking is in short supply.

As explained below, the change is consistent with the Master Plan and conforms to the standards of the zoning ordinance.

If granted the change will be accompanied by improvements to the built and green environments on the southwest corner of Washtenaw Avenue and Owendale Street.

The change will also increase property tax revenues to the City of Ypsilanti.

ZONING ORDINANCE COMPLIANCE

The Ypsilanti Zoning Ordinance, Sec. 122-100 *et. seq.* provides guidance when applying for a map amendment.

Initial consideration must be given to the two adjacent lots to the north, Lots 11 and 12, R. L. Owen Subdivision, because Lots 11, 12, and 13 will share common uses. Parking space is insufficient on Lots 11 and 12, and the needed additional short-term parking space will be supplied by the subject lot. The use of Lots 11 and 12 is controlled by orders of the Washtenaw County Circuit Court in Case No. 04-1200-CZ and is purportedly classified as non-conforming. Copies of the three orders are attached.

Applicant argues that auto repair on Lots 11 and 12 under the current ordinance is actually a principal, permitted use. The current ordinance permits auto repair in NC districts if the building footprint is less than 5000 square feet. (Sec. 122-451. Permissible Uses, p.p. 123-126; chart, p. 126.) The term "footprint" is not used in this chart, but we believe the phrase "square feet" and the square foot limitation refers to the square footage of the building footprint. The word "footprint" is used elsewhere in the

ordinance but not consistently throughout. The building footprint, from our survey, is 45.5 feet by 50 feet or 2,275 square feet, well within the 5000 square feet limitation. The use of the building is prescribed in the court order dated January 20, 2006, beginning at the bottom of p. 3. The actual use restrictions begin with paragraph 8 k. and skip from there to paragraphs 9 through 12. Applicant does not have access to the prior zoning ordinance but if the building footprint is within the 5000 square feet limitation of the current ordinance, and it clearly is, the use is a permitted use, and any restrictions appearing in the court orders should be negotiable. For the foregoing reasons Applicant concludes that the current use of Lots 11 and 12 is a permitted use, in accord with the ordinance description of a permitted use, and therefore the current use is not a non-conforming use. The proposed use of Lot 13 is for off-street parking for Lots 11 and 12.

The rezoning of the subject lot allows the Applicant to exercise the permitted use more appropriately on Lots 11 and 12. The subject parcel expands the temporary locale for the volume of cars in the normal workflow. Cars waiting for service or for customer pick-up are kept off the street, off the Washtenaw Avenue neighbors' paved areas, and off the city's green strip between the sidewalk and curb.

By the same token if the use of Lots 11 and 12 is non-conforming, rezoning of the subject lot serves the same purpose, allowing the Applicant to more efficiently exercise the non-conforming use on Lots 11 and 12. The subject parcel will expand the temporary locale for vehicles moving in the normal workflow. Cars waiting for service or for customer pick-up are kept off the street, off the Washtenaw Avenue neighbors' paved areas, and off the city's green strip between the sidewalk and curb.

The threshold ordinance provision applicable to the rezoning of the subject lot is Sec. 122-362. Standards for Amendments.

Sec. 122-362 (b) addresses zoning map amendments. The text of the Application immediately following tracks this section of the ordinance and demonstrates compliance by the Applicant with all relevant requirements. Sub-section (b) provides as follows:

(b) Zoning Map Amendment. For a change in the Zoning Map, the Planning Commission shall consider, and the City Council may consider, whether the proposed rezoning meets the following standards:

(1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

Master Plan Compliance

A) Policies

Policy and public policy, expressions of public goals and supporting reasons as they apply in zoning disputes, are discussed in *McMillan v. Iserman*, 120 Mich. App.

785, 327 N.W.2d 559 (1982), a case about restrictive covenants in a zoning context. As the language of this opinion suggests, the origins and expressions of policies underlying legislative decision-making are often obscure, whether to better understand them or to discern legislative intent. But in Michigan, “(t)he words of the statute provide the best evidence of legislative intent and the policy choices made by the Legislature.” *People v. Harris*, 499 Mich. 332, 885 N.W.2d 832 (2016), *Id* at 345. An ordinance is legislation adopted at the local level, and thus, the language of the zoning ordinance is the best guide to policy.

(B) Guiding Values

The Guiding Values are the Ten Values of the Master Plan, found in Chapter 2, beginning at p. 6 of the published plan, “Shaping Ypsilanti.” The ways in which the request made in this Application furthers those values are explained below.

Safety Comes First

Granting the requested action will enhance safety. The Applicant furnishes a vital service to its customers, keeping automobiles of any age in safe and environmentally sound condition. Published research shows that newly purchased vehicles are kept for nearly 7 years by the original owner; some may be kept for as long as 15 years or more. But new vehicles, leased and owned, can be expected to remain roadworthy for a succession of owners for 200,000 miles, and more, if properly serviced. An EPA estimate of 15,000 annual miles travelled by all vehicles on average equates to a useful vehicle life of more than 13 years. Ypsilanti’s demographics mirror those of larger urban communities, unlike Ann Arbor and surrounding townships, and the median annual family income in Ypsilanti as reported by the Census Bureau is \$36,982.00. Ypsilanti residents might therefore be expected to own older, second-hand vehicles in need of more frequent maintenance at reasonable cost, such as is provided by the Applicant. The services the Applicant furnishes enhance safety for its customers and for the community at large.

Safety for customers entering and leaving or waiting on the premises will be improved if the Application is granted. Vehicles being serviced usually require replacement parts, which may have to be ordered from a distant source, and so many vehicles must be parked out of the way until the parts arrive. Having the additional space available for short-term parking allows for greater safety for employees and for customers. The cycle for write-up, repair, settling the account and returning the vehicle to the owner is usually no more than 24 to 36 hours, but the during that time the vehicle has to be kept safely out of the way somewhere on the premises. Thus, adequate short-term storage is a requisite for safe operation. The shop is popular, with many satisfied customers, and having the additional room safely accommodates customers and employees.

Diversity Is Our Strength.

Standard Auto Service is the assumed name of the Applicant, Musa Enterprises, LLC., a Michigan limited liability company whose owners are members of a family of Jordanian immigrants, all of whom are now U.S. citizens. Their working presence in the community exemplifies and enhances diversity. Musa Enterprises LLC is also an equal opportunity employer.

Ypsilanti Is Sustainable

Sustainability is function of the attention paid by the wider community to the conservation of limited resources. The Musa family business promotes sustainability by keeping an aging fleet of essential personal vehicles in top operating condition.

Communication is Key

The action requested by the Applicant was announced by letter to residents within a 300-foot radius of the subject lot, as evidenced by the attached copy of the letter sent. Comments were invited and there were no objections to the plan from any of those contacted, including the owner of the parcel immediately adjacent on the south.

Anyone, No Matter What Age or Income, Can Find a Place to Call Home in Ypsilanti

The Applicant has found and made a business home at 1465 Washtenaw Ave, Ypsilanti, MI 48197, and it wants to preserve and improve that home.

The subject lot, adjacent immediately on the south to the place of Applicant's business, has never held a residence. It is currently the site of an aging garage that cannot be occupied as a residence. The lot is the minimum acceptable size for a residence, and to construct a small dwelling on a small lot adjacent to a bustling commercial enterprise would not be the highest and best use of lot and would result in a residential property difficult to market.

Anyone Can Easily Walk, Bike, Drive or Take Transit from Anywhere in Ypsilanti And to Anywhere Else in Ypsilanti and Beyond

Making this value, a combination of mobility and accessibility, a reality to all residents of Ypsilanti who own motor vehicles, is the sole business objective of the Applicant. Use of the subject lot as intended by the Applicant will improve the ability of the repair facility to receive, repair, and temporarily store customers' vehicles.

Ypsilanti Is A Great Place to Do Business, Especially the Green and Creative Kind

Internal combustion engines, properly maintained and serviced, promote green environmental policies. Standard Auto Service maintains and services internal combustion engines and reduces the harmful by-products of internal combustion of petroleum fuels. The shop provides an essential public service.

Everyone in The Region Knows Ypsilanti Has Great Things to Do in Great Places That Are in Great Shape!

Granting the Applicant's zoning request will allow for planned improvements to the "shape" the physical condition of the Applicant's business premises. The appearance and environment of Applicant's land and buildings will more nearly conform to the values advanced by the plan.

Ypsilanti Is an Asset of Eastern Michigan University, and Eastern Michigan University Is an Asset of Ypsilanti

If the number of vehicles in the parking lots during pre-COVID 19 times is an indicator, EMU students have a continuing need for the services offer by the Applicant, whose business premises are within walking distance from the west boundary of the campus. The convenience and reasonable pricing offered by the Applicant is of direct benefit to the students, faculty, and staff of the University. Vehicles bearing official university identification are seen frequently at the shop for fuel and repairs.

(C) City Framework

The Framework as described in the Plan consists of Centers, Neighborhoods, Corridors, and Districts. All are described in a Form-Based zoning ordinance. The subject lot is the most northwest residential lot in the outlying Normal Park Neighborhood. The lot abuts the south boundary of the Standard Auto Service lots. The Standard Auto Service property lies in a Neighborhood Corridor District, Washtenaw Avenue being a defined corridor. As the Plan notes beginning at p. 32 under the sub-heading *General Corridors*:

"The shallow lots along many of these corridors no longer accommodate the larger 21st century footprint of suburban style buildings with parking in front and lawns on all sides. The new pattern proposed in this Plan will allow parking on the street and require buildings to be closer to the street; with minimal yards, lots will have more buildable area for residential, commercial and office uses mixed throughout."

If the Application is granted the subject lot will join the Neighborhood Corridor District and the lots owned by the Applicant will together more nearly conform to the "new pattern proposed in this plan." The uses allowed on adjacent Lots 11 and 12, include auto repair services; the sale of parts, fuel, auto related products such as lubricants, additives, and small parts; the sale of comestibles and miscellaneous small items; and the convenient safe and temporary storage of vehicles.

The purpose of this request is to permit the Applicant to incorporate an unused residential lot and thus expand parking. In fact, many lots east and west of the Standard Auto Service facility on Washtenaw Avenue zoned NC (201) Commercial, have incorporated residential lots or portions of residential lots lying to the south and to the north on both sides of Washtenaw Avenue, based on a visual inspection of the lots.

The result is parking adjunct to commercial uses extending into adjacent lots zoned residential to the north and south along Washtenaw Avenue. Numbers referenced below are to Washtenaw Avenue street addresses and not subdivision lot numbers.

South side of Washtenaw west of the subject properties:

Southland Square

1733

1739

1751

1757

1769

Courtland Plaza

1789 through 1795

1797

1799

1901 to the corner of Washtenaw and Hewitt - Butman Ford Retail Vehicle

Sales

South Side of Washtenaw East of the Subject Premises

1425- Ahmos Gyros

1305 – Doms Bakery

North Side of Washtenaw

1486 A, B, C

1490

Block from Courtland Street to Bellevue Street

(2) The rezoning sustains the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.

Years ago, the Applicant planted a row of trees at the south boundary of the subject lot to defend the adjacent residential lots on the south from commercial activity

to the north. The trees are mature and in good health; they form a physical barrier and screen; and they will be preserved. Topsoil will be removed from the lot and as much of it as is needed will be used to improve retained or newly installed landscaping. Surplus topsoil will become the property of the contractor and stored elsewhere or sold for use to others. Preparations for paving will incorporate such drains, appurtenances, and engineered and compacted sub-base and base as are required by law. Asphalt paving will be laid and marked as specified for parking. Environmental integrity will be enhanced.

(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.

Off-street parking is controlled by Sec 122.519, Automobile parking lot as principal use, sec. 122.683, Off-street Parking layout and construction for all other uses, and sec.122.691, Minimum and maximum number of parking spaces. For auto repair Sec.122.691 requires .5 spaces for each shift worker and 1 space for each service stall. There are 5 mechanics on duty during normal working hours, the only shift. That number translates to 3 off-street parking spaces. There are three service stalls, which translates to 3 parking spaces. The total requirement is 6 spaces, far too few to meet the need. Sec.122.691 sets a maximum limitation for off-site parking but notes that waivers may be granted. Applicant believes it meets the requirement of Sec 122.519 and Sec. 122.683 without further explanation.

How the re-zoned property will accommodate the requirements of the proposed zoning district is also explained in (C) City Framework, above.

(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

The drawings for the subject lot, with the existing arboreal screen and additional landscaping, soften the transition from the residential Normal Park Neighborhood to the commercial activities lining Washtenaw Avenue. This is the highest and best use for a lot that has remained a vacant residential lot since platting. The proposed use is wholly compatible with the current use permitted on Lots 11 and 12 and will enhance the value of each parcel. There will be no adverse impacts on the master plan or on transportation, infrastructure, or aesthetics.

(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability, and welfare of the City.

Infrastructure will be improved and supplemented by the additional onsite surface water management supplied. Parking is complementary and integral to the auto repair services furnished on the adjacent lots to the north owned by the Applicant, where all

required parking is currently confined, cramped, and awkward. The additional parking area will benefit the health, safety, sustainability, and welfare of the City.

(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.

The change requested by the Applicant will increase the value of the subject lot and the adjacent lots to the north owned by the Applicant, and the increased tax revenue from the change will benefit the City.

The City of Ypsilanti Economic Development Action Plan, presented to the City Council in June, 2014, has as its first economic development goal to improve and diversify the tax base and as its fourth goal to improve City's ability to meet the business community's needs. Approving the Applicant's request will advance the achievement of both of these goals.

(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

The lot will be improved for commercial purposes and will be used consistent with those purposes. It will not depress values in the adjacent residential district. It was not used for any purpose for decades and remained a vacant, underused, grassy parcel. Changing its use should increase the value of the adjacent parcel on the north and have no adverse impact on the residential parcels to the south.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.

As noted above in the discussion of the City Framework, the commercial parcels abutting Washtenaw Avenue to the north and south have intruded in numerous instances into residential areas to the south and north, mostly to increase available parking. This change in use proposed here is consistent with prior approved changes.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.

This standard does not apply given the facts of the Applicant's request.

(10) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.

This standard will be achieved upon approval of the Applicant's request.

Dear _____ :

We are Standard Auto Service Center, your neighbor at the north end of Owendale Street. Our address is 1465 Washtenaw Ave. Ypsilanti MI 4817. Our telephone is [REDACTED]

For the last 18 years, we have been providing reasonably priced mechanical services for all makes of automobiles. Many of the residents of our neighborhood bring their vehicles for service by us.

Several years ago, we purchased the lot at 487 Owendale Street. It is vacant except for an old garage situated at the back of the lot. The lot is zoned for residential use, but it is too small for a house that would meet the needs of a family with children or grandchildren. In the time that we have owned the lot no one has approached us to purchase it for residential development.

We would like to use the lot for our business. We need additional space for temporary parking of vehicles left for service and vehicles for which service has been completed. Normal turnaround time for service is 24 hours or less. For vehicles needing hard to obtain parts, the time is longer, but rarely more than several days. No mechanical repairs will be performed on the lot. Service will continue to be performed in our existing shop.

The lot will be cleared and graded; drainage will be installed below ground, and asphalt paving will be placed. The lot will remain screened from the residential neighborhood by the trees that are currently planted along the south side of the lot. We will provide other ornamental and buffer plantings as required by the City of Ypsilanti.

Please let us know if you have any objections to the use that we propose. Before we can perform any construction on the lot, the City of Ypsilanti will have to approve a zoning change for the lot from residential, R1, to Neighborhood Corridor, NC, the current zoning of our place of business. Most of the strip business developments along Washtenaw Avenue have acquired small portions of residential land at the south and north sides of their parcels to allow for easier access and for additional parking. We are seeking to do the same.

We look forward to hearing from you.

Consultants

Seal

Project Title

Osama Musa
Musa Enterprises

1465 Washtenaw
Ypsilanti, MI 48197

Sheet Title

Concept Master Plan

Dates

05-18-2018 Concept Master Plan

Scale

Quality Control

Drawn: B. Bouchard
Checked: B. Barrick
Approved: B. Barrick

Project Number

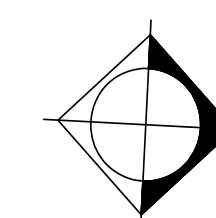
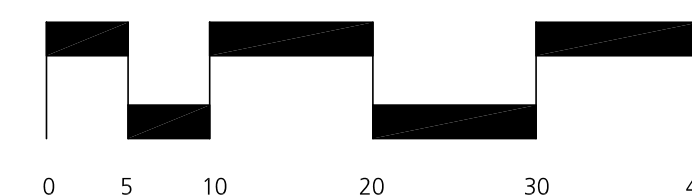
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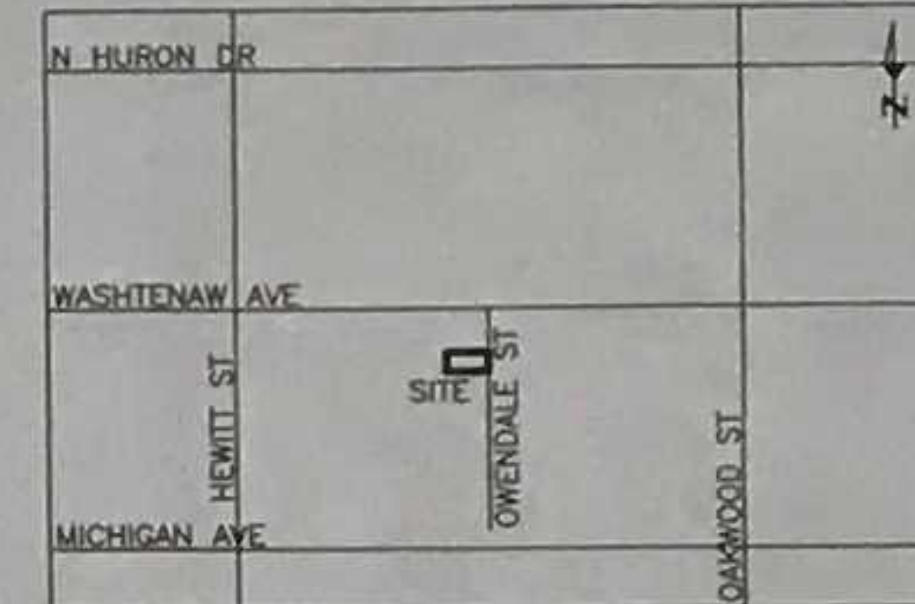
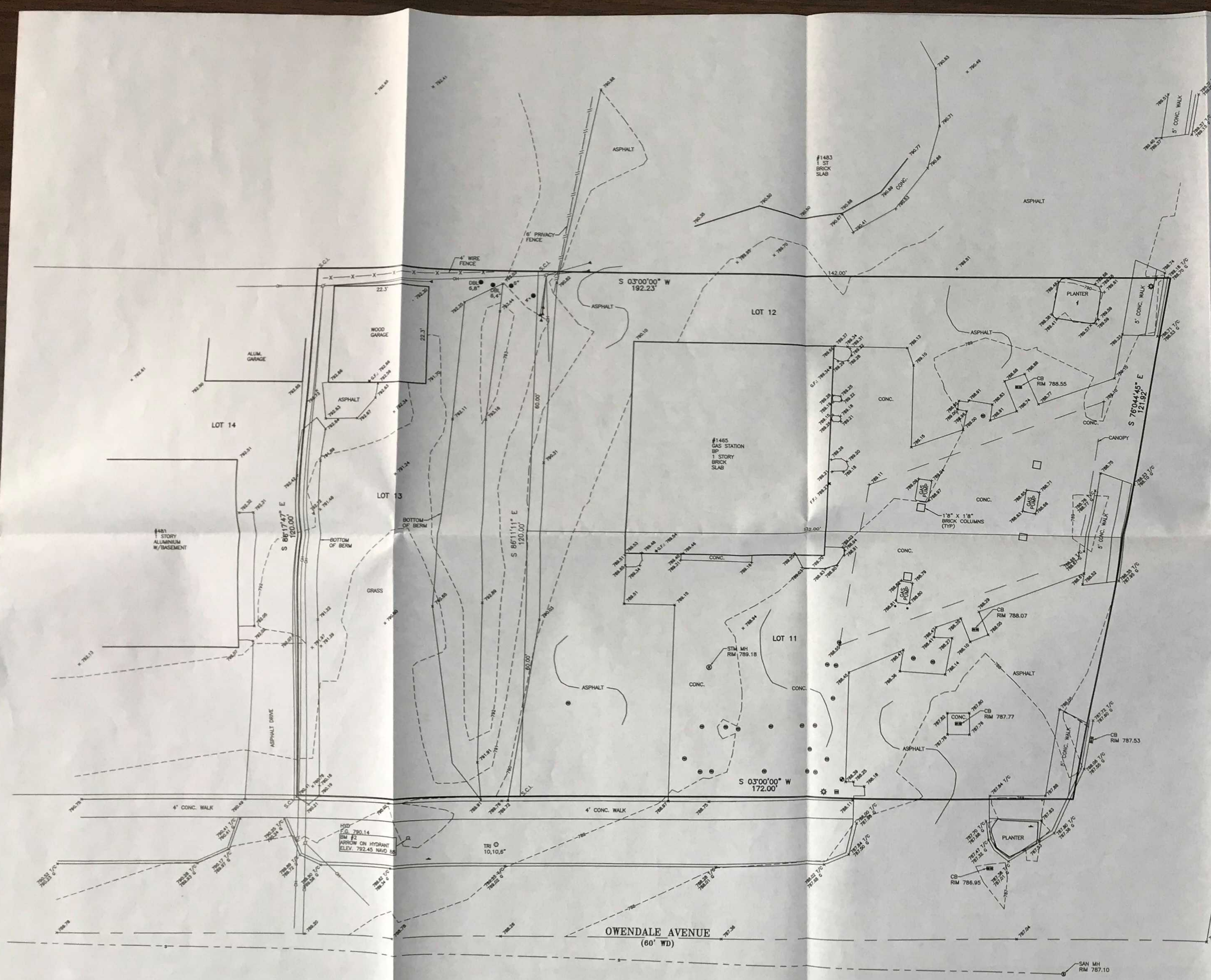
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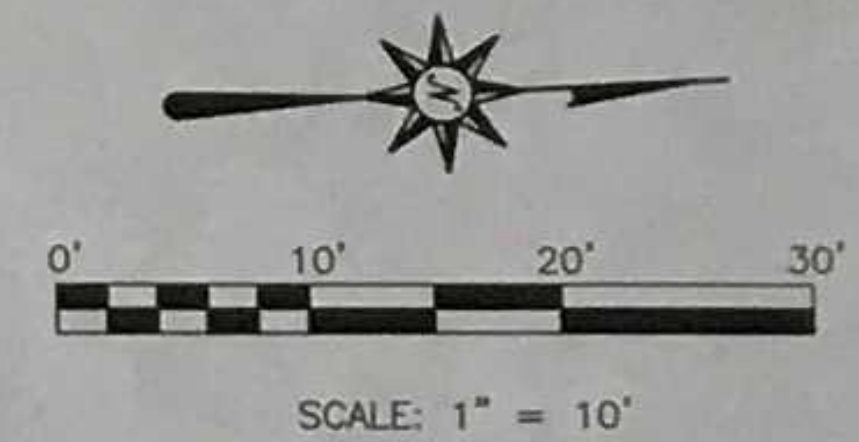
CAUTION: FIELD VERIFY ALL
UNDERGROUND ELECTRICAL
& GAS LINES & PROTECT.



Know what's below.
Call before you dig.



LOCATION MAP
NO SCALE



LEGAL DESCRIPTION

LOT 13 OF "R.L. OWEN SUBDIVISION" OF PART OF THE SOUTHWEST 1/4 OF SECTION 5, T. 3 S., R. 7 E., CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN AS RECORDED IN LIBER 3 OF PLATS, PAGE 37 WASHTENAW COUNTY RECORDS.

BENCHMARKS

BM #1
DISK STAMPED WITH YPSILANTI 1943 AND SET IN CONCRETE LOCATED 20.5 FEET NORTH OF THE NORTH EDGE OF THE SIDEWALK ON CROSS AVENUE AND 42.7 FEET SOUTH OF SOUTH EDGE OF THE SIDEWALK ON WASHTENAW AVENUE. ELEVATION: 790.03 NAVD 88

BM #2
ARROW ON HYDRANT LOCATED ON WEST SIDE OF OWENDALE STREET IN FRONT OF 487 OWENDALE. ELEVATION: 792.45 NAVD 88

ZONING & SETBACKS

ZONED: R-1 SINGLE-FAMILY RESIDENTIAL

SETBACK REQUIREMENTS:
FRONT: 25' MINIMUM
REAR: 25' MINIMUM
SIDES: 4' MINIMUM, 12' TOTAL

FLOODPLAIN

SUBJECT PROPERTY LIES IN FLOOD ZONE X WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE RATE MAP FOR CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN.

MAP NUMBER: 26181C0407E
EFFECTIVE DATE: APRIL 3, 2012

UTILITY NOTE

UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ARE PER RECORDS MADE AVAILABLE BY UTILITY OR MUNICIPALITY, AND BY FIELD OBSERVATION WHERE POSSIBLE. ALL MUNICIPALITIES AND UTILITY COMPANIES SHOULD BE NOTIFIED BY CONTRACTOR FOR FIELD LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

LEGEND

BENCHMARK	S.M.	STORM MANHOLE
FINISHED FLOOR	F.F.	STORM DATCH BASIN
EXISTING	E.X.	SHADY MANHOLE
SANITARY SEWER	S.S.	FIRE HYDRANT
OVERHEAD WIRE	O.W.	UTILITY POLE
PRIVACY FENCE	P.F.	SHED
WIRE FENCE	W.F.	DECIDUOUS TREE
PROP. ELEVATION	P.E.	EVERGREEN TREE
EX. SPOT ELEVATION	E.S.	POLE OR POST
FOUND IRON ROD	F.I.R.	LIGHT
FOUND IRON PIPE	F.I.P.	MANHOLE
TOP OF CURB	T.O.C.	MONITORING WELL
GUTTER	G.	AIR PUMP

FILE NO.: 3642-0013

DWG. NO.: 3642-013 TOPO

DRAWN BY: G.L.B.

CHECKED BY: G.L.A.

SCALE: 1" = 10'

SHEET No.
1-1

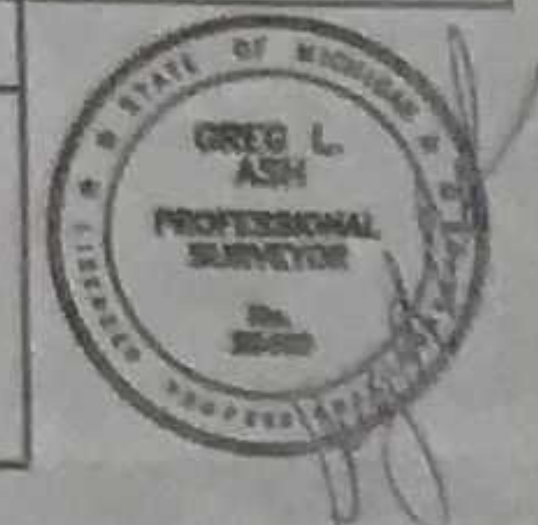
CLIENT
02/13/17

CLIENT:
MUSA ENTERPRISES
OSAMA MUSA
1465 WASHTENAW
YPSILANTI, MI 48197

8495 N. TERRESTRIAL RD.
YPSILANTI, MI 48197
PHONE (734) 416-9850
FAX (734) 416-9857
www.glsurveyor.com

GLA
SURVEYORS &
ENGINEERS

LOT/TOPOGRAPHIC SURVEY
487 OWENDALE STREET
LOT 13 R.L. OWEN SUBDIVISION
CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN





February 17, 2021

**Staff Review of Alley Vacation Application
S Washington to S Huron, south of Buffalo Alley Vacation**

GENERAL INFORMATION

Applicant:	Stewart Beal 113 Buffalo St. Ypsilanti, MI 48197
Project:	S Washington to S Huron, south of Buffalo Alley Vacation
Public Hearing Date:	February 17, 2021
Location:	Alley from S. Washington to S. Huron, south of Buffalo, bounded by parcel ID # 11-11-39-481-004 (406 S. Huron), 11- 11-39-481-003 (113 Buffalo), 11-11-39-481-001 (109 Buffalo), 11-11-39-481-005 (408 S. Huron)
Zoning:	Subject alley surrounded by CN-Mid
Action Requested:	Approval of an alley vacation.
Staff Recommendation:	Approval, with conditions

PROJECT AND SITE DESCRIPTION

The applicant is applying to vacate the alley running from S Washington to S Huron, south of Buffalo St. An alley vacation permanently gives ownership to the neighbors. Planning Commission makes a recommendation to City Council, then City Council will adopt a resolution vacating the alley. However, the title to the resulting alley property will not be transferred to the private landowners until the case is brought to district court and decided there.

The applicant owns 113 Buffalo, 109 Buffalo, and 408 S Huron. A private individual owns 406 S Huron and has signed the petition to vacate. The applicant prefers the resulting land to be divided as shown in Figure 2.

The alley serves as the only means of vehicle access to 406 S Huron and 408 S Huron. Therefore, staff recommends a shared-use easement be granted to those properties so that access can continue as normal. Staff also recommends a utility easement be reserved as there are overhead lines running the stretch of the alley, and it is not known if there are underground utilities, such as gas.

Figure 1: Subject Site Location

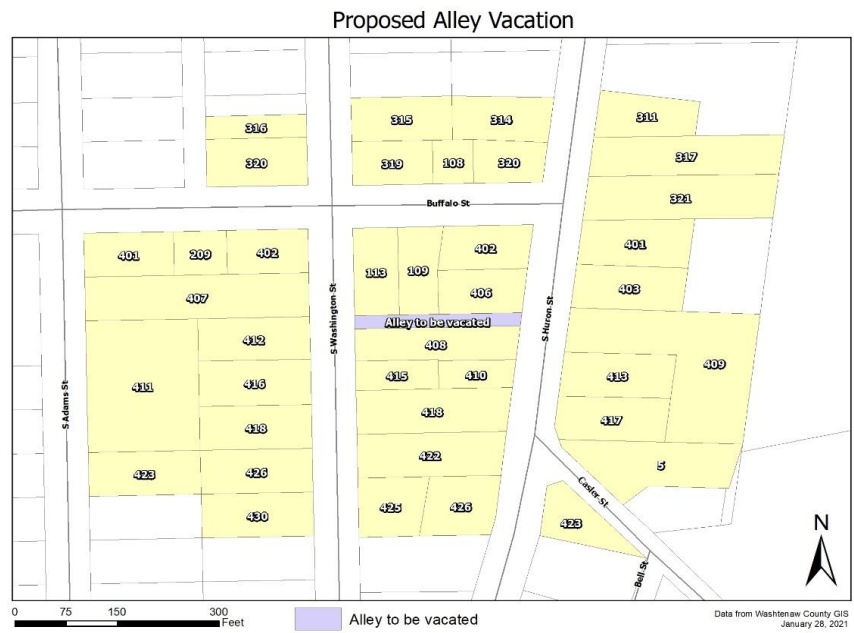
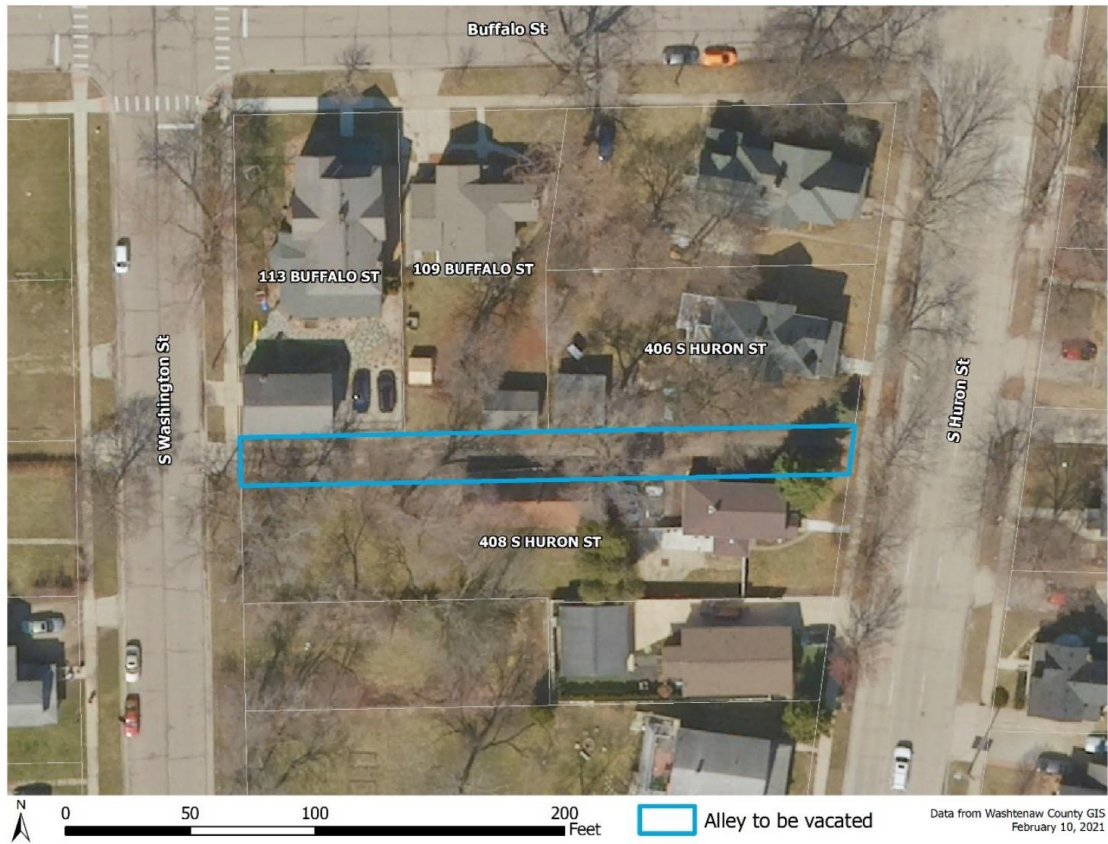


Figure 2: Applicant Submitted Sketch



Figure 3: Alley Aerial (2020)



Alley Vacation | S Washington to S Huron, south of Buffalo | February 17, 2021

Figure 4: Alley Looking East (February 11, 2021)



Figure 5: Alley Looking West (February 11, 2021)



Figure 6: Utility Pole in Alley (February 11, 2021)



ALLEY VACATION STANDARDS

§94-351

The process to vacate an alley, as prescribed by the City Code, follows these simplified steps:

- (1) Public streets and alleys may be vacated within the city by resolution of the city council.
Requests to vacate an alley may be made by motion of the city council or petition signed by a majority of the owners abutting the street or alleyway. In this case, a majority of the owners abutting the street or alleyway signed the petition.
- (2) Any owners' petition or resolution of city council must be referred to the Planning Commission for review and recommendation. The following guidelines are to be considered in making a decision (staff's recommendation in purple):
 - a. Whether the street or alley services a residential, single-family, multifamily, or business area.
 - i. The alley serves multi-family and single-family residences.
 - b. Whether the vacation will create an undue burden on traffic.
 - i. The alley will not create an undue burden on traffic. It is not safe for the general public to be driving vehicles down this alley as this is not a street and sight-lines are limited.
 - c. Whether the vacation is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the street or alley.
 - i. The applicant has expressed a concern of vehicles traveling down the alley at high rates of speed.
 - d. The wishes and desires of the majority of the neighborhood.
 - i. The occupant of 406 S Huron also signed the petition, indicating a desire to see the alley vacated.
 - ii. Any outstanding wishes and desires of the neighborhood may be voiced during the public hearing at Planning Commission or the public hearing at City Council. Mailing notices were sent to all property owners and occupants within 300 feet of the alley.
 - e. The present and future interests of the city considering planning for the entire city.
 - i. Staff believes this alley vacation preserves the present and future interests of the City.

OTHER DEPARTMENT AND AGENCY INVOLVEMENT

UTILITY ACCESS

Per §94-356 of the City Code of Ordinances, the City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities unless such easement is specifically abandoned. Staff does not recommend that such easements be abandoned in this case.

STAFF RECOMMENDATION

Staff does not believe the vacation of this alley will negatively affect the health, safety, welfare, or traffic/freight patterns of the neighborhood. Furthermore this alley vacation will turn the alley over to private ownership who will maintain the alley.

Staff recommends Planning Commission recommend City Council **approval** of the alley vacation between S Washington and S Huron, south of Buffalo with the following conditions:

- (1) The City and utility authorities shall retain and reserve within the entire former alley an easement for installation and maintenance of utilities.
- (2) To ensure no access is deterred, that property at 406 S. Huron St shall receive the entire width of the alley extending the depth of said property **or** a shared-use access easement shall be obtained.

Andy Aamodt, City Planner
Jada Tillison-Love, Community Development Fellow
Community & Economic Development Department

c.c. File
 Applicant



**City of Ypsilanti
Planning & Development Department**

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

RIGHT OF WAY VACATION APPLICATION

Petition Circulated By

Name Stewart Beal		
Address 113 Buffalo St.		
City Ypsilanti	State MI	Zip 48197
Phone [REDACTED]	Fax [REDACTED]	
E-mail [REDACTED]		
Signature [REDACTED]		Date 12/29/2020

To the Honorable City Council of the City of Ypsilanti, Michigan:

We, the undersigned, being persons having an interest in property abutting on the public right-of-way, more particularly described as: *(insert description of right-of-way in question)*

113 Buffalo/109 Buffalo/408 S. Huron / 706 S. Huron

do hereby respectfully petition the City Council to vacate said public-right-of-way, pursuant to the authority given to you by the City Charter. We, the undersigned, believe that the public would benefit from this action for the following reason(s):

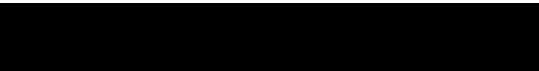
Ease of access / safety

On a separate sheet, please provide any additional information or relevant details.

☒ PETITION attached

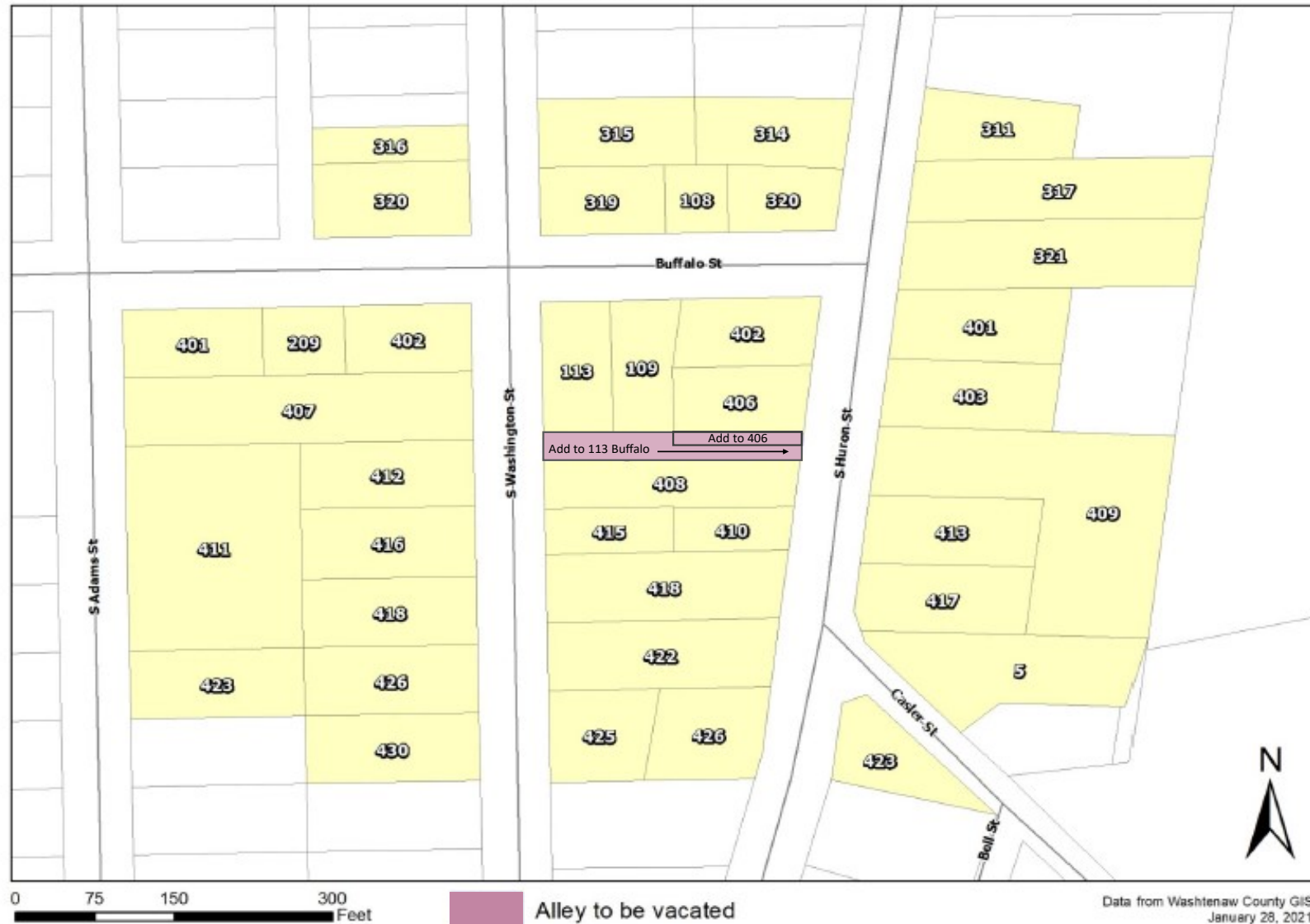
☒ SKETCH attached

Petition to Vacate the Alley at:

Petition summary and background	Combine right-of-way for 113 Buffalo/109 Buffalo/408 S. Huron / 406 S. Huron
	

Printed Name	Signature	Address	Property Owner?	Date
Ramon Williams		406 S. Huron off Sibley, NE 48477	Yes	1/5/2021

Proposed Alley Vacation





City of Ypsilanti
Community & Economic Development Department
February 17, 2021

**Staff Review of Special Use and Site Plan
Provisioning Center and Marihuana Retailer
1820 Washtenaw Ave**

GENERAL INFORMATION

Applicant: Dr. Robert McCurren, IV
Project: The WellFlower Provisioning Center/Marihuana Retailer
Public Hearing Date: February 17, 2021
Location: 1820 Washtenaw Ave
(parcel ID: 11-11-06-409-003; legal description: YP CITY 19B-W59
LOTS 59 & 60 & E 6' OF LOT 40 COLLEGE HEIGHTS ESTATES)
Zoning: "GC" General Corridor
Action Requested: Approval
Staff Recommendation: Approval with Conditions

PROJECT AND SITE DESCRIPTION

The applicant is seeking a Special Use Permit and Site Plan approval for a medical marijuana provisioning center/recreational marijuana retailer facility at 1820 Washtenaw Ave. A former dental clinic and two dwelling units used to occupy this building.

The site's zoning of General Corridor allows for this use upon approval as a special land use, and in this case only a limited site plan was required, as the applicant is not proposing any changes to the principal building's footprint and minimal site layout changes.

The lot is about 20,251 square feet. The entire building is about 3,926 square feet. The building fronts Washtenaw Ave, but is recessed so far that it is actually closer to Whittier Ave. There are currently curb-cut access, parking lots, and building entrances on both Washtenaw and Whittier. The most substantial proposed site modification is that the front building is proposed to be demolished, but the resulting site will have a result in less impervious surface, and there will be two biofiltration trenches added.

In terms of Marijuana Facility Permits, the applicant is also in the process of applying for a permit. The permits for social-equity retailers are capped at three permits. While some Marijuana Facility Permit applicants wish to go through Planning approvals after applying for their Marijuana Facility Permits, this applicant chose to get Planning approvals first. It shall be further noted that any Special Use Permit or Site Plan Review approvals shall not grant the applicant any special privilege or priority in the Marijuana Facility Permit process.

As an additional note, this site was granted a special use permit and conditional site plan approval for a medical marijuana provisioning center back in September 2019. Special land uses run with the land, but the site plan has since expired. Additionally the zoning ordinance has since changed, now allowing for recreational marijuana retailers, so staff deemed this a new Special Use Permit and Site Plan Review application.

Figure 1: Subject Site Aerial (2020)



Figure 2: Front of Site (February 11, 2021)



Figure 3: Rear of Site from Whittier (February 11, 2021)



Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single-family residential	R1
EAST	Single-family residential; Vacant lot	GC
SOUTH	Commercial plaza	GC; Township (General Business)
WEST	Multi-family residential	GC

SPECIAL USE: CRITERIA AND REVIEW

§122-324(b)

- (1) *The proposed use conforms with all the provisions and requirements of this chapter, including site plan or sketch plan review standards, as applicable, and the applicable site development standards for the specific use, as well as the spirit and intent of this chapter and the Master Plan. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land. Height, location and size of buildings shall be compatible with uses and buildings on adjacent properties. The intensity of the proposed use, such as volume, frequency and times of operation, and its compatibility shall be considered. If nonconformities are present, all reasonable effort has been made to eliminate them.*

COMMENTS: The proposal is to make use of the existing vacant building. The use conforms generally to the provisions and requirements of the chapter. The "GC" zoned property makes this a special land use, and the property, on this date, complies with locational standards pertaining to other marijuana facilities and schools. Small adjustments are required to bring the site "up to code," that is, to conform to current parking layout, screening, and landscaping codes.

- (2) *The proposed use shall promote the use of land in a socially and economically sustainable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare. Noise, odor, smoke and potential contamination of air, soil and water and its potential effect on neighboring uses, persons and property, as well as public welfare, shall be considered.*

COMMENTS: There is some discussion locally, statewide, and federally as to the social and economic impact of marijuana in general. The City's voters strongly supported Proposal 1 to legalize adult-use marijuana by over 78%. Odor should be considered.

- (3) *The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.*

COMMENTS: The special use is primarily medical/retail in nature, and re-uses the existing building. It primarily draws traffic from Washtenaw, but also has an entrance from Whittier that staff recommends be used for employees and loading only.

- (4) *The proposed special land use shall not present unreasonable adverse impacts on the transportation system. Consideration shall be given to the estimated pedestrian, bicycle and vehicular traffic generated by such use, access to transit, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian and bicycle traffic.*

COMMENTS: This site is located on Washtenaw Ave, a four lane road which has adequate access for vehicles. There is a bus stop about 300 feet west on Washtenaw. A new sidewalk is proposed in the front on Washtenaw. There is room to improve the connection from the public sidewalk to the building. Staff discusses this suggestion in the site plan review.

- (5) *The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic sustainability of the community.*

COMMENTS: None are anticipated.

CONDITIONS OF APPROVAL

§122-326

"Reasonable conditions may be required in conjunction with an approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed must do all of the following:

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being.*
- (2) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.*
- (3) Be necessary to meet the intent and purposes of this chapter, be related to standards established in this chapter, and be necessary to ensure compliance with those standards."*

Items to be addressed: None.

SITE PLAN: CRITERIA AND REVIEW

§122-311

For zoning compliance reviews, or plans where a Special Use permit is required but no site changes will likely be needed, the applicant may, at the determination of the City Planner, submit a limited site plan for review in lieu of a full site plan per §122-309(t).

STANDING

§122-311(a)

The applicant is legally eligible to apply for site plan review, and all required information has been provided.

REQUIREMENTS

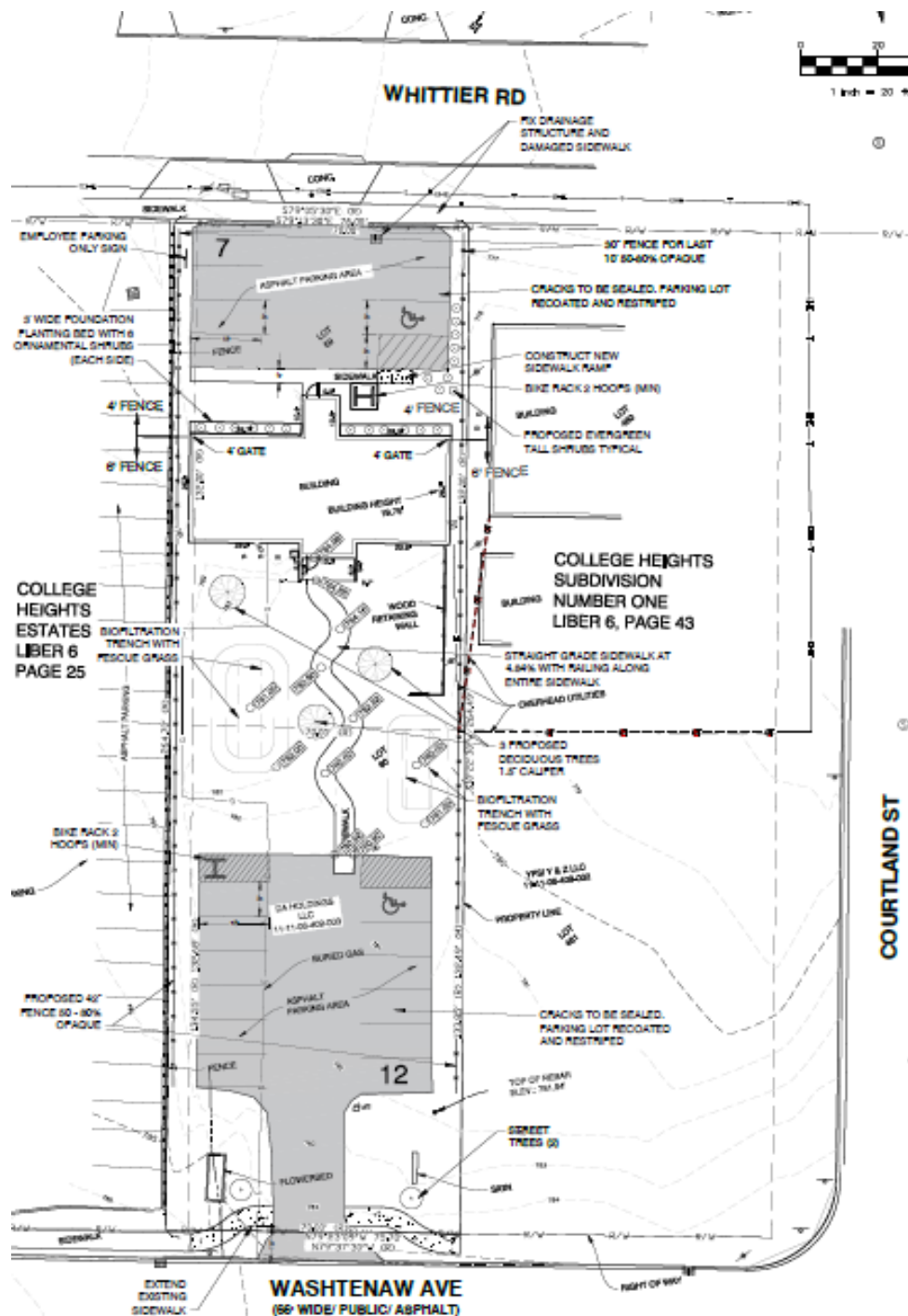
§122-311(b)

"The proposed site plan conforms with all the provisions and requirements, as well as the spirit and intent of this chapter and the Master Plan. The proposed development will meet all the regulations of the zoning district in which it is located."

Figure 5: Requirements

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-477 BUILDING TYPE	Determined by lot size	Single story commercial	Unchanged
§122-537 & §122-550 USE-SPECIFIC	Medical Marijuana Provisioning Centers & Recreational Marihuana Retailers: Site appears to comply with the use-specific requirements for medical marijuana provisioning centers and recreational marihuana retailers.		

Figure 6: Site Plan Capture



BUILDING LOCATION AND SITE ARRANGEMENT

§122-311(c)

"All elements of the site plan shall be harmoniously and efficiently organized in relation to the character of the proposed use, the size and type of lot, the size and type of buildings, and the character of the adjoining property. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter."

There is one building on the site. While the exact front setback of the building is unknown, it is oriented towards the rear, and public parking takes places in the front yard while a parking lot in the rear is proposed to accommodate employees. The building's placement is legal nonconforming and the front parking lot is legal nonconforming- both can continue but they must not expand.

Items to be Addressed: None.

SITE ACCESS, TRAFFIC, AND PARKING

§122-311(d)

"With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; circulation shall to the extent possible create potential cross-and joint-access to adjacent parcels and the existing block layout. Special attention shall be given to the location, number and spacing of ingress and egress points; general interior circulation including turnaround areas; adequate provisions for delivery of services (trash removal, school buses, mail and parcel delivery); separation of pedestrian and vehicular traffic; avoidance of building corners next to access drives; identification of addresses; storage of plowed snow; and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties, pedestrian and bicyclist safety, access to transit and flow of traffic on adjacent streets. All buildings or groups of buildings shall be so arranged as to permit adequate access by emergency vehicles as required by the city building code."

Separation of pedestrian and vehicular traffic shall be better outlined on site. A sidewalk or surfacing materials should be added to delineate where pedestrians can safely access the building from the public sidewalk. The addition of the public sidewalk will be an improvement to Washtenaw and will provide better pedestrian access to the site, or pedestrian access from the bus stop to the site.

This site, zoned "GC," proposes no increase of paving. The parking lots are expected to be re-sealed where needed and spaces to be re-stripped.

Figure 7: Site Access, Traffic and Parking Requirements

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-685 PARKING Dimensions	• 9'x18' minimum, exceptions if adjacent to wall or overhang provided • May have 20% small car (8'x16', signed) • May have 10% motorcycle (5x8', signed)	Undetermined due to site age/maintenance.	Spaces conform to zoning code.
§122-685 Barrier Free	Barrier free parking spaces must be provided in accordance with the state barrier free design requirements. The site plan's total of 39 spaces prompts 2 required barrier free spaces.	Unknown	Site plan accounts for 2 barrier free spaces; conforms to zoning code.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-684 Screening & Landscaping (external)	Parking lot screening if abutting R1, MD, CN, CN-Mid, CN-SF	No existing screening	Abutting lots are zoned GC.
	3'-4' screen 80% opacity where visible from ROW	No existing screening	Not provided. Screening shall be provided along front edge of each parking lot.
§122-691 Motor spaces	Retail uses, not otherwise specified: <i>1 per 250 gross sf</i> ; 3926 square foot noted = 16 (base) parking space requirement.	Unknown: ~19	19 spaces
§122-693 Bicycle spaces	1 per 5 motor spaces, minimum of 2 = 3 spaces required	Unknown	Two bike hoops proposed with at least 2 spaces in each.
§122-692 Parking discounts	Transit	N/A	
	Alternative Vehicles	N/A	
	Bicycle	N/A	
	PC discretion, special circumstances not listed above	N/A	
	Walkable Urban Districts: parking requirements automatically halved in C, NC, HC, CN, CN-Mid, CN-SF; PC may waive 50% in GC if walkable area	Eligible	Staff does not recommend a waiver at this time, nor is one needed.
§122-672 SIDEWALKS	Must be along public street.	None existing	Sidewalk on Washtenaw proposed and sidewalk on Whittier to be repaired.
§122-675 TRAFFIC VISIBILITY	Maintain shrubs/other obstructions lower than 30" and trees/other obstructions higher than 8': At driveway: within a 10'x10' triangle formed by the street ROW line and the edge of the driveway At intersection: within a 25' x 25' triangle formed by an extension of the property lines, as measured from the pavement edges.	Complies	Site plan complies

Figure 8: Lack of Front Sidewalk



Items to be Addressed:

- Applicant provide screening along edges of parking lot in conformance with 122-684
- Staff recommends a sidewalk or surfacing materials should be added to delineate where pedestrians can safely access the building from the public sidewalk.

SCREENING

§122-311(h)

"The site plan shall provide reasonable visual and sound privacy for all dwelling units on or adjacent to the property. Fences, walks, barriers, and landscaping shall be used, as appropriate, for protection and enhancement of the property. All outdoor storage of materials, loading and unloading areas, and refuse containers shall be screened or located so as not to be a nuisance. Outdoor lighting shall be shielded so as to not adversely affect neighboring properties or traffic on adjacent streets."

Figure 9: Screening Requirements

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-609 Lighting	• Dark Sky compliant; may be full cutoff where affecting residential uses • not >0.5 fc @ lot line • not >16'in height • not < 0.3 fc	Lighting unknown.	None proposed. Lighting is required for parking lot and building entrances used at night.
§122-608 Refuse Containers	Masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad	None.	None. Dumpster and waste collection must conform to ordinance.
§122-631 Landscape plan	Not required.		
§122-634 Screening Between Land Uses <i>if conflicting use</i>	Required – subject property abuts first-floor residential uses.	Unknown	Fence provided on east property line but not 6' high and not greater than 80% opaque.
§122-636 Street Trees	1 tree per 30' of lineal frontage, centered between sidewalk and back of curb: 70'/30' = 2 trees on each frontage.	None. Planning Commission may grant waivers if such utility constraints exist.	Applicant provides two street trees on Washtenaw frontage. Planning Commission may waive two street trees on Whittier due to utility conflicts.

Items to be Addressed:

- Any dumpster/waste collection area to conform with screening requirements of 122-608
- Applicant shall submit a lighting plan conforming with the provisions of 122-609.
- Screening between property and residential property to the east be screened with 6' high wall, fence, or planting buffer, with at least 80% opacity in accordance with 122-634.
- Planning Commission may waive two street trees on Whittier due to utility constraints.

OTHER DEPARTMENT AND AGENCY APPROVALS

§122-311(j)

"Site plans shall conform to all applicable requirements of state and federal statutes, including health and pollution laws, fire or explosion hazards, toxic and hazardous materials, and barrier-free requirements. Site plan approval may be conditioned on the applicant receiving necessary county, state, or federal permits before a local building permit or occupancy permit is granted."

Right-of-way permits through MDOT will be required for sidewalk construction.

MASTER PLAN CONSIDERATIONS

§122-311(k)

"An objective of site plan review shall be to protect and promote public health, safety, sustainability and general welfare. It is also the intent of site plan review to improve the quality of existing developments as they are expanded, contracted, or redeveloped in keeping with sound site development standards of this chapter and city master plan."

Great place to do business, especially green and creative. This development helps with the potential growth of a local business in a convenient location. The re-use of the building promotes public health, safety, sustainability and general welfare.

STAFF RECOMMENDATIONS: SPECIAL USE

Staff recommends the Planning Commission **approve** the Special Use Permit for provisioning center and marihuana retailer use at 1820 Washtenaw Ave 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.

STAFF RECOMMENDATIONS: SITE PLAN

Staff recommends the Planning Commission **approve** the Limited Site Plan for 1820 Washtenaw Ave with the following findings and conditions:

Findings:

- The application substantially complies with §122-311.

Conditions:

- Screening be provided along edges of parking lot in conformance with 122-684
- Sidewalk or surfacing materials should be added to delineate where pedestrians can safely access the building from the public sidewalk.
- Any dumpster/waste collection area to conform with screening requirements of 122-608.
- Applicant shall submit a lighting plan conforming with the provisions of 122-609.
- Screening between property and residential property to the east be screened with 6' high wall, fence, or planting buffer, with at least 80% opacity in accordance with 122-634.

Andy Aamodt
City Planner, Community & Economic Development Department

CC File
 Applicant



**City of Ypsilanti
Planning & Development Department**

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

SPECIAL USE PERMIT APPLICATION

MUST BE SUBMITTED WITH SITE PLAN OR SKETCH PLAN APPLICATION.
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Applicant

Name Dr. Robert H. McCurren, IV	
Address [REDACTED]	
Phone [REDACTED]	Email [REDACTED]

Property

Address 1820 E. Washtenaw Avenue	Parcel ID 11-11-06-409-003
Property owner* DA Holdings, LLC	

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Project

Name of project The WellFlower
Current use Vacant commercial structures
Proposed use** The WellFlower is a Michigan-based, owner-operated cannabis company. We seek to craft safe, high quality, and consistent cannabis inspired wellness products and experiences tailored to the individual therapeutic needs of our consumers. Our proposed cannabis store at 1820 Washtenaw Avenue will offer products for adult recreational use. The renovated store at 1820 Washtenaw Ave. will be designed for ease of customer access from Washtenaw, reducing any potential nuisances for our nearby residential neighbors. By offering convenient curbside pickup and home delivery services, we will also limit potential traffic impacts.

Rationale for request**

This request is made in accordance with the requirements of the City's Zoning Ordinance, as amended. It is

recognized that there are public concerns about potential impacts resulting from cannabis-related land uses.

A medical cannabis provisioning center was approved at this location on September 9, 2019. The

Planning Commission found that the proposal met the review standards of Section 122-324(b). The current

proposal does not materially change the request. Recreational (adult use) sales are requested, in addition to

site changes that reflect those previously approved by the Planning Commission, intended to minimize impacts

to our neighbors, particularly those in the residential neighborhood to the north.

**Please attach additional pages to the application if needed.

Signature

I hereby attest that the above information is accurate and complete. I am authorized to and grant permission to the City of Ypsilanti staff to access the subject property for the purposes of preparing staff reports and/or evaluating this application.

Signature



Date

1-20-2021

Print Name

Robert H. Mc Curren IV

CEO The Wellflower

*****FOR OFFICE USE ONLY*****

Date:	Amount: \$400	Account: 101-4-7210-607-01
☐ Cash		Code: 178 Rezone
☐ Check payable to City of Ypsilanti		Signature of person receiving deposit:
☐ Credit (+ 3.0% surcharge)		
Description of deposit:		

SITE PLAN REVIEW APPLICATION
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Applicant

Name Dr. Robert H. McCurren, IV		
Address [REDACTED]		
City [REDACTED]	State Michigan	Zip [REDACTED]
Phone [REDACTED]	Email [REDACTED]	

Property

Name of project The WellFlower cannabis retailer and provisioning center
Address 1820 Washtenaw Avenue
List all parcel identification numbers included in development 11-11-06-409-003
Property owner* DA Holdings, LLC
Current use Vacant medical office, and 2 rear garden level residential units
Proposed use Cannabis retailer & provisioning center, and 2 rear garden level residential units
Current zoning GC General Corridor
Legal description of property (may be attached) TRS 1/95 *OLD SID-11 11-165-059-00 YP CITY 19B-W59 LOTS 59 & 60 & E 6' OF LOT 40 COLLEGE HEIGHTS ESTATES.

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Signature

I hereby attest that the above information is accurate and complete. I am authorized to and grant permission to the City of Ypsilanti staff to access the subject property for the purposes of preparing staff reports and/or evaluating this application.	
Signature: [REDACTED]	Date: 1-20-2021
Print Name: [REDACTED]	

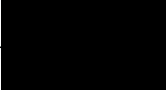
You must complete the checklist on the following page before turning in your application.

Site Plan Required Information Checklist

This checklist **must** be completed by site plan designer and submitted with site plan review application. The City Planner or Planning Commission may require other data they deem necessary. **Four full-size folded copies of the plans are required, as well as one electronic copy (PDF preferred).**

The Planning and Development Department will reject any incomplete submission.

Project-identifying information	
✓	Name of project
✓	Brief description of project
✓	Location map showing major thoroughfares and site location (no scale necessary)
✓	Name, address and phone number of the site owner
✓	Name, address and phone number of the developer
✓	Name, address and phone number of the plan designer and their professional seal
Existing conditions	
✓	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
✓	Area of the site in square feet and acres, excluding all existing and proposed rights-of-way.
✓	Property lines and dimensions, including lines and dimensions of all rights-of-way & easements
✓	All structures and accessory structures, their uses and dimensions. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
✓	Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within 100 feet of the site. The centerline of road rights-of-way shall be shown.
✓	Use(s) of existing buildings
✓	Existing landscaping
✓	Dimensions of all structures and lot lines within 50 feet of the site
✓	Existing zoning of the site and all adjacent properties
Proposed conditions	
✓	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
	Any changes to site dimensions, and completed <i>Lot Split/Combination Application</i>
	Any changes to zoning, and completed <i>Zoning Map Amendment or Text Amendment Application</i>
	Any variances requested, and completed <i>Variance Application</i>
	Any changes to rights-of-way or easements on the property
✓	All structures and accessory structures, their uses and dimensions, and addition information that may be required by code. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
✓	Building floor plans and architectural wall elevations.
✓	Location and dimensions of any open-air uses, such as outdoor cafes, open-air sales, or outdoor storage
✓	Parking areas, access drives, or sidewalks, showing the method of surfacing, number and size of spaces, aisles, loading areas, and handicapped access ramps.
✓	Landscape plan. Existing vegetation that is to be retained on the site shall be shown.
✓	Direction and method of stormwater drainage, ground elevations of all existing buildings, site contours at 2 foot intervals, drives and parking lots, and any unusual surface conditions. Include the method of collection; the method and location of the connection to existing stormwater system; and first flush method and type of device that is proposed.
✓	Indicate all areas of this site that are located within floodplains.
✓	If phased construction is to be used, each phase must be noted and each phase must stand on its own.

Site designer initials: 

SITE DATA

- PROPERTY INFORMATION:
PARCEL #: 11-11-06-409-003
SITE AREA: 20,069 SF (0.461 AC)
OWNER: DA HOLDING, LLC
1820 WASHTENAW AVE
YPSILANTI, MI 48197
DEVELOPER: RTMC ENTERPRISES
2850 NEWPORT RD
ANN ARBOR, MI 48103
734-341-9945
- ZONING:
PROPERTY CURRENTLY ZONED GC GENERAL CORRIDOR
ABUTTING PROPERTY CURRENTLY ZONED:
NORTH: R-1 SINGLE FAMILY RESIDENTIAL
SOUTH: GC GENERAL CORRIDOR
EAST: NC NEIGHBORHOOD CORRIDOR
WEST: GC GENERAL CORRIDOR
PROPOSED LAND USE: PROVISIONING
- SETBACKS:
EXISTING BUILDING (GRANDFATHERED FACILITIES)
- PARKING:
REQUIRED = (1) PARKING SPACE PER (250) SF OF GROSS FLOOR AREA. USE TABLE IN REPORT.
REQUIRED: 11 SPACES
PROVIDED: 20 SPACES
- BUILDING:
EXISTING BUILDINGS
BUILDING 1: 2,100 SFT
BUILDING 2: 916 SFT
- LOT:
MINIMUM LOT SIZE: 1,800 SFT
MINIMUM LOT WIDTH: 15'
LOT SIZE: 20,069 SFT (0.461 ACRES)
LOT DIMENSIONS: 70' X 132'
MAX LOT COVERAGE: 90%
- LIGHTING
LIGHTING WILL REMAIN IN CURRENT STATE. IF ANY MODIFICATIONS MADE, LIGHTING TO BE COMPLIANT WITH CITY OF YPSILANTI ORDINANCE PROVISION 122-609.

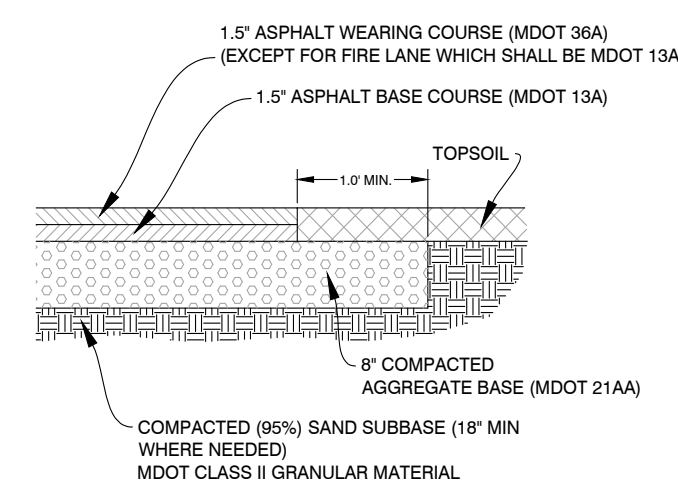
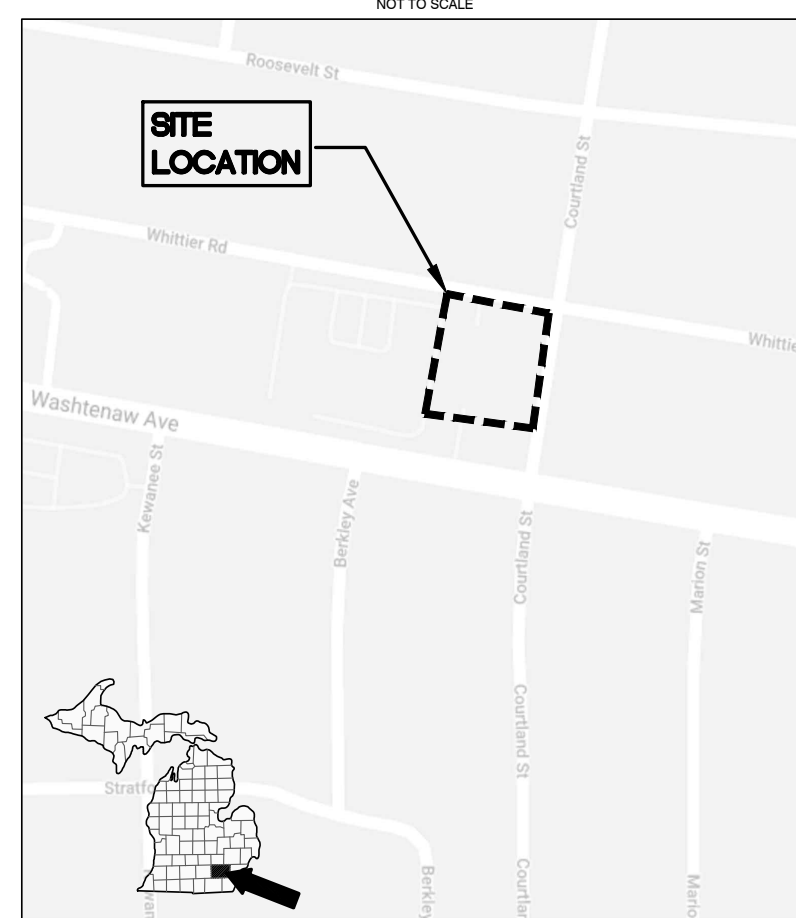
GENERAL NOTES

- DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
- ALL CURB RADI AND DIMENSIONS ARE TO FACE OF CURB. CURB TO BE PROVIDED WHERE SHOWN AND INTEGRAL WITH SIDEWALK AT PAVING EDGE.
- SLOPE GRADES UNIFORMLY BETWEEN ELEVATIONS SHOWN. NOMINAL GRADING. SLOPE SIDEWALKS AWAY FROM BUILDING AT 1/4" PER FOOT ON ENTRY WALK.
- TRASH CANS WILL BE STORED IN BASEMENT AND WHEELED TO STREET AT TRASH PICK UP TIMES.

BENCHMARK INFORMATION

BM N
ELEV = 777.33
NW BOLT ON HYD.
BM S
ELEV = 781.94
TOP OF REBAR

LOCATION MAP

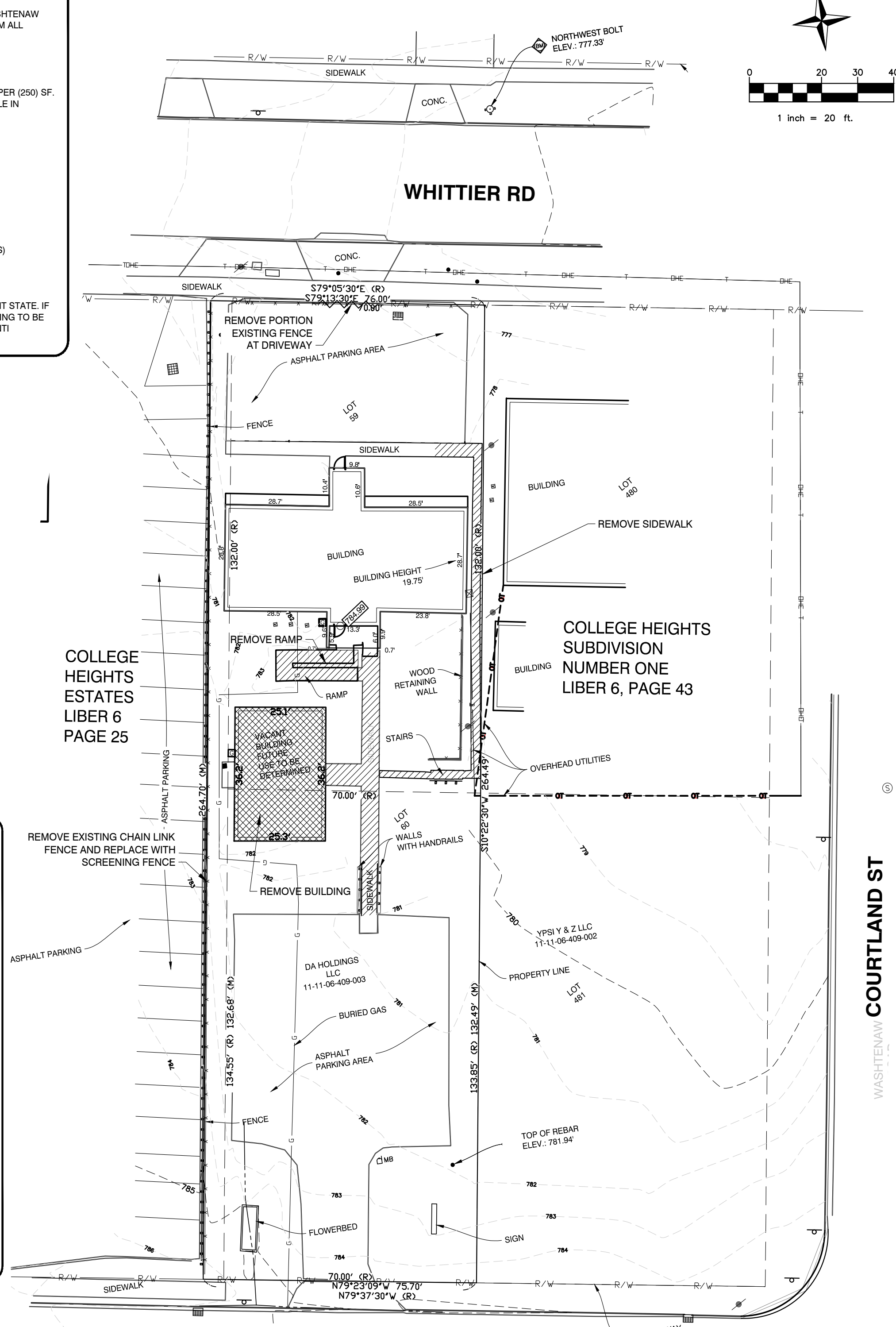


LIGHT DUTY ASPHALT SECTION

C5.0 - 030401

NOT TO SCALE

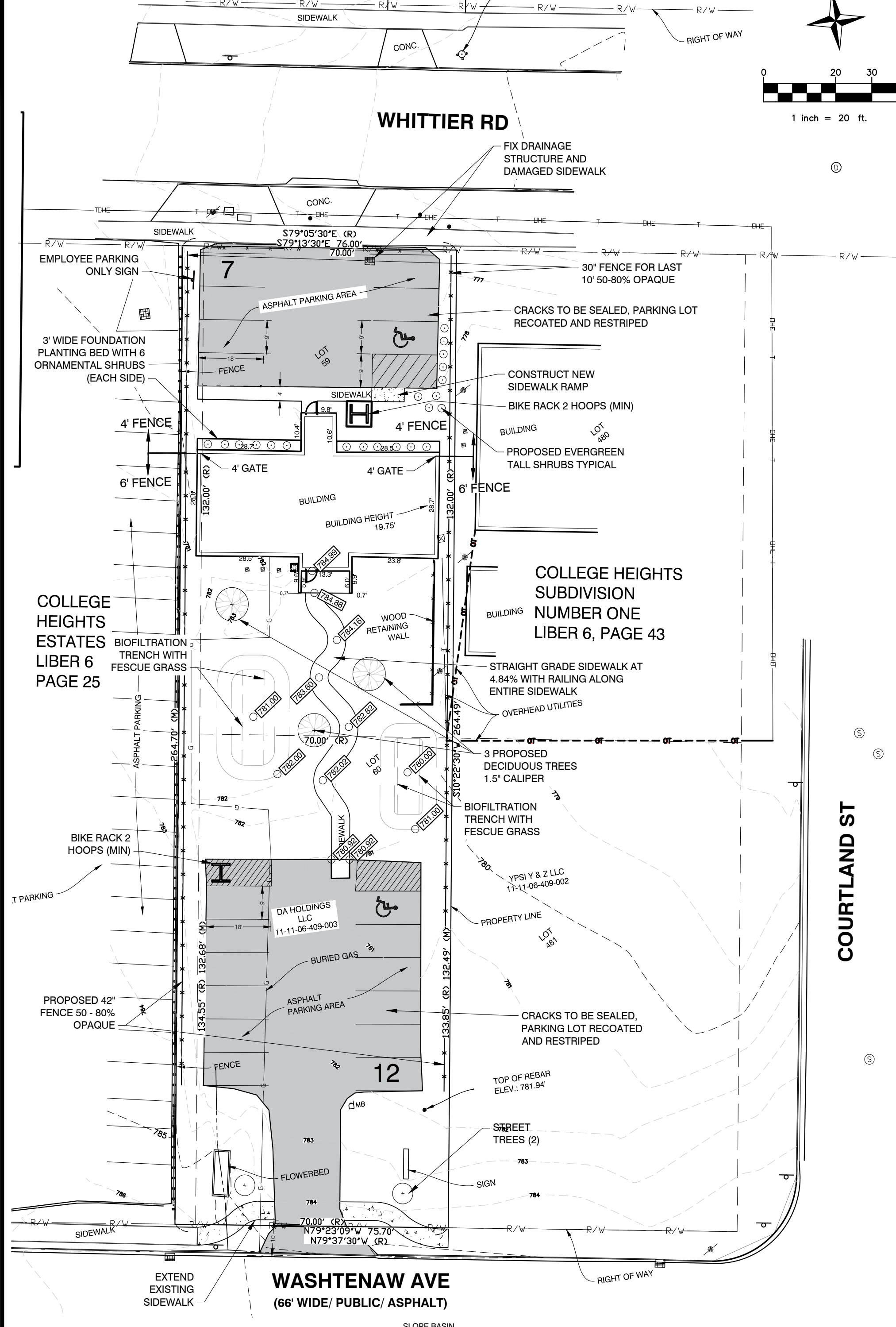
EXISTING CONDITIONS / DEMOLITION



LEGEND

- PAVEMENT REMOVAL
- BUILDING REMOVAL

PROPOSED CONDITIONS



BASIN & BIOFILTRATION TRENCH SECTION

NOT TO SCALE



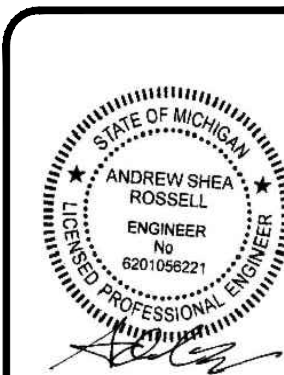
ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. FIELD WORK PERFORMED BY: LANDTECH PROF. SURVEYING

PLANS PREPARED BY:



Civil Engineers & Surveying
MICHIGAN | INDIANA | ILLINOIS | OHIO
282.217.8725 PHONE | 888.999.0884 FAX
www.ar-engineering.com

DRAWN: eq
CHECKED: DL



ANDREW ROSSELL, P.E.
No. 54221

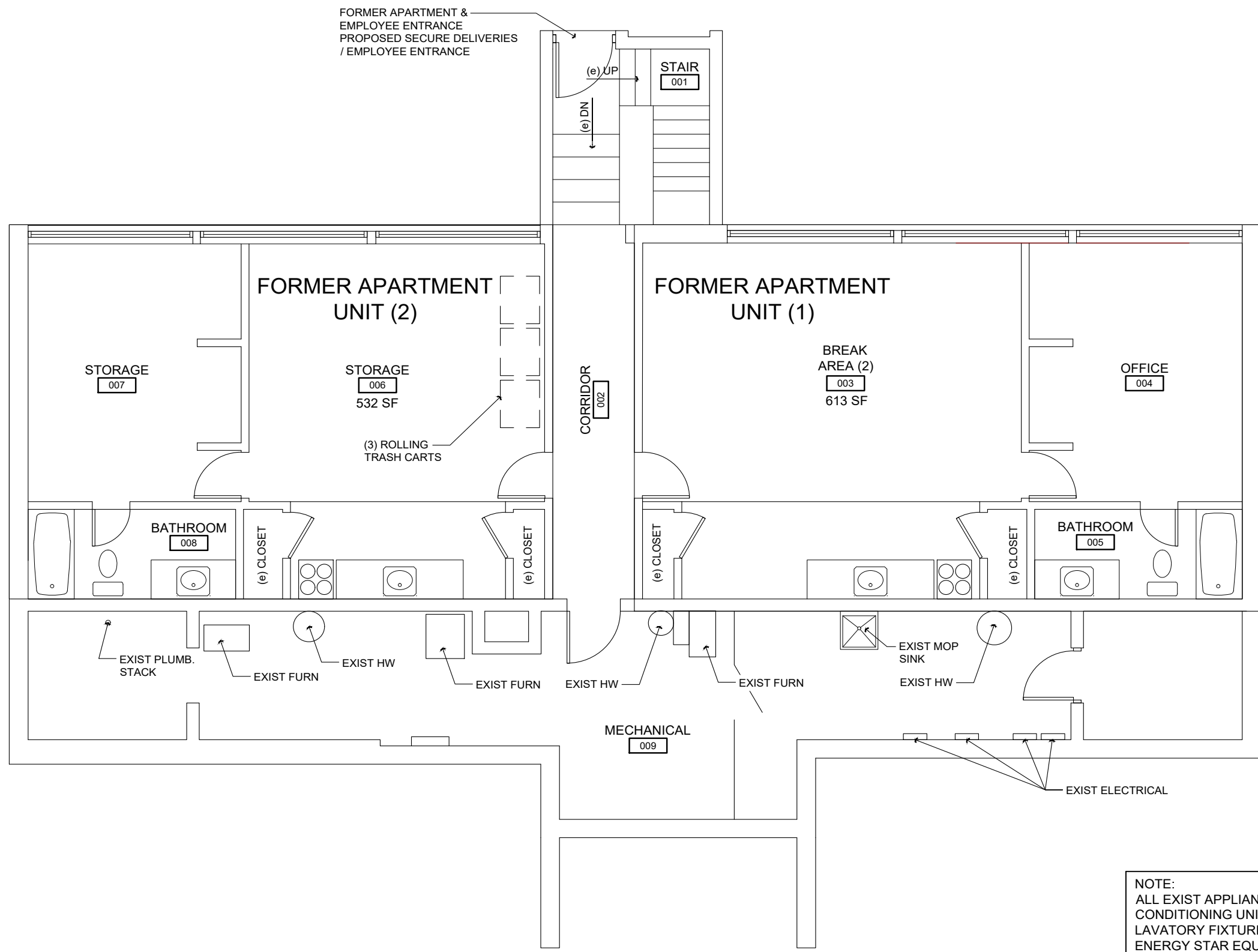
No.	DATE	BY
0	01/20/2021	BM
1		
2		
3		
4		

SITE LAYOUT
WASHTENAW YPSILANTI
D-A CONTRACTING LLC

SHEET TITLE:
PROJECT:
CLIENT:

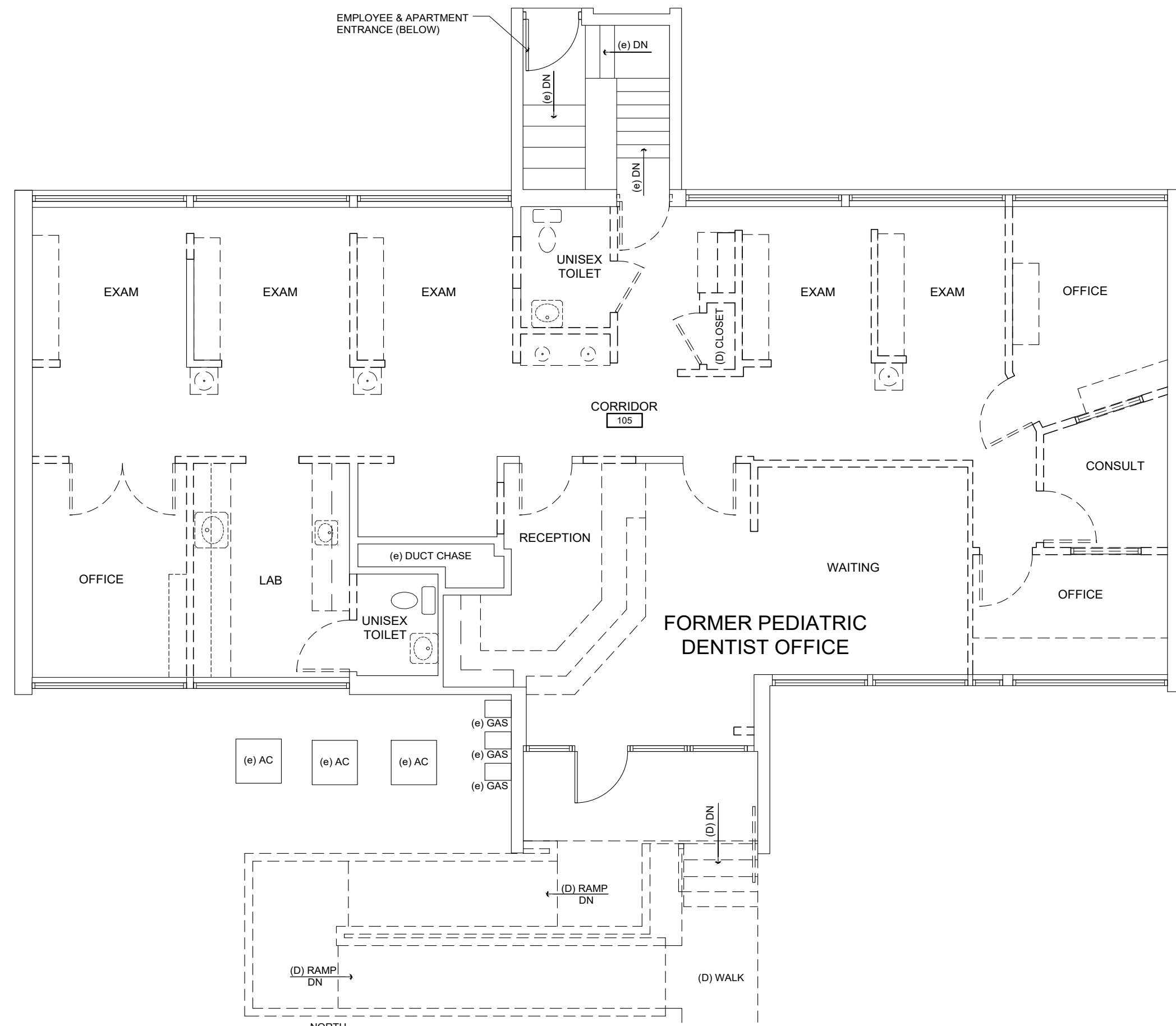
JOB NUMBER
2187001
DATE
01/15/2021

SHEET NUMBER
C2.0



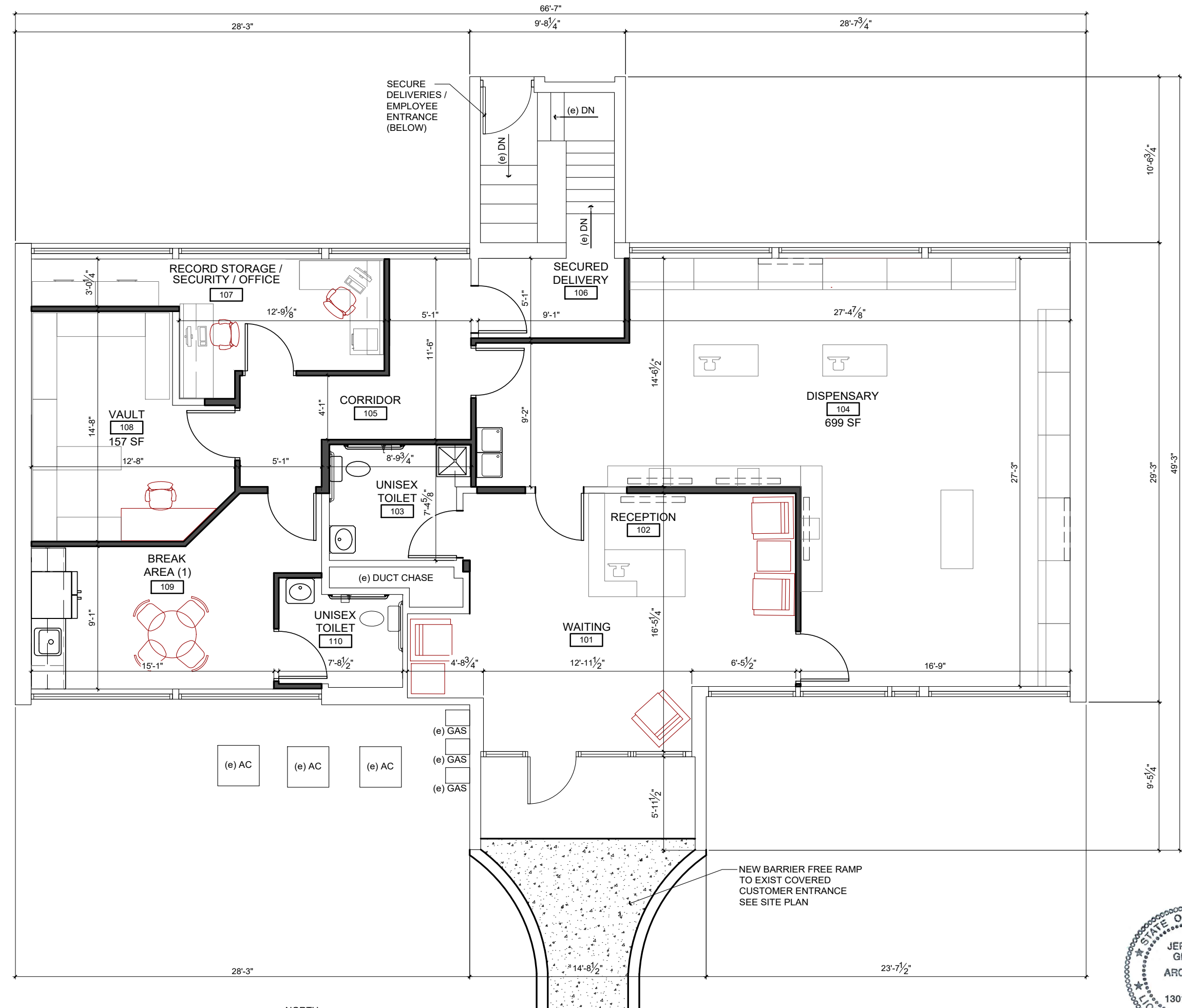
NOTE:
ALL EXIST APPLIANCES, WATER HEATERS, FURNACES, AIR
CONDITIONING UNITS, LIGHTING, FANS, EXTERIOR DOORS,
LAVATORY FIXTURES, ETC. SHALL BE REPLACED WITH NEW
ENERGY STAR EQUIPMENT AS REQ'D.

1 EXIST / PROPOSED BASEMENT FLOOR PLAN
SCALE: 3/16" = 1'-0" 2,107 SF



2 EXIST FIRST FLOOR DEMOLITION PLAN
SCALE: 3/16" = 1'-0" 1,819 SF

YPSILANTI SCORING RUBRIC NOTES		
7.	APPLICANTS PLAN DETAILED ECONOMIC BENEFIT TO THE CITY BY THE WAY OF IMPROVEMENTS TO REAL PROPERTY	POINTS CLAIMED 16 out of 16
a.	A 25% increase in landscaping beyond the minimum landscaping requirement in the zoning ordinance	
b.	The parking lot is located behind the building.	
c.	A building exterior that consists, or will consist, of at least 80% brick, stone, stucco, transparent glass, or a combination thereof.	
d.	A façade fronting a street that consists, or will consist, of at least 35% windows.	
e.	A façade facing the public entrance to the building that that consists, or will consist, of at least 75% windows.	
8.	ENERGY STANDARDS	POINTS CLAIMED 10 out of 10
a.	Entire building meets or will meet the most current adopted version of the Michigan Energy Code for Commercial buildings.	
b.	Entire building is ENERGY STAR certified and inspected by an ENERGY STAR qualifying person(s).	
c.	*ENERGY STAR certified water heater or tankless water heater	
d.	*ENERGY STAR certified appliances (refrigerator)	
e.	*ENERGY STAR certified heating and cooling systems (furnace, air conditioning)	
f.	*ENERGY STAR lighting/fan fixtures	
g.	*ENERGY STAR certified exterior doors	
h.	WaterSense labeled lavatory fixtures	
i.	Carbon filter/scrubber for odor control	
9.	MASTER PLAN ELEMENTS TO BE INCLUDED IN THE PROJECT	POINTS CLAIMED 9 out of 22
a.	Ability to hold and treat at least 20% more stormwater than the required minimum through rain gardens	
b.	(POINTS NOT CLAIMED) A roof garden covering at least 50% of the total square feet of the roof area of the principle building, or 2,000 sq. ft. of roof area, whichever is less. The roof garden shall be designed and installed by a qualified entity. A plan(s) for the design, installation, and 2-year maintenance must be submitted with building permit applications/plans to fulfill this element:	
c.	A bicycle rack(s) located by the front or main entrance to accommodate at least 4 bicycles.	
d.	The site is located within 200 ft. from a transit stop. (See transit map.)	
e.	(POINTS NOT CLAIMED) More than 50% of the electricity for the business comes from solar power:	
f.	(POINTS NOT CLAIMED) More than 75% of the electricity for the business comes from solar power:	



3 PROPOSED FIRST FLOOR PLAN - PFP 104
SCALE: 3/16" = 1'-0" 1,819 SF

EXPRESSIVE
ARCHITECTURE

18620 W 10 Mile, #220
Southfield, MI 48075
248.936.0026 ph
JGRIFFIS@
expressivearchitecture.com

Contractor:
DA CONTRACTING,
LLC

28575 GREENFIELD
SOUTHFIELD, MI 48075
248.569.7040
CONTACT: BRAD KLINTWORTH

Tenant Build-Out for
THE WELLFLOW PROVISIONING CENTER
1820 Washtenaw Ave., Ypsilanti MI

eA Project # 20.004.5

Special Use App / Site Plan Review
January 20, 2021
Owner Review
January 13, 2021
Owner Review
January 6, 2021

ISSUE / REVISION DATE
Demolition &
Proposed Floor
Plans

A.101

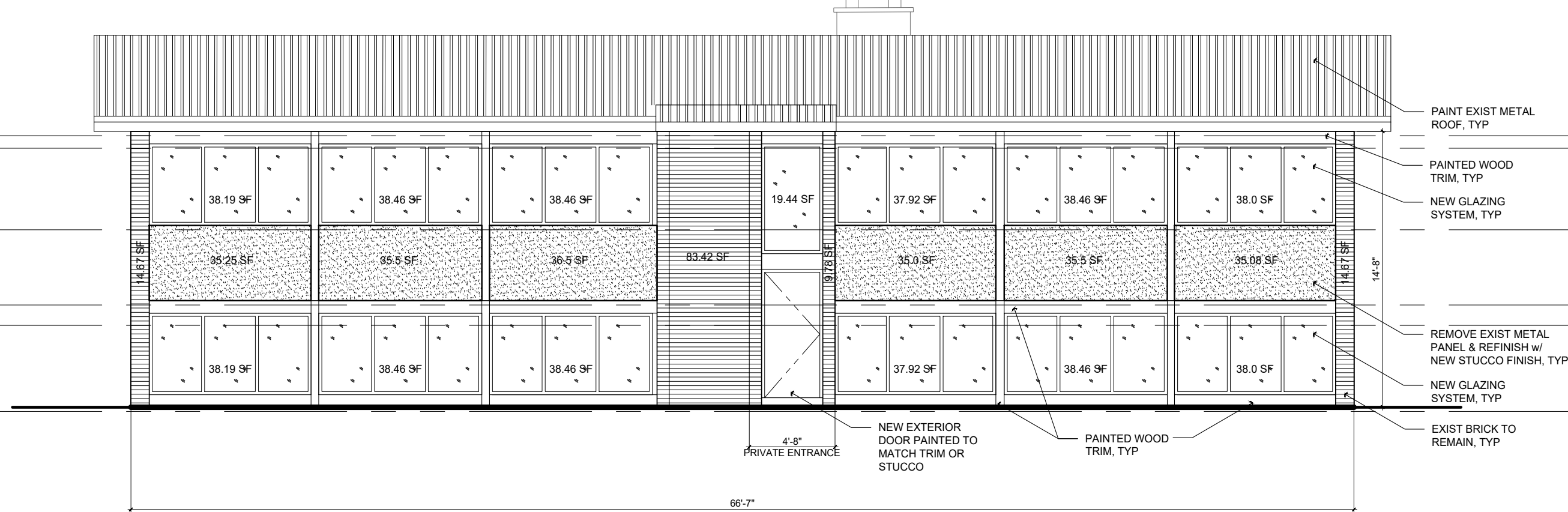




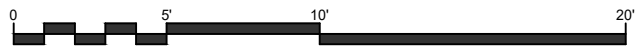
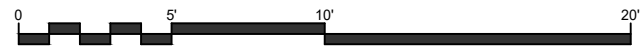
5 PUBLIC ENTRANCE ELEVATION - WASHTENAW AVE
A 201 SCALE: 3/16" = 1'-0"



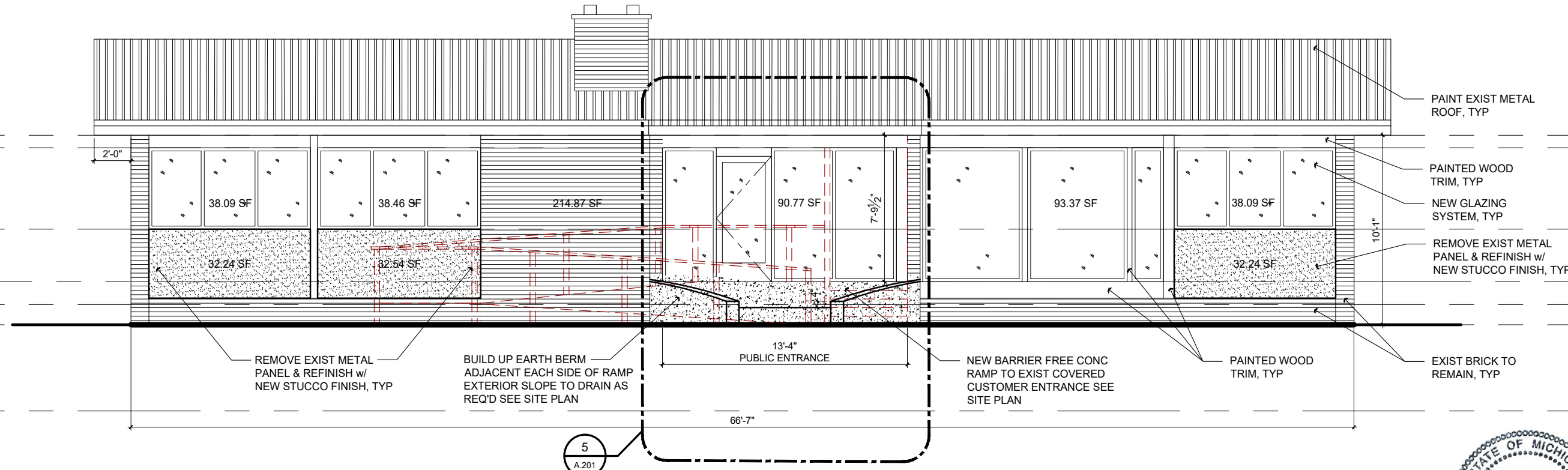
PRIMARY BUILDING MATERIALS MIN 80% (brick, stone, stucco, transparent glass or combination) (122.54 (brick) + 212.83 (stucco) + 458.98 (glass) = 794.35 / 976.55) = 81.34% Combination
FACADE FRONTING A STREET CONSISTING OF MIN 35% WINDOWS (glazing area / facade area) = 458.98 / 976.55 = 47.00% Windows



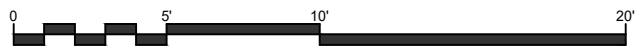
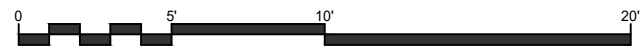
FACADE AREA	= 976.55 SF
GLAZING AREA	= 458.98 SF
% GLAZING	= 47.0% EXIST



PRIMARY BUILDING MATERIALS MIN 80% (brick, stone, stucco, transparent glass or combination)	(180.73 (brick) + 97.02 (stucco) + 298.78 (glass)	= 576.53 / 637.21) = 90.47% Combination
FAÇADE FRONTING A STREET CONSISTING OF MIN 35% WINDOWS	(glazing area / façade area)	= 298.78 / 637.21 = 46.89% Windows
FAÇADE FACING PUBLIC ENTRANCE MIN 75% WINDOWS	(glazing area / façade area)	= 90.77 / 103.84 = 87.41% Windows



FACADE AREA	= 637.21 SF
GLAZING AREA	= 298.78 SF
% GLAZING	= 46.89% EXIST



A.201





Street View





Courtyard View 1





Courtyard View 2





Rear Lot View





Arial View



the Wellflower
cannabis by design