

1. City Council Regular Meeting Agenda

Documents: [12-4-12 FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents: [12-04-2012 PACKET.PDF](#)



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, DECEMBER 4, 2012
6:00 P.M. – WORK SESSION
7:00 P.M. – REGULAR SESSION**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Jefferson	P A	Council Member Robb	P A
Council Member Moeller	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Schreiber	P A
Mayor Pro-Tem Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. WORK SESSION (6:00 – 7:00 p.m.)

Water Street Update – Teresa Gillotti, Senior Planner

VI. INTRODUCTIONS –

VII. AGENDA APPROVAL –

VIII. PRESENTATIONS –

IX. ORDINANCES – FIRST READING –

Ordinance No. 1182

1. Conditional Rezoning of 311 S. Grove from B2 to B4

- A. Resolution No. 2012-257, determination
- B. Open Public Hearing
- C. Resolution No. 2012-258. close public hearing

Ordinance No. 1183

2. Zoning Text Amendment: Food production, processing and sales

- A. Resolution No. 2012-259, determination
- B. Open Public Hearing
- C. Resolution No. 2012-260, close public hearing

X. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. MINUTES –

Resolution No. 2012-261, approving the minutes of November 12 and November 20, 2012.

XI. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-263, approving Letter of Intent with SunDurance for development of former City Landfill adjacent to I-94 for solar array.
2. Resolution No. 2012-264, approving agreement transferring the responsibilities under the Michigan Dog Law of 1919 to the Washtenaw County Treasurer.
3. Resolution No. 2012-265, approving intergovernmental agreement with Pittsfield for K-9 Unit.
4. Resolution No. 2012-266, approving appointments to Boards and Commissions.

XII. LIASON REPORTS -

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Washtenaw County Land Bank Authority
- E. Washtenaw Urban County
- F. Freight House

XIII. COUNCIL PROPOSED BUSINESS –

XIV. COMMUNICATIONS FROM THE MAYOR –

XV. COMMUNICATIONS FROM THE CITY MANAGER –

XVI. AUDIENCE PARTICIPATION -

XVII. REMARKS FROM THE MAYOR –

XVIII. CLOSED SESSION –

Closed Session to discuss collective bargaining and evaluation of a public officer. (OMA 15.268, Sections 8 (a)(c))

XIV. ADJOURNMENT –

- A. Resolution No. 2012-267, adjourning the City Council Meeting.



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- A. Resolution No. 2012-257, determination
- B. Open Public Hearing
- C. Resolution No. 2012-258. close public hearing

Ordinance No. ~~1183~~ 1183A

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- A. Resolution No. 2012-259, determination
- B. Open Public Hearing
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REQUEST FOR LEGISLATION
December 4, 2012

From: Teresa Gillotti, Planner II

Subject: Conditional Rezoning Request 311 S. Grove – B2 to Conditional B4

Background

Ayad Jacksi the owner of Complete Auto Service Center at 311 S. Grove Street contacted staff to determine how he can sell used automobiles on his property in addition to his existing legally non-conforming minor automotive repair business.

Staff provided several recommendations and the applicant decided to pursue a rezoning from B2 to B4. The Planning Commission reviewed this application at its October 24 meeting. While sympathetic to application, the Commission did not feel they could provide a recommendation due to no indication in the master plan for a change from B2, neighborhood business to B4, General business. Planning Commission tabled the decision and asked staff to pursue any other possible means to assist the applicant.

Staff then reviewed the file again, in particular a previous non-conforming use as automotive status. However, the previous use was abandoned by a change in use to minor repair and the expiration of the state sales license. The other option pursued was a conditional rezoning. Similar to a standard map amendment, this variation requires the applicant to propose additional requirements or restrictions on the rezoning for presentation to Planning Commission and ultimately City Council.

Through this process the applicant request a conditional change from B2 to B4 zoning, restricting the B4 zoning to uses and adding conditions (see attached comparison and final zoning sheets), and improved fencing and landscaping.

Planning Commission reviewed conditional zoning request at its November 14, 2012 and spent a great deal of time reviewing the comparison chart between the B2 and B4 uses. The Conditional rezoning would allow B4 permitted and special uses held in common with B2 zoning with the addition of auto sales as indicated in 122-412 (6), plus proposed conditions by the applicant. The Commission discussed that this was an improved option as the list of permitted

and special uses would be minimal. They also noted the remaining incongruity with the master plan, but ultimately voted to recommend the approval of the conditional rezoning.

Recommendation

The Planning Commission held a public hearing on October 24, 2012, and on Nov. 14, 2012 approved the conditional rezoning 4-1.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- Conditional B4 rezoning text and conditions
- Planning Commission: Packets Oct. 24, 2012 and Nov. 14, 2012
- Excerpt from Oct. 24, 2012 and Nov. 14, 2012 Planning Commission minutes
- Resolution



Resolution No. 2012 -257
December 4, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled "Conditional Rezoning 311 S. Grove St." be approved on **First Reading**.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

City of Ypsilanti
Ordinance No. ~~1182~~ 1182A

Conditional rezoning 311 S. Grove

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district, AS OUTLINED IN THE FOLLOWING LISTS.

B4 conditional zone, PERMITTED uses
Adult drop-in centers
Antique, consignment, and resale stores.
Arts and crafts studios and schools.
Auction House, subject to the specific provisions in section 122-813.
Automobile sales: showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).
Bar/lounge, provided that all service occurs within a completely enclosed building.
Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively
Essential services.
Financial institutions, including banks, credit unions, and savings and loan associations. Drive-through facilities are permitted, subject to the specific provision in section 122-784.
Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.
Hotels and motels.
Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.
Medical or dental offices, clinics, or laboratories.
Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.
Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the specific provisions in section 122-797.
Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the specific provisions of section 122-799.
Personal service shops such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal service shop.
Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.
Radio and television studios.
Private service clubs, lodges, banquet halls, and meeting halls.
Restaurants, including carry-out or delivery, sit-down, or fast-food, or any combination thereof. Drive-through facilities are permitted subject to the provisions in section 122-783.
Retail businesses which are intended to supply commodities on the premises for regional customers, such as: Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided that the slaughtering thereof is not allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.
Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.
Retail stores which offer comparison goods completely within a fully-enclosed building such as home appliances (including service and repair), camera and photography supplies, sporting goods, electronics, furniture, optical items, bicycle sales, home supply centers, paint and wallpaper stores, carpet, rug, and linoleum/tile stores, lawn care products and machinery, building materials, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores. The manufacture of sporting goods, small household items and crafts is

B4 conditional zone, PERMITTED uses
permitted provided that 50 percent or more of the products are sold at retail from the same building and all activities and storage occur within a completely enclosed building.
Veterinary hospitals and clinics, subject to the specific provisions in section 122-809.
Video rental establishments.
Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.

B4 Conditional Zone, SPECIAL uses
Any establishment intending to operate between 2 a.m. and 6 a.m. during any 24-hour period.
Automotive service stations which provide minor repair only, as defined in Article 2, subject to the standards in Section 122-776, and located along a designated major thoroughfare; provided, however, that quick oil change facilities are not permitted.
Auto rental operations, including parking, storage, washing and repair facilities.
Coin-operated amusement arcades, and pool and billiard halls.
Emergency shelters for the homeless, subject to the Specific Provisions in Section 122-785.
Express and passenger terminals and express transfer facilities, subject to the Specific Provisions of Section 122-786.
Outdoor retail sales and display, subject to the specific provisions in Section 122-800.
Substance abuse treatment facilities subject to the Specific Provisions in Section 122-808.

Additional conditions for this approval are:

- Addition of trees and ornamental grass on south grove from property line (chain fence) adjacent to spring street to driveway on south grove
- Addition of wooden or rod iron fence adjacent to spring street
- Plant shrubs adjacent to fence near spring street

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY OF _____, 2012.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in the Ypsilanti Courier on the ____ day of _____, 2012.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2012.

Frances McMullan, City Clerk

Notice Published: _____ November 22, 2012 _____

First Reading: _____ December 4, 2012 _____

Second Reading: _____ December 18, 2012 _____

Published: _____

Effective Date: _____



14 November 2012

**Staff Review of Revised Rezoning Application
Conditional Use Rezoning
Complete Auto Rezoning
311 S Grove**

Applicant: Ayad Jacksi
Complete Auto Service Center, Inc
311 S Grove
Ypsilanti, MI 48198

Project: Complete Auto Rezoning

Application Date: 19 September 2012
9 November 2012

Location: East side of Grove, between Factory/Maus to the north and Prospect/Tyler/Grove intersection to the south

Zoning: Current: B2, Community Business

Master Plan: Community Commercial (B2, per p 72)

Action Requested: Conditional Rezone to B2 to B4, General Business with restriction of adding only 122-412 (6) automotive sales (see below)

Staff Recommendation: Denial.

PROJECT AND SITE DESCRIPTION

Rezoning is requested for a single, 0.34-acre parcel. The property is currently used for minor auto repair; the property owner wishes to add auto sales to the business.

Planning Commission reviewed the previous rezoning proposal from B2 to B4 at its Oct. 24 meeting and requested that staff look for another potential route for the property, including conditional rezoning. Staff worked with the applicant and revised the application request to that of conditional rezoning which would limit the rezoning to the addition of one use (automotive sales) to the base B2 zoning.

Authority for conditional rezoning

Sec 122-61 (a) provides authority per the Michigan zoning enabling Act (Act 110 of 2006)

Sec. 122-61 (a)

The city council shall have authority to amend, supplement or change zoning district boundaries or the provisions and regulations of this chapter, pursuant to the authority and procedures set forth in Act No. 110 of the Public Acts of Michigan of 2—6 (MCL 125-3101 et seq.), as amended.

The particular section of the Michigan Zoning Enabling act that references conditional rezoning follows:

MICHIGAN ZONING ENABLING ACT (EXCERPT)

Act 110 of 2006

125.3405 Use and development of land as condition to rezoning.

Sec. 405.

(1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state. History: 2006, Act 110, Eff. July 1, 2006.

Conditional Rezoning process

In researching the process of conditional rezoning, staff learned that it is essential that the applicant propose the conditions for the rezoning. Many communities use a meeting, similar to preliminary meetings for a Planned Use Development to discuss the proposal. Staff held a similar meeting with the applicants on Wed. Nov. 7. The applicants then provided an e-mailed proposal on Nov. 9.

The review of the rezoning is still based on the rezoning process identified in the ordinance beginning with Sec. 122-61. Elements of the review will repeat that of the previous.

In conference with Attorney Christ, it was determined that no additional noticing was required, as the conditional rezoning would be more restrictive than the previous rezoning to B4, General business.

Figure 1: Subject Site Location & Zoning

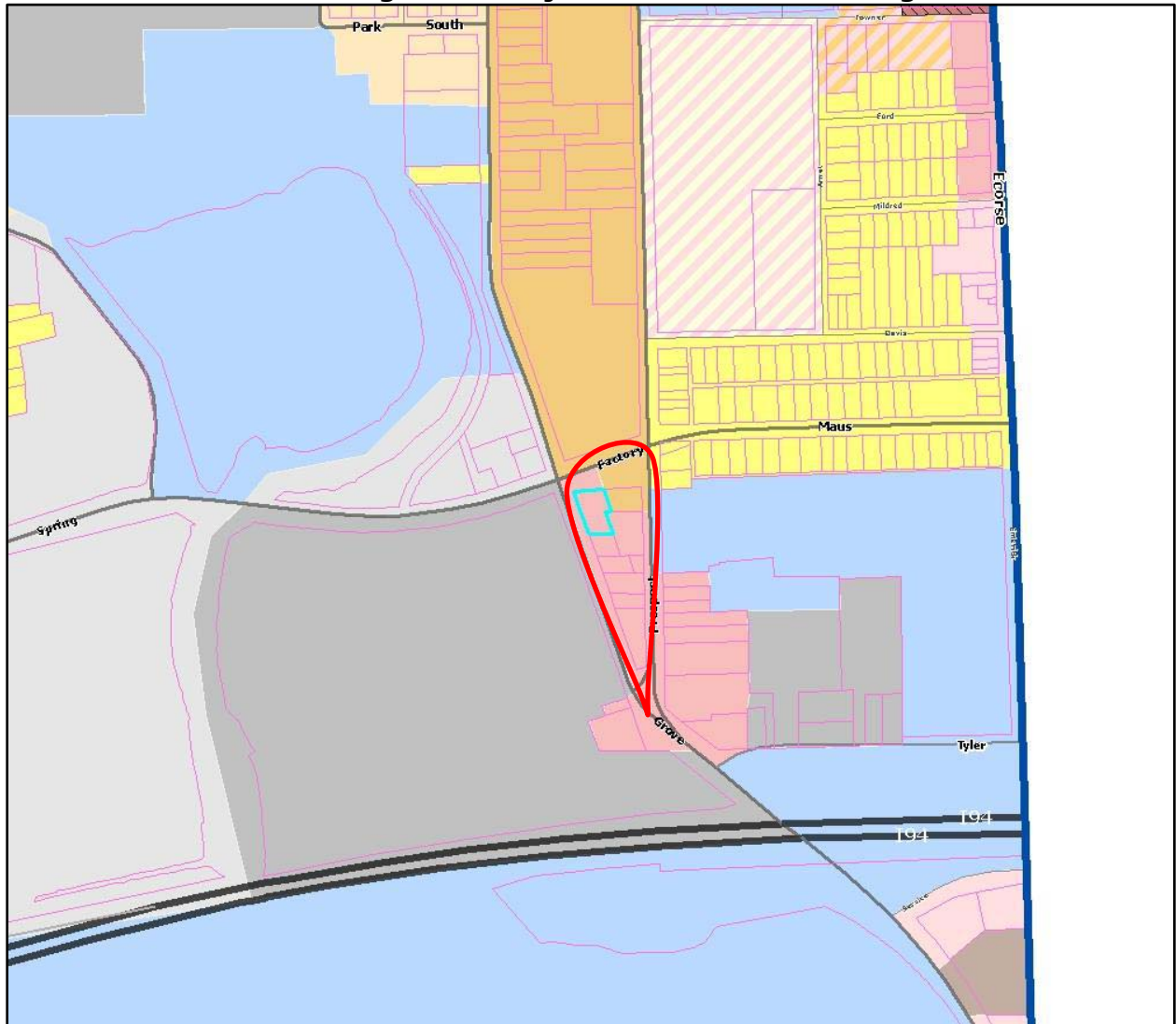


Figure 2: Site Aerial (2010)

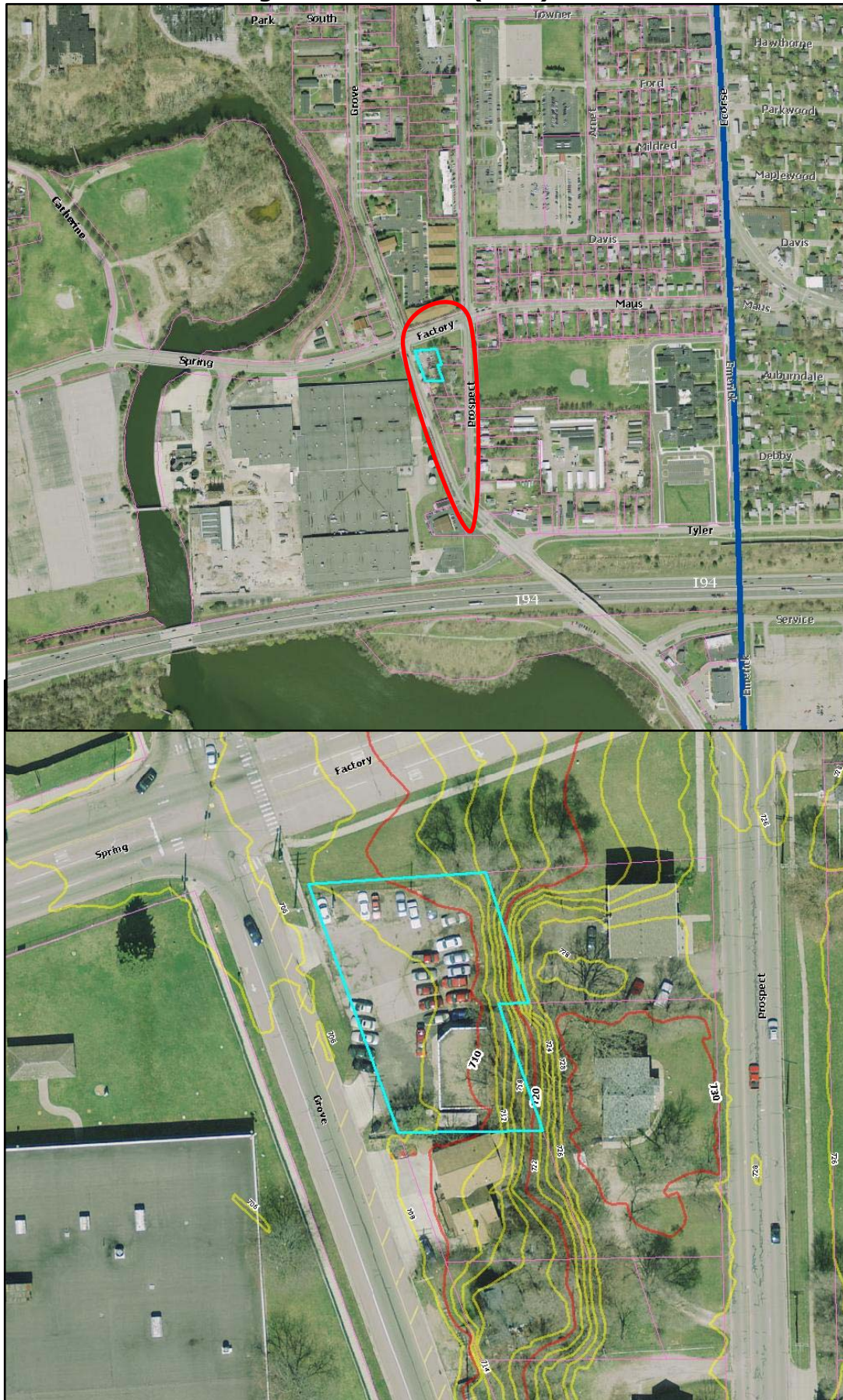


Figure 3: Topography (2ft contours, Washtenaw County database)

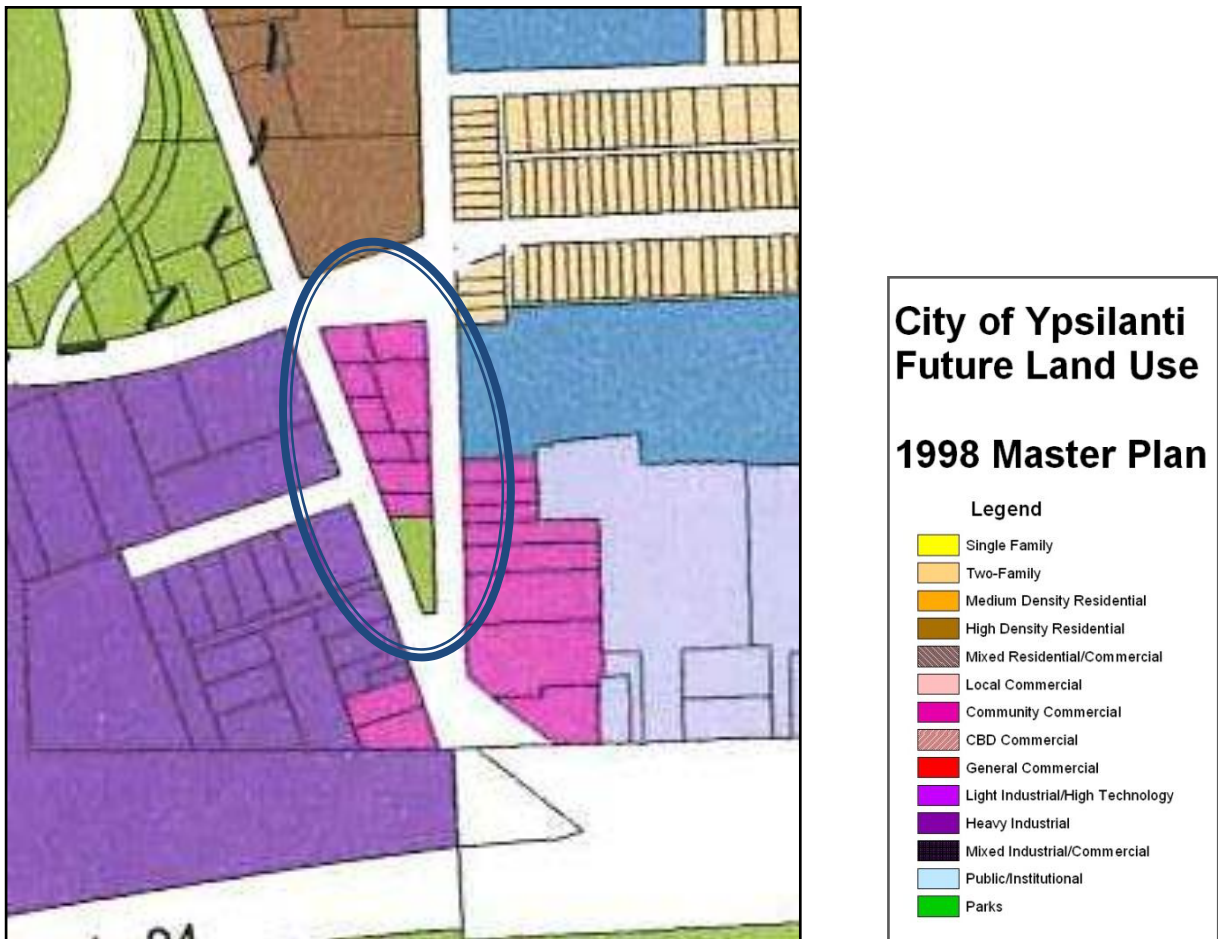


MASTER PLAN

The subject property is within the "Gateway Area / Perry Neighborhood." Goals for this neighborhood include "creating a positive entry into the City via design, landscaping, and signage; improving the linkages between neighborhoods and Downtown; upgrading the commercial properties along East Michigan Avenue; preventing unwanted land uses along West Michigan Avenue; and improving and redeveloping the existing housing stock."

The future land use map, below, shows the block as Community Commercial, the equivalent of B2 with the exception of the southernmost parcel as Public Land (Haab Brothers Memorial Park).

Figure 4: Future Land Use Designations



EXISTING LAND USE AND ZONING

Only one parcel is under consideration for rezoning; it is currently used for legal nonconforming minor auto repair and zoned as B2.

Figure 5: Surrounding Land Use and Zoning

	LAND USE	ZONING
NORTH	138-unit multifamily Commercial Garage (major repair)	R4, Multiple-family high-density residential (due north) M1, Light Manufacturing (north-west)
EAST	Multifamily residential (6 unit bldg & 3 unit bldg)	R4, Multiple-family high-density residential (north east) B2, Community Business (south east)
SOUTH	Two-family residential	B2, Community Business (south east)
WEST	Manufacturing (Angstrom) (South Grove St)	M2, General Manufacturing

Traffic

The portion of South Grove immediately west of the site is currently a southbound one-way street, approximately 36' wide, with two travel lanes, a bike lane on the west side, and sidewalks on both sides. Traffic counts just north of the intersection with Spring/Factory, where Grove is 2-way, was approx 2700 vehicles total in 2004, the date of the last traffic count. No data are available for the portion of South Grove immediately adjacent to the site. However, traffic counts for Grove south of I-94 in 2006 (southbound only) are approximately 4100, indicating that up to 1400 vehicles join Grove from Tyler and/or Factory/Spring.

The portion of Factory/Spring to the north of the site is two-way; two lanes in either direction with dedicated turn lanes at the intersection. Traffic counts for both directions just west of the intersection totaled 16300 vehicles in 2004. Note that the Ford/Visteon/Angstrom property still operated, albeit at a reduced capacity, at this time. No data are available for the portion of Factory/Spring immediately adjacent to the site. However, the traffic count for Maus, east of Prospect, both directions, totaled 3300 vehicles, indicating that the majority of traffic (approx. 13000 vehicles) from Factory/Spring turns south onto Grove or north onto Prospect.

From these data, we can infer that up to approximately 4100 vehicles travel past this site's frontage on to Grove, wherein lie its entrances, and up to 11600 vehicles travel past its frontage onto Factory/Spring/Maus. For comparison, Ecorse Road traffic counts (from 2006) are 12,418 in both directions.

REZONING IMPLICATIONS

INTENT

The stated purpose of B2 zoning is to provide "for major retail shopping areas outside the downtown area... the uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile travelling consumer, and are to be limited in hours of operation."

B4, in contrast, is intended to provide for “a variety of commercial uses, including more intensive commercial uses not permitted in the B1, B2, and B3 districts,” and “is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire city and a substantial area of surrounding region beyond the municipal limits and, therefore, are located so as to serve passing traffic.”

However, the conditional rezoning would limit the B4 standards to the addition of Sec 122-412 (6) automotive sales... (see below) as proposed by the applicant.

Figure 6: Permitted uses in existing zoning district with addition of automobile sales of and proposed zonings. Uses not currently permitted are in bold type.

B2	B4
Adult drop-in centers	Sec 122-412 (6) Automobile sales: showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).
Antique, consignment and resale stores.	
An apartment house of not more than four (4) apartments located in an existing building originally constructed for residential purposes. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards.	
Apartments located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-317, and adequate parking for apartments is provided in addition to the required parking for business use as provided under Article XIII.	
Arts and crafts studios and schools.	
Auction house, subject to the specific provisions in section 122-813.	
Bars/lounges, provided that all service occurs within a completely enclosed building, with the exception of outdoor cafes which are subject to the provisions of Section 122-799.	
Business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to: Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies or commercial or industrial establishments. Offices for legal, engineering, architecture, consulting, accounting, auditing, tax preparation, bookkeeping services, and similar professions. Governmental administrative offices. Business services such as consumer credit bureaus and office support services. Offices of health professionals. Administrative offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations.	
Business, trade and professional schools	
Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.	
Essential services.	
Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted except as provided in Section 122-784.	

B2	B4
Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.	
Health and physical fitness centers, provided they are licensed.	
Inns, hotels or motels, as defined in Section 122-2, and subject to the Specific Provisions of Section 122-778.	
Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.	
Medical or dental offices, clinics, or laboratories.	
Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.	
Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.	
Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the Specific Provision of Section 122-799.	
Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo developing centers and photography studios.	
Personal service and retail establishments: electronics repair shops, postal centers, small appliance sales and repair, and similar special retail establishments.	
Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.	
Private non-commercial recreational areas or social facilities, institutional or community recreational centers, and non-profit pool or tennis club, subject to the Specific Provisions in Section 122-802.	
Radio and television studios.	
Restaurants. The following types of restaurants (or any combination thereof), as defined in Section 122-2, are permitted: Carryout and/or delivery: drive-through facilities are not permitted except as provided in Section 122-784. Fast-Food, provided that the establishment fronts along a major thoroughfare, as defined in Section 122-642. Drive-through facilities are not permitted except as provided in Section 122-784. Sit-down: Drive-through facilities are not permitted except as provided in Section 122-784.	
Retail businesses and shopping centers which are intended to supply commodities on the premises for regional customers, such as: Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited. Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel, toys, and similar products. Retail stores which offer comparison goods for retail completely within a fully enclosed building, such as home appliances (including service and repair), automotive supply stores (not including on-site automotive repair or installation of parts sold the premises) camera and photography supplies, sporting goods, electronics, furniture, mattresses, optical items, bicycle sales, home supply centers, paint or wallpaper stores, carpet, rug and linoleum/tile stores, lawn care products and machinery, pets and pet supplies (provided that no	

B2	B4
animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores.	
Veterinary hospitals and clinics, subject to the Specific Provisions in Section 122-809.	
Video rental establishments.	
Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.	

The area height and placement standards of B2 would remain in effect.

REZONING CONSIDERATIONS

The following are generally accepted criteria for evaluating a rezoning request and staff responses to each:

1) Is the proposed change consistent with the goals, policies and future land use map of the City of Ypsilanti Master Plan?

No. The Master Plan recommends that the future use of this parcel be "community commercial," roughly equivalent to B2 per the equivalency table on page 72 of the Master Plan. Community Commercial is described as the following:

This designation is designed to provide for commercial development that offers a broader range of goods and services than are offered in the local commercial areas, but less intensive than permitted in the central business district. The intent of this designation is to allow for the functional grouping of commercial enterprises which cater primarily to the surrounding neighborhood, but also could serve a larger trade area or service area. These areas are limited to locations along major thoroughfares in order to service both "local" and "through" travelers (p 68).

The intent is to provide for less intensive uses than in the Central Business District (equivalent to B3), which in turn is less intense than the General Commercial district (equivalent to B4). General Commercial is "...intended for the widest and most intensive variety of retail and service businesses."

Immediately, the change from minor automotive to used car sales would have minimal impact to the appearance and operation of the site. However, the change will likely perpetuate the non-conforming automotive repair use as well as add the automotive sales, neither of which are listed in the B2.

2) Is there evidence that the owner(s) cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning?

No. The current use is a nonconforming automotive repair use, in existence since 2000. This was a conditional use at the time. The previous use had been used car sales and repair, which appears to not have been a permitted use in that district at any time since its rezoning in 1979 from R4 to B2. Staff has not seen any evidence that a use permitted under the current zoning has been attempted at this site, thus, cannot evaluate the chances of its success. However, uses further south within this zoning district, permitted or special uses within the zoning district, including medical offices, construction offices, a church, and multifamily residences, have not submitted to this office any evidence of economic difficulty- or requests for rezoning.

- 3) *Are the uses permitted in the proposed zoning district compatible with existing surrounding land uses?*

Undetermined. The parcel adjoins three multifamily residential parcels, but is across the street from a major industrial site, the Angstrom property. It is grade separated from its neighbors to the east; sitting approximately 15 feet lower than them, which gives it some degree of isolation. It is not grade separated from its neighbor to the south, nor from its neighbors to the north, north-west, and west. It is in a transition area from intense commercial/manufacturing uses to medium-density residential and commercial uses. The three northernmost parcels on S. Grove, 311, 317 and 319 are buffered from surrounding land uses to some extent due to the grade changes mentioned above.

Hours of operation in the B2 are limited to between 6am and 2am, unless a special use permit is received, which is compatible with nearby residential. The B2 district is used throughout the City, most notably on Michigan Avenue, as a buffer between residential or less intense zones and more intense zoning districts. B4 is generally used as a straightforward high-intensity commercial district, such as along East Michigan Ave. Commercial-Industrial is generally used as a transition zone between existing industrial and mid-intensity business uses, generally along the railroad corridor. CI may be slightly more compatible with surrounding uses than B4, but neither appears as compatible as B2.

- 4) *Are city utilities and services sufficient to accommodate the uses permitted in the proposed zoning designation?*

Yes. There will be no additional strain on utilities.

- 5) *Can the existing street system safely and efficiently accommodate the expected traffic generated by uses permitted in the proposed zoning district?*

Yes. Per ITE trip generation rates, a single-bay automotive repair use generates up to ten trips per day. Per those same standards, a *new* car sales establishment with one sales person would generate up to twenty trips per day.

- 6) *Is there apparent demand for the types of uses permitted in the proposed zoning district compared to the amount of land in the City currently zoned and available to accommodate the demand? It has to be*

No. Currently, there are approximately 37.4 acres in the City zoned B2. There are 55 acres zoned CI, and 56 acres zoned B4. There are three automobile sales lots within the City; one on E Michigan Ave adjacent to downtown, and two on Ecorse just south of Michigan Ave. Perusing available property listings found on the CPIX (Commercial Property Exchange) website and the "Currently available property" listing on the City's website, there are far more listings for sale or lease in B4 and CI districts than in B2.

- 7) *The boundaries of the requested rezoning district are reasonable in relationship and development of the site will be able to meet the dimensional regulations for the proposed zoning district.*

Yes. The conditional rezoning would not change the area regulations for the site. The lot area and width in B2 are determined by the use and requirements relevant to that use, as in CI and B4. The rear yard is currently nonconforming (current rear yard is 10', required is 25' in all three); the side yard could become nonconforming due to the placement of a shed; and the front yard setback would be met, but parking area is now and would remain nonconforming. Under any zoning, auto

sales (retaining the service bays) could be challenging due to parking requirements. Many of these issues could be addressed in a future site plan.

- 8) *If the rezoning is appropriate, is the proposed designation the most appropriate considering all other districts, from the City's perspective?*

The recommended future land use of Community Commercial/B2 is most appropriate. However the conditional rezoning limiting uses is more appropriate than full rezoning to B4.

- 9) *If the rezoning request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?*

Amending the land uses is not more appropriate. Conditional rezoning provides more limits on reuse than rezoning to B4..

- 10) *Will the requested rezoning create an isolated and unplanned "spot zone"?*

Unclear. Conditional rezoning would expand the uses at that location, but base uses and standards would remain B2, community commercial.

REVIEW OF APPLICANT PROPOSED CONDITIONS

- 1) *Agree to restrict the use of the premises to a car dealership only*

This limitation would restrict future uses to those of B2, Community Business with the sole addition of automotive sales (Sec 122-412 (6)),

- 2) *Agree to remove dumpster from the premises*

The site currently has a dumpster that occasionally encroaches in the right-of-way. A dumpster enclosure would be required if the dumpster remained on the site in the case where the rezoning was approved, and a site plan required for the automotive sales use. While this may improve the appearance of the site, it is not above and beyond any existing requirements.

- 3) *Agree to remove the driveway near spring street*

In the case the rezoning use was approved and automotive sales would be required on the site, the closing of the curb cut would be required per Sec. 122-798. Open-front or open-air businesses; outdoor recreation/amusement facilities; outdoor sales of new or used automobiles, trucks and tractors, boats, etc.

- 4) *Agree to plant trees and ornamental grass on south grove from property line (chain fence) adjacent to spring street to driveway on south grove*

This appears to be in addition to landscaping requirements, if site landscaping requirement is met elsewhere.

- 5) *Agree to remove chain fence adjacent to spring street*

This fence would not be required per the zoning ordinance.

6) *Agree to erect wooden or rod iron fence adjacent to spring street*

This would be beyond any zoning ordinance requirements.

7) Agree to plant shrubs adjacent to fence near spring street

This appears to be in addition to landscaping requirements, if site landscaping requirement is met elsewhere.

STAFF RECOMMENDATION

Staff notes that the conditional rezoning is an improvement on the previous request due to the limitations on permitted uses and additional conditions proposed but recommends the Planning Commission recommend ***denial*** of the rezoning for 311 S Grove with the following findings:

1. The rezoning is not consistent with the goals, policies, and future land use map of the 1998 Master Plan.
2. The proposed zoning of the site is not consistent with existing and planned surrounding zoning districts and land uses.
3. The rezoning will result in an unplanned and isolated spot-zone.
4. The current B2, Community Business, designation is the most appropriate for this property.

However, staff recommends special consideration of this entryway area during the Master Plan revision process.

Bonnie Wessler and Teresa Gillotti
Planning and Development Department

c.c. File

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3405 Use and development of land as condition to rezoning.

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

History: 2006, Act 110, Eff. July 1, 2006.

Teresa Gillotti

From: Eric Brown [eric.brown2@gmail.com]
Sent: Friday, 09 November, 2012 12:18 PM
To: Teresa Gillotti
Subject: 311 S. Grove - Conditional Rezoning Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Proposal

- 1) Agree to restrict the use of the premises to a car dealership only
- 2) Agree to remove dumpster from the premises
- 3) Agree to remove the driveway near spring street
- 4) Agree to plant trees and ornamental grass on south grove from property line (chain fence) adjacent to spring street to driveway on south grove
- 5) Agree to remove chain fence adjacent to spring street
- 6) Agree to erect wooden or iron rout fence adjacent to spring street
- 7) Agree to plant shrubs adjacent to fence near spring street

**PLANNING COMMISSION
MEETING MINUTES
November 14, 2012
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: R Johnson, G. Clark, D. Lautenbach, M. Bullard,
B. Lenart, K. Weger

Absent: R. Murphy (excused) P. Hollifield (excused) C. Zuellig (excused)

Staff: Teresa Gillotti, City Planner
Bonnie Wessler, Planner I
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES – October 24, 2012

Commissioner Lautenbach moved to approve the minutes of October 24, 2012 with recommended changes (Support: G. Clark) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS & PRESENTATIONS

5, 6, & 7 W. Ainsworth – rezoning request R1 to RC

Ms. Wessler, Planner I, stated that this is a request to rezone three parcels to RC, Residential Commercial. One has been converted into a duplex rental (7 W. Ainsworth) another is a single-family rental (5 W. Ainsworth) and the third is a single-family owner-occupied unit (6 W. Ainsworth). 7 W. Ainsworth was a single-family rental until approximately 1999, when the owner at the time illegally converted it into a duplex. The owner was cited in 2003; the

property was foreclosed recently. The applicant who purchased the property is requesting the rezoning. Ms. Wessler continued by stating that the subject properties are within the "Gateway Area/Perry Neighborhood". Goals for this neighborhood include "creating a positive entry in to city" improving and redeveloping the existing housing stock and upgrading the commercial properties along East Michigan Avenue. The subject properties are also partially within the "East Michigan Avenue Target Area." That area is primarily aimed at those properties with frontages direction on East Michigan Avenue, rather than those properties adjacent to it. The properties in question are adjacent to East Michigan Avenue but not fronting it.

The future land use map shows two of these properties for future consideration as Mixed Residential/Commercial, which is the equivalent of R1/R2/R3/R4/RO/B1/B2 and 7 W. Ainsworth has a designated future land use of Single Family but is directly adjacent to and fronts on a segment of a street otherwise designated Residential Commercial. She reviewed the surrounding land use and zoning. There is no traffic count data available for W. Ainsworth but it is the primary access point for that neighborhood. She distributed charts showing the permitted uses R1 vs RC and RO vs R2 to compare permitted uses. R1 is one of our most restrictive zoning designations and only permits essential services, single family dwelling units. In contrast, the stated purpose of RC zoning is to provide "for a mixture of residential and low intensity commercial uses, which are intended to be compatible with various residential densities and housing types, and are to be of a small scale neighborhood commercial nature.

Ms. Wessler reviewed the rezoning considerations with staff's response adding that staff recommends that the Planning Commission deny the rezoning to RC, Residential Commercial for all three of the properties stated and included staff's findings. She stated that staff recommends Planning Commission to consider either an RO or R2 zoning designation for the subject properties. The public hearing was noticed with RC so it would have to be re-noticed and Planning Commission would have to decide this matter at a later meeting.

Some questions were asked by board members regarding the re-noticing and overlay districts, to which, Ms. Wessler responded in detail. There was also a question on non-conformity if we go through with rezoning, which Ms. Wessler also responded in detail.

Commissioner Clark moved to open the public portion of the hearing (Support: K. Weger) and the motion carried unanimously.

Orlando Avant – was in attendance to represent the applicant, Ms. Ana Paula Spiess, owner of the property. He asked if RO or R2 is allowed for duplex to which Ms. Wessler confirmed that it is. He questioned that it could be re-noticed to go before council. Mr. Avant continued by adding that Ms. Spiess purchased the property with the understanding from the owner that it could be used as a duplex and did not find out until later that this was untrue, hence the reason for her coming before the Planning Commission to get permission to legally rent the property. He stated that there are two meters, two furnaces and the driveway is compatible for this purpose. There are also separate entrances, one in front and one in back. The location of the structure is one house off Michigan which is commercial in nature. The RC designation is not as important as being able to lease it as a duplex. If RO or R2 seems to be more appropriate, they would welcome that. Ms. Spiess (owner of the property) stated that she had informed the neighbors of her plans to come before the commission and they had no complaints.

Commissioner Clark moved to close the public portion of the hearing (Support: D. Lautenbach) and the motion carried unanimously.

There were various opinions and concerns given by commission members on potential zoning possibilities, after which, one member suggested tabling the item in order to give staff an opportunity to look at RO and R2. After further discussion, Commissioner Lautenbach moved that the Planning Commission recommend tabling the rezoning of 5, 6, & 7 W. Ainsworth to allow Planning staff to determine if these properties can be rezoned to RO or R2 use (Support: G. Clark) and the motion carried unanimously. Commissioner Lenart moved to include in the re-noticing potential elimination of the overlay designation from two of the properties (Support: D. Lautenbach) and the motion carried unanimously.

I. OLD BUSINESS

1. 311 S. Grove – Conditional Rezoning

Commissioner Lenart moved to remove this item from the table (Support: G. Clark) and the motion carried unanimously.

At the previous commission meeting, staff was directed to look at other options. Planning Commission reviewed the previous rezoning proposal from B2 to B4 at its October 24th meeting and requested that staff look for another potential route for the property, including conditional rezoning. Staff worked with the applicant and revised the application request to that of conditional rezoning, which would limit the rezoning to the addition of one use (automotive sales) to the base B2 zoning. Staff checked with the city attorney that conditional rezoning could be considered as well checking to see if re-noticing was necessary, which it is not. The authority for conditional rezoning is Act 110 of 2006. In researching the process of conditional rezoning, staff learned that it is essential that the applicant propose the conditions for rezoning. Staff is still looking at going from B2 to B4 but the onus is on the applicant, since the use in B4 would be restrictive allowing the automotive sales, which is what the applicant wants.

Staff normally guides an applicant on options but in this case, we are not allowed to do that. The result is a series of conditions, which is shown in the staff report as to which ones would have been part of a site plan review and which ones would be additional conditions above and beyond. The reuse would be restricted in B4 uses that are same as the B2 with the addition of the car sales.

Ms. Gillotti reviewed the applicant proposed conditions in detail as listed on pages 12 and 13 of the staff report. Commissioner Lenart confirmed that these conditions would be applied to that site and would essentially be creating a B4* district. Ms. Gillotti stated that it is still problematic in relation to the Master Plan. Staff noted that while the conditional rezoning is an improvement on the previous request due to the limitations on permitted uses and additional conditions, she recommends the Planning Commission recommend denial of the rezoning and listed their findings.

Ayad Jacksi, owner of the property, was represented by Eric Brown who is a financial partner.

Mr. Brown stated that as far as restrictive use is concerned, they decided they are open to restricting it to only automotive sales. Commissioner Bullard pointed out that the applicant has created a one property zoning if approved and if in the future, other owners want to do something else, the applicant would have created an "island" thereby limiting uses to only the one use, which could be a problem in the marketing and resale of the property. He added that there are other B4 areas that the applicant could do what he wants. He continued by emphasizing to the applicant that they would have less of the B2 available uses, thereby losing flexibility, but gaining automotive sales, but this would be a business decision on his part.

Chairman Johnson stated that because he was absent at the last meeting, he asked Ms. Gillotti to give a brief rendition of how this issue of conditional zoning came up, moved forward and the genesis of it. Commissioner Lenart gave him a brief summary with some additional comments by Commissioner Bullard. There were comments by other commissioners including the fact that this was a trade-off but with huge limitations. The commissioners were trying to provide every opportunity to allow the applicant to go forward if there was any way possible and requested staff to see if there were any additional possibilities available to him.

Commissioner Lautenbach moved that the Planning Commission recommend approval of conditional rezoning to City Council for 311 S. Grove to B4 permitting only those uses held in common with B2 zoning district, in addition of auto sales as spelled out in 122-412 (6) and permitted special uses only held in common with the B2 zoning district as outlined in column three of the provided table, with the addition of staff investigating the possibility of bars/lounges and hotels/motels as they see fit in terms of combining permitted uses in B2 and B4. In addition, the following conditions as outlined in the email from Eric Brown dated November 9, 2012.

1. Applicant agrees to restrict the use of the premises to a car dealership only.
2. Applicant agrees to remove dumpster from the premises.
3. Applicant to remove the driveway near Spring Street.
4. Applicant agrees to plant trees and ornamental grass on South Grove from property line (chain fence) adjacent to Spring Street to driveway on South Grove.
5. Applicant agrees to remove chain fence adjacent to Spring Street.
6. Applicant agrees to erect wooden or iron route fence adjacent to Spring Street.
7. Applicant agrees to plant shrubs adjacent to fence near Spring Street.

And with the following findings:

1. That the proposed rezoning is more restrictive than the current use.
2. There is public support for this rezoning.
3. An auto dealership had been present on these premises in the past.
4. Site to be shielded from adjacent property such as that proposed so that rezoning does not impact other properties.
5. Site is small and that the community would be served well by a neighborhood scale car dealership serving the needs of the community.

The motion was supported by Commissioner Clark. A roll call vote was taken with a vote of 4:2. Commissioners Johnson and Lenart opposed.

2. Water Street Recreation Center Update

Ms. Gillotti stated that she is scheduling a work session with city council for December 4th at 6:00 p.m. with the models that had been presented at Spark East since some council members had been unable to attend.

VII. NEW BUSINESS

1. 16 Ecorse: Site Plan Review

Ms. Wessler stated that this is a request for site plan approval for additional order board and reduction in number of parking spaces. The proposed work comprises an additional drive-through and stone façade. The addition of the order station necessitates parking space removal; the stone façade requires work to the foundation, accounting for the increase in building footprint size.

This property went through full site plan review as part of a full site "scrape and rebuild" in 2004-2005; the applicant is currently proposing minor modifications to the site. The parking reduction requiring a waiver is the issue which brings this before Planning Commission.

The applicant is responsible for obtaining permits from the Department of Public Services prior to beginning work in the Center Street right-of-way. The Fire Department has no objections to the circulation and no work is proposed in the Ecorse Road right-of-way that would necessitate MDOT involvement.

Staff recommends approval of the site plan with findings, waivers and conditions, which were included in the staff report dated 30 October, 2012.

Commissioner Lenart asked if it would be reasonable to require bicycle parking as a measure to alleviate the reduction of on-site parking, to which staff responded in the affirmative.

Greg Lautzenheiser, L & A Architects, Troy, MI – representing McDonalds was accompanied by Scott Paulus, McDonalds Construction Manager for the project, as well as the owner of the property. He reviewed the staff recommendations adding that requesting the side-by-side is for customer convenience and safety and part of the remodel is the image. As far as the conditions are concerned, they went through the list and have no problem reconstructing the pedestrian ramp at Center Street, however, although it appears to comply with code, it is a little bit awkward because the intersection is not at the right angle and there is a utility pole located there so will have to work with staff to reconstruct that. Regarding the two spaces in front of the building, it is a little bit congested, therefore, McDonalds has agreed to remove these spots. Bicycle parking will be added.

Mr. Lautzenheiser presented some drawings of the proposed site with potential landscaping and new architectural elements.

After further discussion and concerns by board members, Commissioner Lenart moved to approve the site plan for the McDonald's at 16 Ecorse with the following findings, waivers and conditions:

Findings:

1. The application substantially complies with Sec 122-127, however, subject to final staff review of the plans provided today.

Waivers

1. The granting of a waiver for 20% reduction of the required parking due to site dimensional constraints, majority of the business being conducted via drive-through, and nearby weekday bus stop.

Conditions

1. The applicant should work with staff to reconstruct pedestrian ramp at east corner of Center Street to ensure that it meets all applicable standards.
2. The applicant will remove two parking spaces in front of building to limit interference with entering/exiting traffic, and in accordance with Entryway Overlay zoning standards prohibiting parking in front of buildings.
3. Applicant to modify parking area to include a parking island on the south end of the west parking aisle.
4. Applicant provides bicycle parking for a minimum of four bikes.
5. The applicant to obtain permit from DPS prior to work at Center Street pedestrian ramp as determined.
6. Replacement of two trees that will be removed with a suitable size and species in the development site or adjacent to - subject to location determined by city staff.

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

VIII. COMMITTEE REPORTS

- Non motorized – plan to come before Planning Commission at the December meeting
- Master Plan Committee met and City Council approved the contract for ENP Associates and we hope to have a schedule soon. Steering Committee will be in December and hope to start the process in March.

IX FUTURE BUSINESS DISCUSSION/UPDATES

Rutherford Pool Site Plan - December
715 Norris – Outdoor Site Plan - adding outdoor rack storage
834 Railroad – Special Use – marijuana
1820 Washtenaw – Possibility of modification of sign standard
Corner of Park/Michigan – letter of intent on one acre

VI. ADJOURNMENT

Since there was no further business, Commissioner Lautenbach moved to adjourn the meeting (Support: B. Lenart) and the motion carried unanimously. The meeting adjourned at 9:00 p.m.

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

PERMITTED USES ONLY

Uses that will be lost have been struckthrough.
Items that may be propagated, as the intent seems the same but the wording is different, have been italicized.

B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
Adult drop-in centers	Adult drop-in centers.	Adult drop-in centers
Antique, consignment and resale stores.	Antique, consignment, and resale stores.	Antique, consignment, and resale stores.
An apartment house of not more than four (4) apartments located in an existing building originally constructed for residential purposes. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards.	An apartment house of not more than four apartments located in an existing building originally constructed for residential purposes; provided, however, that the building originally constructed for residential purposes which has been totally converted to a commercial use may not be reconvered to residential use, in whole or in part. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards. (Ord. No. 918, § 4-2000)	Arts and crafts studios and schools.
Apartment located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-317, and adequate parking for apartments is provided in addition to the required parking for business use as provided under Article XIII.	Arts and crafts studios and schools.	Auction House, subject to the specific provisions in section 122-813.
Arts and crafts studios and schools.	Auction House, subject to the specific provisions in section 122-813.	Automobile sales: showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
Auction house, subject to the specific provisions in section 122-813.	Automobile sales: showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair and shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).	Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively
Bars/lounges, provided that all service occurs within a completely enclosed building, with the exception of outdoor cafes which are subject to the provisions of Section 122-799.	Automobile service stations and repair garages which provide minor repair only, subject to the specific standards in section 122-776.	Essential services.
Business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to: Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies or commercial or industrial establishments. Offices for legal, engineering, architecture, consulting, accounting, auditing, tax preparation, bookkeeping services, and similar professions. Governmental administrative offices. Business services such as consumer credit bureaus and office support services. Offices of health professionals. Administrative offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations.	Bar/lounge, provided that all service occurs within a completely enclosed building.	Financial institutions, including banks, credit unions, and savings and loan associations. Drive-through facilities are permitted, subject to the specific provision in section 122-784.
Business, trade and professional schools	Body art facilities.	Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.
Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.	Catering services.	Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
Essential services.	Child care centers (not including dormitories) subject to the specific provisions in section 122-779.	Medical or dental offices, clinics, or laboratories.
Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted except as provided in Section 122-784.	Child care drop-off centers, licensed by the state, where minor children are not cared for longer periods than four hours.	Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.
Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.	Community garages or community parking lots, subject to the specific provisions in sections 122-781 and 122-782 respectively.	Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the specific provisions in section 122-797.
Health and physical fitness centers, provided they are licensed.	Essential services.	Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the specific provisions of section 122-799.
Hotels, motels or motels, as defined in Section 122-2, and subject to the Specific Provisions of Section 122-778.	Financial institutions, including banks, credit unions, and savings and loan associations. Drive-through facilities are permitted, subject to the specific provision in section 122-784.	Personal service shops such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal service shop.
Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.	Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.	Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.
Medical or dental offices, clinics, or laboratories.	Health and physical fitness centers.	Radio and television studios.
Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.	Hotels and motels.	Private service clubs, lodges, banquet halls, and meeting halls.

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.	Indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses, provided that public access to the site shall be located at least 75 feet from any intersection (as measured from the nearest right-of-way line to the edge of such access) and that the main and accessory buildings shall be located a minimum of 100 feet from any residential district or use.	Restaurants, including carry-out or delivery, sit-down, or fast-food, or any combination thereof. Drive-through facilities are permitted subject to the provisions in section 122-783.
Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the Specific Provision of Section 122-799.	Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin-operated laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.	<i>Retail businesses which are intended to supply commodities on the premises for regional customers, such as: Food stores; grocery stores; food cooperatives, meats, dairy products; alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided that the slaughtering thereof is not allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.</i> <i>Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.</i> <i>Retail stores which offer comparison goods completely within a fully-enclosed building such as home appliances (including service and repair), camera and photography supplies, sporting goods, electronics, furniture, optical items, bicycle sales, home supply centers, paint and wallpaper stores, carpet, rug, and linoleum/tile stores, lawn care products and machinery, building materials, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar</i>

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo developing centers and photography studios.	Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.	<i>specialty goods stores. The manufacture of sporting goods, small household items and crafts is permitted provided that 50 percent or more of the products are sold at retail from the same building and all activities and storage occur within a completely enclosed building.</i>
Personal service and retail establishments: electronics repair shops, postal centers, small appliance sales and repair, and similar special retail establishments.	Medical or dental offices, clinics, or laboratories.	Veterinary hospitals and clinics, subject to the specific provisions in section 122-809.
Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.	Offices for business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to the following: Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies, or commercial or industrial establishments. Offices for legal, engineering, architectural, consulting, accounting, auditing, and bookkeeping services and similar professions. Governmental administrative offices. Business services such as consumer credit bureaus and office support services. Administrative offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations, not including provision of social services or substance abuse treatment facilities.	Video rental establishments.
Private non-commercial recreational areas or social facilities, institutional or community recreational centers, and non-profit pool or tennis club, subject to the Specific Provisions in Section 122-802.	Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the specific provisions in section 122-797.	Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

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B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
Radio and television studios.	Outdoor cafes, outdoor fast food or sit-down restaurants, and beer gardens, subject to the specific provisions of section 122-799.	
Restaurants. The following types of restaurants (or any combination thereof), as defined in Section 122-2, are permitted: Carryout and/or delivery: drive-through facilities are not permitted except as provided in Section 122-784. Fast-Food, provided that the establishment fronts along a major thoroughfare, as defined in Section 122-642. Drive-through facilities are not permitted except as provided in Section 122-784. Sit-down: Drive-through facilities are not permitted except as provided in Section 122-784.	Personal service shops such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal service shop.	
Retail businesses and shopping centers which are intended to supply commodities on the premises for regional customers, such as: Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited. Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel, toys, and similar products. Retail stores which offer comparison goods for retail completely within a fully enclosed building, such as home appliances (including service and repair), automotive supply stores (not including on-site automotive repair or installation of parts sold the premises) camera and	Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.	

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
photography supplies, sporting goods, electronics, furniture, mattresses, optical items, bicycle sales, home supply centers, paint or wallpaper stores, carpet, rug and linoleum/tile stores, lawn care products and machinery, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores.		
Veterinary hospitals and clinics, subject to the Specific Provisions in Section 122-809.	Private service clubs, lodges, banquet halls, and meeting halls.	
Video rental establishments.	Radio and television studios.	
Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.	Refreshment stands.	
	Restaurants, including carry-out or delivery, sit-down, or fast-food, or any combination thereof. Drive-through facilities are permitted subject to the provisions in section 122-783.	
	Retail businesses which are intended to supply commodities on the premises for regional customers, such as: Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided that the slaughtering thereof is not allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.	
	Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.	

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

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B2 (standard)	B4 (standard)	B4 conditional zone, list of uses
	Retail stores which offer comparison goods completely within a fully-enclosed building such as home appliances (including service and repair), camera and photography supplies, sporting goods, electronics, furniture, optical items, bicycle sales, home supply centers, paint and wallpaper stores, carpet, rug, and linoleum/tile stores, lawn care products and machinery, building materials, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores. The manufacture of sporting goods, small household items and crafts is permitted provided that 50 percent or more of the products are sold at retail from the same building and all activities and storage occur within a completely enclosed building. Variety and department stores which sell a large variety of comparison goods, such as personal and specialty items, at retail. Single-family and two-family residences, provided that such uses are located in a structure originally constructed for residential use.	
	Video rental establishments.	
	Veterinary hospitals and clinics, subject to the specific provisions in section 122-809.	
	Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.	

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

SPECIAL USES ONLY

Uses that will be lost have been struckthrough.
Items that may be propagated, as the intent seems the same but the wording is different, have been italicized.

B2	B4	B4 Conditional Zone, SPECIAL uses
Any establishment intending to operate between 2 a.m. and 6 a.m. during any 24-hour period.	Adult regulated uses regulated under section 122-774.	Any establishment intending to operate between 2 a.m. and 6 a.m. during any 24-hour period.
<i>Automotive service stations which provide minor repair only, as defined in Article 2, subject to the standards in Section 122-776, and located along a designated major thoroughfare; provided, however, that quick oil change facilities are not permitted.</i>	Any establishment intending to operate between the hours of 2:00 a.m. and 6:00 a.m. in any 24-hour period.	<i>Automotive service stations which provide minor repair only, as defined in Article 2, subject to the standards in Section 122-776, and located along a designated major thoroughfare; provided, however, that quick oil change facilities are not permitted.</i>
<i>Auto rental operations, including parking, storage, washing and repair facilities.</i>	<i>Automobile, trailer, and truck rental outlets; provided that rental vehicles do not exceed 10,000 pounds in gross weight.</i>	Auto rental operations, including parking, storage, washing and repair facilities.
Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises.	Automobile or car wash establishments, subject to the specific provisions in section 122-777.	Coin-operated amusement arcades, and pool and billiard halls.

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2	B4	B4 Conditional Zone, SPECIAL uses
Child care or day care centers (not including dormitories), licensed by the State of Michigan, provided that minor children are cared for periods not longer than four (4) hours, subject to the specific provisions in Section 122-779.	<i>Automobile service stations and automobile repair garages, standing alone or in combination with an automobile sales outlet, which provide major or minor repairs, subject to the specific standards in section 122-776.</i>	Emergency shelters for the homeless, subject to the Specific Provisions in Section 122-785.
Child drop-off centers, licensed by the State of Michigan, where minor children are not cared for longer periods than four (4) hours.	Coin-operated amusement arcades, and pool and billiard halls.	Express and passenger terminals and express transfer facilities, subject to the Specific Provisions of Section 122-786.
Churches, Synagogues, and other Religious Facilities and Services, subject to Specific Provisions of Section 122-780.	Emergency shelter for the homeless, subject to the specific provisions in section 122-785.	Outdoor retail sales and display, subject to the specific provisions in Section 122-800.
Coin-operated amusement arcades, and pool and billiard halls.	Express and passenger terminals and express transfer facilities, subject to the specific provisions in section 122-786.	Substance abuse treatment facilities subject to the Specific Provisions in Section 122-808.
Drive-in and drive-through restaurants, and any type of restaurant which provides a drive-through window, subject to the Specific Provisions in Section 122-784.	Inns, subject to the specific standards in section 122-778.	

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2	B4	B4 Conditional Zone, SPECIAL uses
Drive-through facilities in combination with any kind of store, financial institution, or personal service business, subject to the Specific Provision of Section 122-784.	Open front or open air businesses; outdoor commercial recreation or amusement facilities; or outdoor sales of new or used automobiles, trucks, tractors, boats, mobile homes, recreation vehicle and trailers, subject to the specific provisions in section 122-798.	
Emergency shelters for the homeless, subject to the Specific Provisions in Section 122-785.	<i>Outdoor retail sales of plant materials not grown on the site, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.</i>	
Express and passenger terminals and express transfer facilities, subject to the Specific Provisions of Section 122-786.	Substance abuse treatment facilities subject to the specific provisions in section 122-808.	
Government and community service buildings.		
Hospitals and specialty clinics.		
<i>Outdoor retail sales and display, subject to the specific provisions in Section 122-800.</i>		

Zoning table:

B4, permitting as permitted uses only those uses held in common with the B2 zoning district, with the addition of auto sales as spelled out in 122-412(6), and permitting as special uses only those held in common with the B2 district.

Uses that will be lost have been ~~struck through~~.

Items that may be propagated, as the intent seems the same but the wording is different, have been *italicized*.

B2	B4	B4 Conditional Zone, SPECIAL uses
Substance abuse treatment facilities subject to the Specific Provisions in Section 122-808.		
Wholesale/warehouse sales facilities.		
Printing shops subject to the Specific Provisions in Section 122-810.		



City of Ypsilanti
Planning and Development Department

27 September 2012

**Staff Review of Rezoning Application
Complete Auto Rezoning
311 S Grove**

Applicant:	Ayad Jacksi Complete Auto Service Center, Inc 311 S Grove Ypsilanti, MI 48198
Project:	Complete Auto Rezoning
Application Date:	19 September 2012
Location:	East side of Grove, between Factory/Maus to the north and Prospect/Tyler/Grove intersection to the south
Zoning:	Current: B2, Community Business
Master Plan:	Community Commercial (B2, per p 72)
Action Requested:	Rezone to B4, General Business <i>OR</i> CI, Commercial-Industrial
Staff Recommendation:	Denial.

PROJECT AND SITE DESCRIPTION

Rezoning is requested for a single, 0.34-acre parcel. The property is currently used for major auto repair; the property owner wishes to add auto sales to the business.

Staff did decide to review the entire block from 311 S. Grove including 317, 319 and 413 S. Grove as well as 306, 308 and 318 S. Prospect. However, note that staff did overlook noticing for all parcels except for 311. If the Planning Commission would like to consider rezoning the entire triangle, the item should be tabled and noticed for the entire area.

Figure 1: Subject Site Location & Zoning

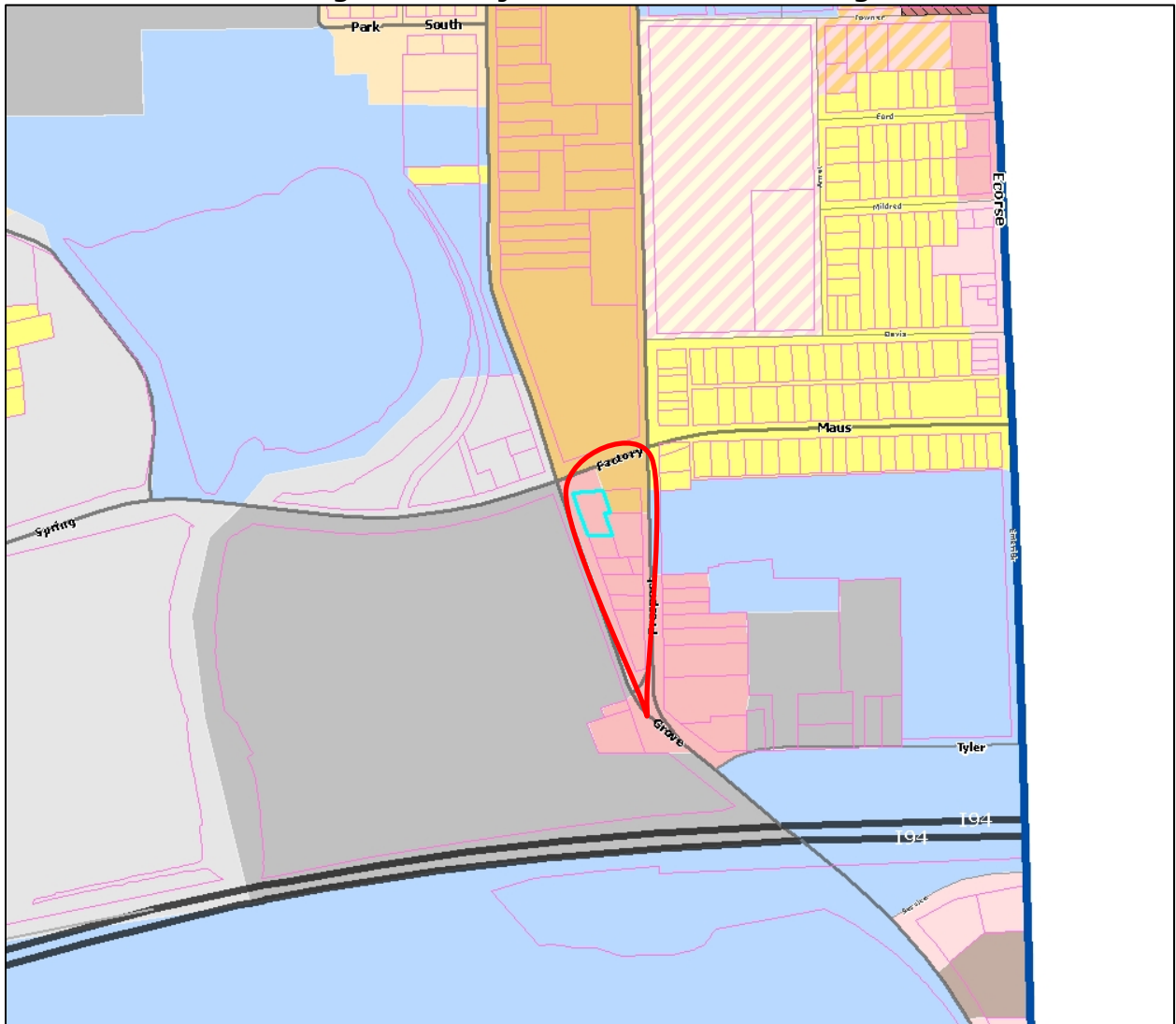


Figure 2: Site Aerial (2010)

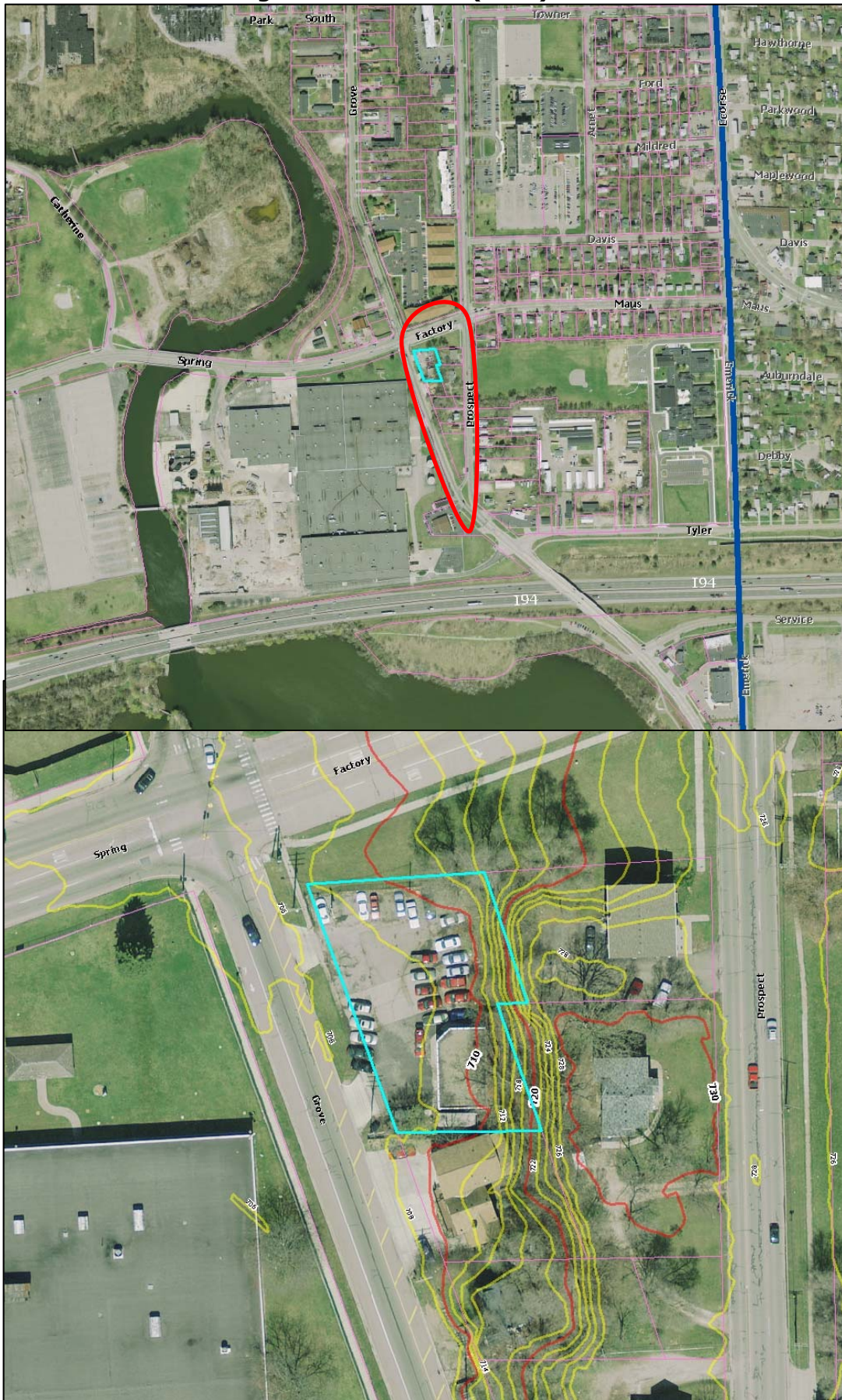
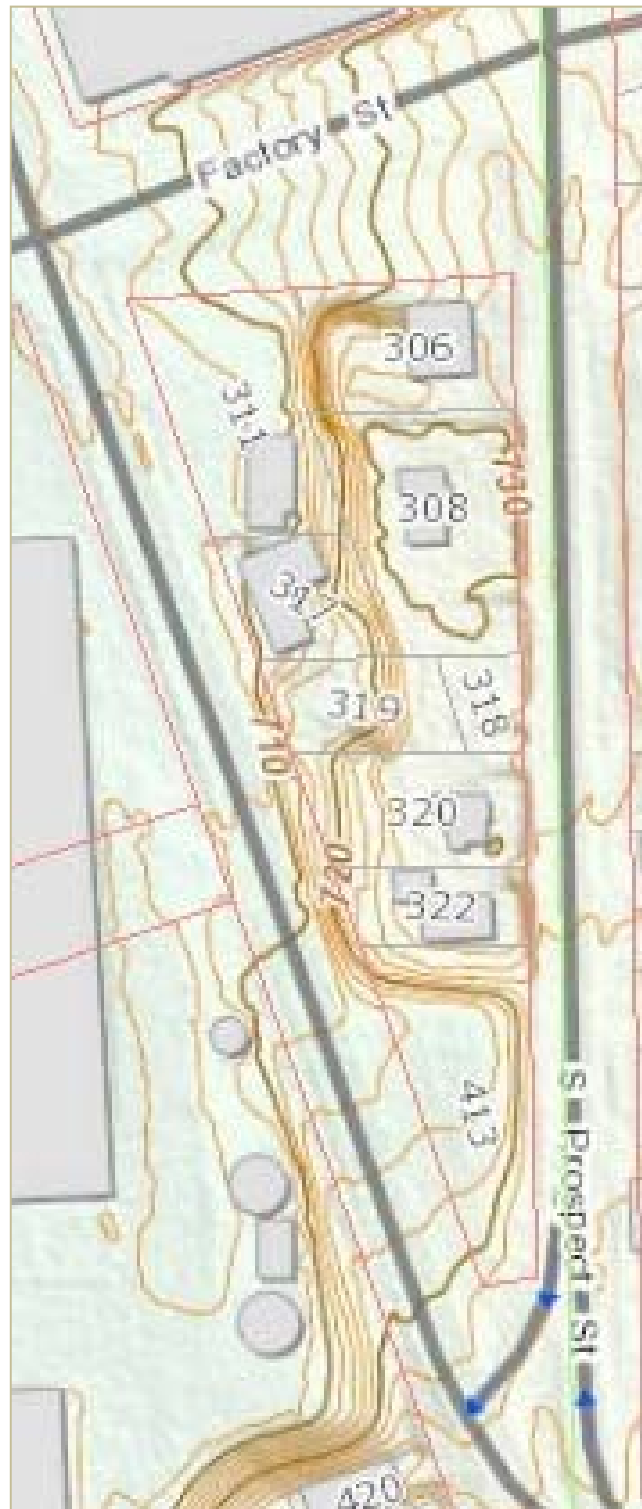


Figure 3: Topography (2ft contours, Washtenaw County database)

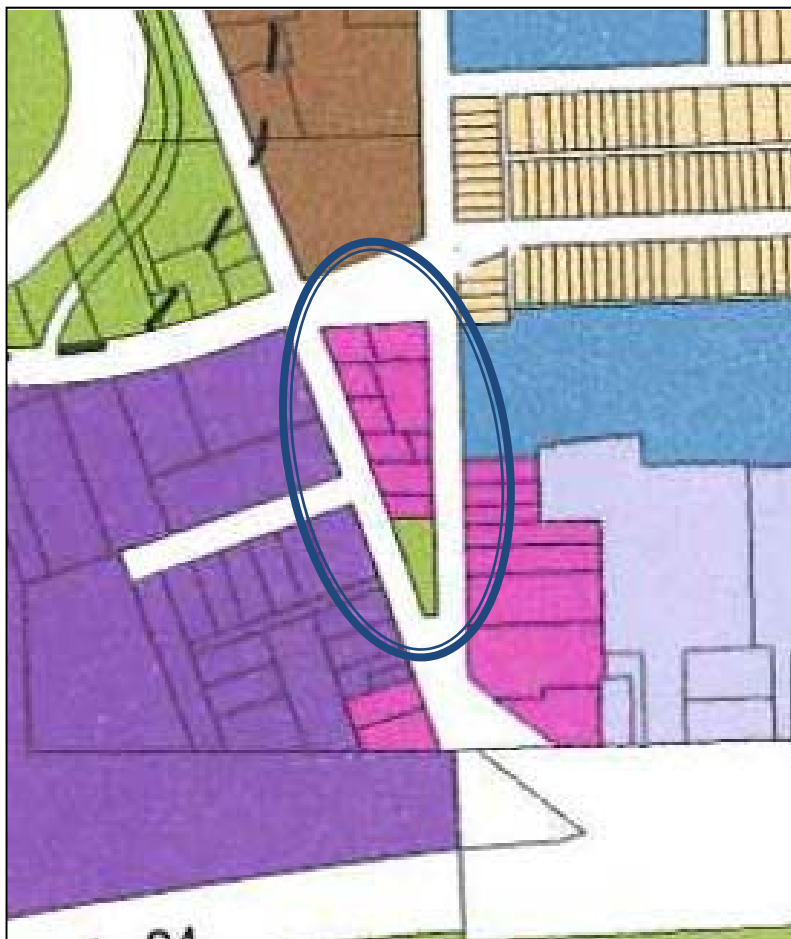


MASTER PLAN

The subject property is within the "Gateway Area / Perry Neighborhood." Goals for this neighborhood include "creating a positive entry into the City via design, landscaping, and signage; improving the linkages between neighborhoods and Downtown; upgrading the commercial properties along East Michigan Avenue; preventing unwanted land uses along West Michigan Avenue; and improving and redeveloping the existing housing stock."

The future land use map, below, shows the block as Community Commercial, the equivalent of B2 with the exception of the southernmost parcel as Public Land (Haab Brothers Memorial Park).

Figure 4: Future Land Use Designations



City of Ypsilanti Future Land Use

1998 Master Plan

Legend

- Single Family
- Two-Family
- Medium Density Residential
- High Density Residential
- Mixed Residential/Commercial
- Local Commercial
- Community Commercial
- CBD Commercial
- General Commercial
- Light Industrial/High Technology
- Heavy Industrial
- Mixed Industrial/Commercial
- Public/Institutional
- Parks

EXISTING LAND USE AND ZONING

Only one parcel is under consideration for rezoning; it is currently used for legal nonconforming minor auto repair and zoned as B2.

Figure 5: Surrounding Land Use and Zoning

	LAND USE	ZONING
NORTH	138-unit multifamily	R4, Multiple-family high-density residential (due north)
	Commercial Garage (major repair)	M1, Light Manufacturing (north-west)
EAST	Multifamily residential (6 unit bldg & 3 unit bldg)	R4, Multiple-family high-density residential (north east) B2, Community Business (south east)
SOUTH	Two-family residential	B2, Community Business (south east)
WEST	Manufacturing (Angstrom) (South Grove St)	M2, General Manufacturing

Traffic

The portion of South Grove immediately west of the site is currently a southbound one-way street, approximately 36' wide, with two travel lanes, a bike lane on the west side, and sidewalks on both sides. Traffic counts just north of the intersection with Spring/Factory, where Grove is 2-way, was approx 2700 vehicles total in 2004, the date of the last traffic count. No data are available for the portion of South Grove immediately adjacent to the site. However, traffic counts for Grove south of I-94 in 2006 (southbound only) are approximately 4100, indicating that up to 1400 vehicles join Grove from Tyler and/or Factory/Spring.

The portion of Factory/Spring to the north of the site is two-way; two lanes in either direction with dedicated turn lanes at the intersection. Traffic counts for both directions just west of the intersection totaled 16300 vehicles in 2004. Note that the Ford/Visteon/Angstrom property still operated, albeit at a reduced capacity, at this time. No data are available for the portion of Factory/Spring immediately adjacent to the site. However, the traffic count for Maus, east of Prospect, both directions, totaled 3300 vehicles, indicating that the majority of traffic (approx. 13000 vehicles) from Factory/Spring turns south onto Grove or north onto Prospect.

From these data, we can infer that up to approximately 4100 vehicles travel past this site's frontage on to Grove, wherein lie its entrances, and up to 11600 vehicles travel past its frontage onto Factory/Spring/Maus. For comparison, Ecorse Road traffic counts (from 2006) are 12,418 in both directions.

REZONING IMPLICATIONS

INTENT

The stated purpose of B2 zoning is to provide "for major retail shopping areas outside the downtown area... the uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile travelling consumer, and are to be limited in hours of operation."

B4, in contrast, is intended to provide for “a variety of commercial uses, including more intensive commercial uses not permitted in the B1, B2, and B3 districts,” and “is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire city and a substantial area of surrounding region beyond the municipal limits and, therefore, are located so as to serve passing traffic.”

Figure 6: Permitted uses in existing and proposed zonings. Uses not currently permitted are in bold type.

B2	B4	CI
Adult drop-in centers	Adult drop-in centers.	Arts and crafts studios and schools.
Antique, consignment and resale stores.	Antique, consignment, and resale stores.	Auction House, subject to the specific provisions in section 122-813.
An apartment house of not more than four (4) apartments located in an existing building originally constructed for residential purposes. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards.	An apartment house of not more than four apartments located in an existing building originally constructed for residential purposes; provided, however, that the building originally constructed for residential purposes which has been totally converted to a commercial use may not be reconverted to residential use, in whole or in part. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards. (Ord. No. 918, 8-4-2000)	Automobile sales: showrooms, salesrooms or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).
Apartments located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-317, and adequate parking for apartments is provided in addition to the required parking for business use as provided under Article XIII.	Arts and crafts studios and schools.	Automobile service stations which provide minor repair only, subject to the specific provisions in Section 122-776.
Arts and crafts studios and schools.	Auction House, subject to the specific provisions in section 122-813.	Bars and establishments serving alcohol.
Auction house, subject to the specific provisions in section 122-813.	Automobile sales: showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).	Business and professional offices. Such uses may include, but are not limited to: Business offices of a public utility, transportation authority or accessory to an industrial establishment. Offices for engineering, consulting, bookkeeping services, and similar professions. Administrative offices of non-profit organizations, such as professional membership organizations, labor unions, and fraternal associations.
Bars/lounges, provided that all service occurs within a completely enclosed building, with the exception of outdoor cafes which are subject to the provisions of Section 122-799.	Automobile service stations and repair garages which provide minor repair only, subject to the specific standards in section 122-776.	Business, trade and professional schools.

B2	B4	CI
Business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to: Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies or commercial or industrial establishments. Offices for legal, engineering, architecture, consulting, accounting, auditing, tax preparation, bookkeeping services, and similar professions. Governmental administrative offices. Business services such as consumer credit bureaus and office support services. Offices of health professionals. Administrative offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations.	Bar/lounge, provided that all service occurs within a completely enclosed building.	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises.
Business, trade and professional schools	Body art facilities.	Cinema production or development, except for adult regulated uses.
Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.	Catering services.	Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.
Essential services.	Child care centers (not including dormitories), subject to the specific provisions in section 122-779.	Essential services.
Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted except as provided in Section 122-784.	Child care drop-off centers, licensed by the state, where minor children are not cared for longer periods than four hours.	Greenhouses.
Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.	Community garages or community parking lots, subject to the specific provisions in sections 122-781 and 122-782 respectively.	Grocery and food markets.
Health and physical fitness centers, provided they are licensed.	Essential services.	Health and physical fitness centers, provided they are licensed.
Inns, hotels or motels, as defined in Section 122-2, and subject to the Specific Provisions of Section 122-778.	Financial institutions, including banks, credit unions, and savings and loan associations. Drive-through facilities are permitted, subject to the specific provision in section 122-784.	Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.
Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.	Funeral and mortuary establishments, provided that adequate assembly area is provided off-street for vehicles to be used in funeral processions.	Outdoor cafes, subject to the specific provisions of Section 122-799.
Medical or dental offices, clinics, or laboratories.	Health and physical fitness centers.	Printing services, including but not limited to: photocopying, printing, publishing, engraving, photo engraving, photo development, lithographing, and blue-print production.

B2	B4	CI
Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.	Hotels and motels.	Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.
Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.	Indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses, provided that public access to the site shall be located at least 75 feet from any intersection (as measured from the nearest right-of-way line to the edge of such access) and that the main and accessory buildings shall be located a minimum of 100 feet from any residential district or use.	Private non-commercial recreational areas or social facilities, institutional or community recreational centers, and non-profit pool or tennis club, subject to the Specific Provisions in Section 122-802.
Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the Specific Provision of Section 122-799.	Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin-operated laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.	Public buildings and utilities including necessary structures, storage yards and other related uses; but not including heating and electric generation plants and water supply and sewage treatment plants.
Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo developing centers and photography studios.	Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.	Radio and television studios.
Personal service and retail establishments: electronics repair shops, postal centers, small appliance sales and repair, and similar special retail establishments.	Medical or dental offices, clinics, or laboratories.	Repair of appliances, provided that the retail sale of new merchandise, other than service parts and accessories shall not be permitted.
Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.	Offices for business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to the following: Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies, or commercial or industrial establishments. Offices for legal, engineering, architectural, consulting, accounting, auditing, and bookkeeping services and similar professions. Governmental administrative offices. Business services such as consumer credit bureaus and office support services. Administrative offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations, not including provision of social services or substance abuse treatment facilities.	Restaurants, including carry-out or delivery, sit-down, or fast food, or any combination thereof. Drive-thru facilities are permitted subject to the provisions in Section 122-783.

B2	B4	CI
Private non-commercial recreational areas or social facilities, institutional or community recreational centers, and non-profit pool or tennis club, subject to the Specific Provisions in Section 122-802.	Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the specific provisions in section 122-797.	Retail stores which offer comparison goods for retail completely within a fully enclosed building, such as home appliances (including service and repair), automotive supply stores (not including on-site automotive repair or installation of parts sold the premises) camera and photography supplies, furniture, mattresses, home supply centers, carpet, rug and linoleum/tile stores, lawn care products and machinery, and similar specialty goods stores.
Radio and television studios.	Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the specific provisions of section 122-799.	Self-storage facilities and mini-warehouses, provided that the facility is enclosed with an eight-foot fence, and that adequate security is provided and maintained. A single residential unit not exceeding 1,500 square feet in floor area for an on-site manager is permitted.
Restaurants. The following types of restaurants (or any combination thereof), as defined in Section 122-2, are permitted: Carryout and/or delivery: drive-through facilities are not permitted except as provided in Section 122-784. Fast-Food, provided that the establishment fronts along a major thoroughfare, as defined in Section 122-642. Drive-through facilities are not permitted except as provided in Section 122-784. Sit-down: Drive-through facilities are not permitted except as provided in Section 122-784.	Personal service shops such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal service shop.	Veterinary hospitals and clinics, subject to the Specific Provisions in Section 122-809.
Retail businesses and shopping centers which are intended to supply commodities on the premises for regional customers, such as: Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited. Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel, toys, and similar products. Retail stores which offer comparison goods for retail completely within a fully enclosed building, such as home appliances	Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.	Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.

B2	B4	CI
(including service and repair), automotive supply stores (not including on-site automotive repair or installation of parts sold the premises) camera and photography supplies, sporting goods, electronics, furniture, mattresses, optical items, bicycle sales, home supply centers, paint or wallpaper stores, carpet, rug and linoleum/tile stores, lawn care products and machinery, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores.		
Veterinary hospitals and clinics, subject to the Specific Provisions in Section 122-809.	Private service clubs, lodges, banquet halls, and meeting halls.	
Video rental establishments.	Radio and television studios.	
Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.	Refreshment stands.	
	Restaurants, including carry-out or delivery, sit-down, or fast-food, or any combination thereof. Drive-through facilities are permitted subject to the provisions in section 122-783.	
	Retail businesses which are intended to supply commodities on the premises for regional customers, such as: Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided that the slaughtering thereof is not allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited. Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products. Retail stores which offer comparison goods completely within a fully-enclosed building such as home appliances (including service and repair), camera and photography supplies, sporting goods, electronics, furniture, optical items, bicycle sales, home supply centers, paint and wallpaper stores, carpet, rug, and linoleum/tile stores, lawn care products and machinery, building materials, pets and pet supplies (provided that no animals are boarded except for sale	

B2	B4	CI
	and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores. The manufacture of sporting goods, small household items and crafts is permitted provided that 50 percent or more of the products are sold at retail from the same building and all activities and storage occur within a completely enclosed building. Variety and department stores which sell a large variety of comparison goods, such as personal and specialty items, at retail.	
	Single-family and two-family residences, provided that such uses are located in a structure originally constructed for residential use.	
	Video rental establishments.	
	Veterinary hospitals and clinics, subject to the specific provisions in section 122-809.	
	Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.	

Figure 7: Area, height and placement standards

	B2	B4	CI
Lot area, width, and building coverage.	The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.	The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.	Minimum lot area and width for non-residential uses shall be restricted by setbacks, screening and parking requirements. Lots with non-parallel sides shall not be less than the minimum width at twenty (20) and fifty (50) feet from the front lot line.
Front yard.	Where all frontage on the same side of a street between two intersecting streets is located entirely within business zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than 20 feet. In the B2 district, except as otherwise provided in this chapter, off-street parking may be permitted in any required or nonrequired yard areas, provided that such parking lot is located no closer than ten feet to any street right-of-way line and that a greenbelt is maintained between any parking lot and street right-of-way in accordance with subsection 122-835(11) b.	Where all frontage on the same side of a street between two intersecting streets is located entirely within business zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than 30 feet. In the B4 district, except as otherwise provided in this chapter, off-street parking may be permitted in any required or nonrequired yard areas, provided that no parking lot is located closer than ten feet to any street right-of-way line and that a greenbelt is maintained between any parking lot and street right-of-way in accordance with subsection 122-835(11).	There shall be a front yard of not less than twenty-five (25) feet as measured from the front lot line. Where all frontage on the same side of a street between two (2) intersection streets is located entirely within a commercial or commercial/industrial zoning district and where a setback has been established by fifty (50) percent of such frontage, then this established setback shall determine the required front yard.
Side yards.	No side yards are required along the interior side lot lines if building walls are built of fire-retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.	No side yards are required along the interior side lot lines if building walls are built of fire-retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.	For all other non-residential uses, the side yard shall be a minimum of three (3) feet unless adjacent to a residential use or zone for which a minimum of a fifteen (15) foot setback is required.
Street side yard.	On a corner lot, the street side yard setback shall conform to the requirements for a front yard in the B2 district. A minimum four-foot six-inch wide greenbelt shall be maintained along a side yard street bordering a residential district in accordance with section 122-835 (11) b.	In the B4 general business district, the street side yard setback on a corner lot shall follow the requirements of subsection (2) of this section. A minimum four-foot six-inch wide greenbelt shall be maintained along a side yard street bordering a residential district in accordance with section 122-835 (11) b.	When abutting a street, the side yard shall be not less than a minimum of fifteen (15) feet for all uses.

	B2	B4	CI
Courtyards.	Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.	Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.	
Rear yards.	There shall be a rear yard of not less than ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet plus five feet for each story in excess of two stories shall be provided, starting at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the centerline of an alley, provided no wall or fence is constructed along the rear property line.	There shall be a rear yard of not less than ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet plus five feet for each story in excess of two stories shall be provided, starting at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the centerline of an alley, provided no wall or fence is constructed along the rear property line.	There shall be a rear yard setback of not less than twenty (20) feet.
Abutting a residential district.	Notwithstanding the provisions of this section, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as provided by section 122-703.	Notwithstanding the above, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as provided in section 122-703.	Unless a stricter setback is provided elsewhere in this Ordinance, a minimum setback of twenty-five (25) feet shall be maintained along all property lines where a multiple family (greater than 4 units) or a nonresidential use abuts a single family use or zoning district. Such requirement does not apply if the site is separated from the single family residential use or zone by a public street.
Height	No building or structure in a B2 community business district shall exceed four stories or 50 feet in height, whichever is less. See section 122-640 for height exceptions.	No building or structure in the B4 general business district shall exceed six stories or 75 feet in height, whichever is less. See section 122-640 for height exceptions.	No building or structure shall exceed two (2) stories or thirty (30) feet in height. See Section 122-640 for height exceptions.
Other requirements			<i>Distance between Buildings.</i> The minimum distance between two (2) multiple family dwellings on a single lot or on contiguous property under the same ownership shall be twenty-five (25) feet, plus four (4) additional feet for every story or fraction thereof that the building exceeds two (2) stories. <i>Abutting the Huron River.</i> There shall be a setback of no less than fifty (50) feet from the high water mark of the River. Planning Commission shall also encourage the creation of dedicated public access to the River.

REZONING CONSIDERATIONS

The following are generally accepted criteria for evaluating a rezoning request and staff responses to each:

- 1) *Is the proposed change consistent with the goals, policies and future land use map of the City of Ypsilanti Master Plan?*

No. The Master Plan recommends that the future use of this parcel be "community commercial," roughly equivalent to B2 per the equivalency table on page 72 of the Master Plan. Community Commercial is described as the following:

This designation is designed to provide for commercial development that offers a broader range of goods and services than are offered in the local commercial areas, but less intensive than permitted in the central business district. The intent of this designation is to allow for the functional grouping of commercial enterprises which cater primarily to the surrounding neighborhood, but also could serve a larger trade area or service area. These areas are limited to locations along major thoroughfares in order to service both "local" and "through" travelers (p 68).

The intent is to provide for less intensive uses than in the Central Business District (equivalent to B3), which in turn is less intense than the General Commercial district (equivalent to B4). General Commercial is "...intended for the widest and most intensive variety of retail and service businesses." The Mixed Commercial/Industrial master plan designation (out of which came the CI, Commercial Industrial zoning district) was originally intended to "... allow more intense commercial uses as permitted uses, while heavy industrial uses would be allowed as a special use based upon site-specific conditions."

- 2) *Is there evidence that the owner(s) cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning?*

No. The current use is a nonconforming automotive repair use, in existence since 2000. This was a conditional use at the time. The previous use had been used car sales and repair, which appears to not have been a permitted use in that district at any time since its rezoning in 1979 from R4 to B2. Staff has not seen any evidence that a use permitted under the current zoning has been attempted at this site, thus, cannot evaluate the chances of its success. However, uses further south within this zoning district, permitted or special uses within the zoning district, including medical offices, construction offices, a church, and multifamily residences, have not submitted to this office any evidence of economic difficulty- or requests for rezoning.

- 3) *Are the uses permitted in the proposed zoning district compatible with existing surrounding land uses?*

Undetermined. The parcel adjoins three multifamily residential parcels, but is across the street from a major industrial site, the Angstrom property. It is grade separated from its neighbors to the east; sitting approximately 15 feet lower than them, which gives it some degree of isolation. It is not grade separated from its neighbor to the south, nor from its neighbors to the north, north-west, and west. It is in a transition area from intense commercial/manufacturing uses to medium-density residential and commercial uses. The three northernmost parcels on S. Grove, 311, 317 and 319 are buffered from surrounding land uses to some extent due to the grade changes mentioned above.

Hours of operation in the B2 are limited to between 6am and 2am, unless a special use permit is received, which is compatible with nearby residential. The B2 district is used throughout the City, most notably on Michigan Avenue, as a buffer between residential or less intense zones and more intense zoning districts. B4 is generally used as a straightforward high-intensity commercial district, such as along East Michigan Ave. Commercial-Industrial is generally used as a transition zone between existing industrial and mid-intensity business uses, generally along the railroad corridor. CI may be slightly more compatible with surrounding uses than B4, but neither appears as compatible as B2.

- 4) *Are city utilities and services sufficient to accommodate the uses permitted in the proposed zoning designation?*

Yes. There will be no additional strain on utilities.

- 5) *Can the existing street system safely and efficiently accommodate the expected traffic generated by uses permitted in the proposed zoning district?*

Yes. Per ITE trip generation rates, a single-bay automotive repair use generates up to ten trips per day. Per those same standards, a *new* car sales establishment with one sales person would generate up to twenty trips per day.

- 6) *Is there apparent demand for the types of uses permitted in the proposed zoning district compared to the amount of land in the City currently zoned and available to accommodate the demand? If have to be*

No. Currently, there are approximately 37.4 acres in the City zoned B2. There are 55 acres zoned CI, and 56 acres zoned B4. There are three automobile sales lots within the City; one on E Michigan Ave adjacent to downtown, and two on Ecorse just south of Michigan Ave. Perusing available property listings found on the CPIX (Commercial Property Exchange) website and the "Currently available property" listing on the City's website, there are far more listings for sale or lease in B4 and CI districts than in B2.

- 7) *The boundaries of the requested rezoning district are reasonable in relationship and development of the site will be able to meet the dimensional regulations for the proposed zoning district.*

The lot area and width in B2 are determined by the use and requirements relevant to that use, as in CI and B4. The rear yard is currently nonconforming (current rear yard is 10', required is 25' in all three); the side yard could become nonconforming due to the placement of a shed; and the front yard setback would be met, but parking area is now and would remain nonconforming. Under any zoning, auto sales (retaining the service bays) could be challenging due to parking requirements. Many of these issues could be addressed in a future site plan.

- 8) *If the rezoning is appropriate, is the proposed designation the most appropriate considering all other districts, from the City's perspective?*

The recommended future land use of Community Commercial/B2 is most appropriate.

- 9) *If the rezoning request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?*

Amending the land uses is not more appropriate.

10) Will the requested rezoning create an isolated and unplanned "spot zone"?

Yes, if only 311 S Grove is considered. The surrounding zones are R4, B2, M1, and M2. There would be no properties within more than three hundred feet that share either proposed zoning classification. However, should Planning Commission choose to consider rezoning the entire "triangle" between Grove/Prospect/Maus/Tyler, spot zoning could be avoided.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend **denial** of the rezoning for 311 S Grove with the following findings:

1. The rezoning is not consistent with the goals, policies, and future land use map of the 1998 Master Plan.
2. The proposed zoning of the site is not consistent with existing and planned surrounding zoning districts and land uses.
3. The proposed boundary for the rezoning is not appropriate, based on the existing character of the site, the uses permitted in the proposed and existing zoning districts, natural features, and the character and use of adjacent properties.
4. The rezoning will result in an unplanned and isolated spot-zone.
5. The current B2, Community Business, designation is the most appropriate for this property.

However, staff recommends special consideration of this entryway area during the Master Plan revision process.

Bonnie Wessler
Planner I, Planning and Development Department

c.c. File



City of Ypsilanti
Planning & Development Department

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7260
www.cityofypsilanti.com

Non-refundable
Planning Fee:
\$800

Date: 9-17-12

MAP AMENDMENT (REZONING) APPLICATION

Applicant*

Name Ayael Jacksi		
Address 311 South Grove		
City Ypsilanti	State Mi	Zip 48198
Phone [REDACTED]		

*If applicant is not owner of property, a written, notarized statement from the owner authorizing this application must be included.

Property

Name of project complete Auto serv Cen - INC	
Address 311 South Grove	
List all parcel identification numbers included in request: 11-11-09-496-002	
Current Zoning: B2	Proposed Zoning: B4 or C1
Circumstances, factors, and other relevant information (may continue on a separate sheet): would like to add car sale to Auto Repair, Because of Tough Economy we having hard time paying overhead, I will greatly	

→
continuing
on the
Back

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to

Signature

Print Name

appreciated if you give me the opportunity
to start selling cars Hoping that will keep
My Door open for Business. Thank you very
Much

Note: I am Having Back and Joint Pain some time
That make it Harder to do hard working and Heavy
Lifting.

[Reply](#) [Reply All](#) [Forward](#)

Support for Jacksi Car Dealership in Ypsilanti

Michael Woods [mykeybiz@gmail.com]

To: [Teresa Gillotti; ajacksi@aol.com](#)

Wednesday, October 10, 2012 1:36 PM

Flag for follow up. Start by Wednesday, October 10, 2012. Due by Wednesday, October 10, 2012.

To Whom It May Concern,

I want to express my total support for Ayad Jacksi in the matter of his opening a car dealership in Ypsilanti.

I have done business with Mr Jacksi for over 15 years and he has consistently been honest, trustworthy and has shown himself to be a good businessman and a positive force in his community.

The area where Mr Jacksi currently operates his "Complete Auto" repair operation is in great need of additional commerce. His property faces a huge closed factory facility, but the neighborhood is alive with activity and lots of hard working consumers.

I have purchased quite a number of vehicles from Mr Jacksi over the years, just for my own personal use. I have always been able to depend on Ayad for honest and quick service. I have three adult children and over the years I have purchased a car for each one of them from Mr Jacksi. I am convinced that Ayad has the good business sense and a strong reputation in the community so that if he is allowed to open a car dealership, his business will certainly thrive.

Over the years I have recommended Mr Jacksi to all my friends as a mechanic who can be trusted.

I look forward to sending them to his car dealership so that they can purchase a car from Ayad Jacksi!

Sincerely,

Michael J Woods
Ann Arbor area resident

[Reply](#) [Reply All](#) [Forward](#)

Complete Auto

Denise [denisesdeals@yahoo.com]

To: [Teresa Gillotti](#)

Friday, October 12, 2012 3:14 PM

Flag for follow up. Start by Friday, October 12, 2012. Due by Friday, October 12, 2012.

To whom it may concern,
I have lived in Ypsilanti for 12 years, and I am a long standing customer of Complete Auto. I am glad to have Complete Auto in my neighborhood for two reasons. First, Ayad, the owner, has been very fair in his business dealings causing me to be a very satisfied customer. Finally, he takes care in keeping his business neat and well kept, which can be challenging for a business that deals with broken down vehicles, and is nice for his neighbors who live near. For these reasons, I am in support of the the re-zoning of his area for auto sales.
Ypsilanti Resident,
Denise Hunt
Sent from my iPhone



Dear City of Ypsilanti,

As a resident living on Davis Street, I have taken my vehicles for repairs to Complete Auto, owned and operated by Mr. Ayad Jacksi now for the last ten years.

Mr. Jacksi is the most honest mechanic I know. As Associate Pastor at Calvary Baptist Church on Ecorse Road, I have recommended his work to many of our church members. I estimate that he has saved me thousands of dollars through the years by not over-charging me like other mechanics have done in the past. Long ago, on more than one occasion, I had other mechanics estimate that I needed work done for as much as \$300 or more that Ayad fixed for less than \$100 because the others identified problems that didn't need to be fixed. Mr. Jacksi has always fixed the real problem the first time and charges an extremely reasonable charge for services performed. I greatly appreciate him.

On behalf of Mr. Jacksi, I respectfully request that the city allow him to operate a car dealership at his location. I live nearby and drive by his shop on a daily basis and don't think it will negatively affect our neighborhood in any way. In fact, with the rising cost of doing business, and tougher economic conditions, it is a very positive thing to have someone like Ayad with his business operating in his location.

Thank you for your attention to this letter. If you have any questions, feel free to contact me at: mmickelson@cbcypsi.org; or at 734-395-1544.

Very Sincerely,

Matt Mickelson
1013 Davis St.
Ypsilanti, MI 48198
734-395-1544

[Reply](#) [Reply All](#) [Forward](#)

Proposed rezoning of Complete Auto, Inc

bill@fantasyattic.com

To: [Teresa Gillotti](#)

Wednesday, October 10, 2012 9:22 PM

Dear Teresa,

I am writing in support of Mr. Ayad Jacksi and his proposed rezoning of Complete Auto, Inc at 311 South Grove St. to allow auto sales. I have been a neighbor and a customer of Mr. Jacksi's for five years, and have found him to be a great asset to our neighborhood. It is my opinion that allowing Complete Auto to include used auto sales would further benefit the area. I implicitly trust that Mr. Jacksi's high integrity would ensure that he would only offer vehicles of good quality and good value.

Thank you for your time and consideration.

Warm regards,

William R. Brennan
625 Tyler Rd.
Ypsilanti, MI 48198
734-482-5409 (work)
734-934-8623 (cell)

PRESTON L. PLEWS
LIEUTENANT COLONEL
ARMY OF THE UNITED STATES, RETIRED
302 SOUTH HURON STREET
YPSILANTI, MICHIGAN 48197
(734) 485-5007

15 October 2012

CITY OF YPSILANTI
ATTN: Ms Theresa Gillotti, City Planner
1 South Huron Street
Ypsilanti, Michigan 48197

Dear Ms Gillotti:

Mr Ayad Jacksi of Complete Auto Service, 311 South Grove Street, Ypsilanti has asked me to support his application for expansion of his repair and service garage to include a car resale business.

Not only am I more than pleased to support Mr Jacksi personally, but I am delighted with his idea for strengthening Ypsilanti's business climate.

I have taken my own and my wife's cars, and my daughter's, to Mr Jacksi for about a dozen years. Over this time, I have come to know him well and to consider him a personal friend and, in a sense, a fellow veteran. An Iraqi Kurd who earned a price on his head during the Gulf War of the early 1990s for his work with opposing forces under the Saddam regime, Mr Jacksi was evacuated with his wife and first young son to the United States. Since then, he and his family (now with three sons) have adapted well to our culture without surrendering the considerable strengths of their own.

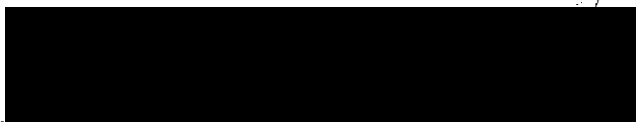
Early on in our business relationship, my already aging (then 12-year-old) Cadillac developed an inexplicable problem which I asked Mr Jacksi to solve. Upon preliminary examination, Ayad told me that he did not have the necessary diagnostic equipment; he recommended that I take the car back to a Cadillac dealer. I did so, receiving repairs for which I paid \$731.52, following which the problem promptly reasserted itself.

I took the car back to Mr Jacksi, who suggested that I let him drive it for a week or so during which he might be able to identify the problem. Within that time he had the problem not only identified but fixed. My records are incomplete, but my recollection is that he billed me a little over a hundred dollars, mostly for parts.

Thanks to Mr Jacksi's continued attention, my Cadillac is running beautifully at 23 years of age and after 210,000 miles, including an engine replacement. In the meantime, Mr Jacksi helped my wife and me buy a second used car, a 2001 Chrysler minivan, which runs equally well after two years with us and with 110,000 miles on its odometer.

I know Mr Jacksi as a fine citizen, a remarkably knowledgeable, skilled and intuitive mechanic, a highly ethical businessman and a credit to our community. He is a model of honesty and service. I believe it will be in Ypsilanti's best interest to encourage him in the expansion of his business.

Most sincerely,

A large black rectangular redaction box covering the signature area.

PRESTON L. PLEWS

cf: Mayor Paul Schreiber
Ms Lois Richardson
Mr Peter Murdoch
Mr Steven Pierce

**PLANNING COMMISSION
MEETING MINUTES
October 24, 2012
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

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

II. ROLL CALL

Present: R. Murphy, C. Zuellig, G. Clark, D. Lautenbach, M. Bullard,
P. Hollifield, B. Lenart

Absent: R. Johnson (excused) K. Weger (excused)

Staff: Teresa Gillotti, City Planner
Bonnie Wessler, Planner I
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES – September 19, 2012 and October 15, 2012

Commissioner Lenart moved to approve the minutes of September 19, 2012 with correction as recommended (Support: C. Zuellig) and the motion carried unanimously. Commissioner Lenart moved to approve the minutes of October 15, 2012 as read (Support: C. Zuellig) and the motion carried.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS & PRESENTATIONS

1. Grove Road Capital Improvement Review

Ms. Gillotti introduced Marcus McNamara of Orchard, Hiltz & McCliment, who is the city engineering firm on this project. Mr. McNamara made a presentation on the proposed improvement on Grove Road. He stated that they hope to start the project in May 2013 with

completion in the 2014 construction season. He added that this is 80% federally funded and includes all of the improvements, bike lanes, crosswalks, etc. The City is working with Ypsilanti Township on the project and should have all the paperwork completed by the end of the year. He reviewed the plan indicating two proposed bus stops and flash signs for crosswalks as well as location of same. Street trees can be included in the project but are not eligible for funding but this could be discussed to include at the time work was being performed. He reviewed the proposed lane configuration, which meets the intent of the complete streets ordinance, with 25 mph. There are four driveways on the project, which will be completed. The sidewalk gap across the gas station will also be done.

Commission Members Zuellig and Lenart encouraged that sidewalks be continued where the bank is located. Commissioner Murphy confirmed that both curbs are being replaced at this side of the project.

Commissioner Lautenbach moved to open the public portion of the hearing (Support: G. Clark) and the motion carried unanimously. Since there were no public comments, Commissioner Lenart moved to close the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

More comments by the board and staff continued, after which, Commissioner Lenart moved to recommend the proposed design concept with the addition of completing pedestrian sidewalk along the eastern segment, evaluating street trees and appropriate signage for the pedestrian crosswalk for efficient operation and safety. The motion was supported by Commissioner Clark. A roll call vote was taken and carried unanimously.

2. 311 S. Grove – Zoning Request B2 to B4

Ms. Wessler stated that this is a request to rezone to B4, General Business or CI Commercial Industrial for a minor auto repair in the B2 District. The property is currently used for major auto repair and the property owner wishes to add auto sales to the business, which is not a permitted use in the B2 District. The site is unique; it is adjacent to the former Ford plant, and on a major street. It is surrounded by residential on three sides. However, the Master Plan states that it is zoned community commercial and his request is not consistent with the Master Plan.

Ms. Wessler reviewed the rezoning considerations that are generally accepted criteria for evaluating a rezoning request with staff responses to each of the ten considerations, copy of which is included in the staff report dated September 27, 2012. By considering rezoning of only 311 S. Grove and not the entire "triangle" between Grove/Prospect/Maus, Tyler, this would be considered "spot zoning", and should be avoided. Ms. Wessler also included the five findings of recommendation of denial.

She added that the Planning Commission could expand the scope of what is under consideration but we would have to re-notice it; but if we wanted to examine the entire triangle, that could be worked on. She also stated that this area should be given special consideration in the upcoming Master Plan and future land use map. She stated that there was a number of letters of support for this landowner and his request.

Commissioner Clark moved to open the public portion of the hearing (Support: d. Lautenbach) and the motion carried unanimously.

Ayad Jacksi, Complete Auto Sales – feels that this opportunity would benefit many people since there are a number people in this area who have financial constraints and are interested in the purchase of used cars and are supportive of this endeavor. Because of tough economic conditions, and the rising cost of doing business, this would be beneficial to many people. He stated that has previously been used car sales many years ago.

Eric Brown, 11667 Meadows Circle, Belleville - is a customer of Complete Auto Sales and is willing to be a business partner if the property is rezoned.

Johnny Epps, 4265 Woodtream Drive, Ypsilanti – also a customer and neighbor – would appreciate if the board would consider this rezoning.

Alan Foulkes, 319 S. Grove, Ypsilanti – stated that this is a low income neighborhood and he supports the rezoning. It is a place where one could get a car at an affordable price and would tie in nicely with the current business.

Commissioner Lautenbach moved to close the public portion of the hearing (Support: B. Lenart) and the motion carried unanimously.

Some board members were sympathetic to the applicant's dilemma but agreed with staff's decision. Other members thought the city should be more flexible. Ms. Wessler explained that it had previously been a non-conforming use and used car sales were allowed in the 1990's but when the auto sales license lapsed, the non-conforming use was extinguished and cannot be picked up again. After much discussion, Commissioner Lautenbach moved to table the rezoning for 311 S. Grove with instructions to planning staff to exhaust all possibilities to see what can be done to make the use work for the applicant in conformance with the zoning laws; this includes the entire block (Support: G. Clark). A roll call vote was taken with a vote of 6:1 with Commissioner Bullard opposed. The motion carried.

3. Food Production and Processing Text Amendments

Ms. Gillotti stated that this is our second opportunity to look at changes to the ordinance on food production in residential lots; hoop houses/green houses as accessory use in residential zones and food processing in other districts. At the meeting in July, Planning Commission was open to changes but had concerns related to setbacks of gardens on vacation residential lots, scale of hoop houses/greenhouses in residential lots and their impact on residential character, as well as any required permitting. Staff has made an effort to further research and provide recommendations related on Planning Commission's feedback. She reviewed the recommended text changes.

The proposed zoning would allow gardens/community gardens as a permitted principal use in R1 and R2, as permitted accessory uses in all residential districts and would allow edible landscaping as part of any landscaping treatment. Additionally, community gardens will be permitted in public land districts.

In R1 and R2, gardens/community gardens will be permitted principal use subject to the following requirements: 1) Setback of 3 feet along any street frontage and 2) Traffic visibility requirements are met per Sec. 122-649. Additionally, gardens/community gardens will be permitted accessory uses in all residential districts subject to the same setback requirements.

Regarding hoophouses/greenhouses, the City's building official contacted other jurisdictions and has confirmed that hoophouses and greenhouses can be treated as agricultural buildings if the use and/or underlying district is agricultural in nature. To meet the criteria of the State of Michigan, staff has defined greenhouse and gardens to indicate cultivation of plants.

Commissioner Lautenbach moved to open the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

Amanda Edmonds, 320 Garland – and is the Director of Growing Hope. She congratulated the Planning Commission on taking up this issue. If it passes, we will be the first in the state to do so. She stated that she does not believe that hoophouses should be subject to size restrictions – 720 sq. ft. recommended by staff is problematic and it is her opinion that 30' x 96' is the most common size and could possibly be a special use. She also asked that the board consider R3 as a special use. She also asked for consideration of farm sales for the future. It has been successful in other urban areas.

Gary Urich, 539 Maple Court – agreed with Ms. Edmonds and supports her efforts. It is his opinion that this is an opportunity for the City of Ypsilanti to address food justice issues down the road. The community is trying to be sustainable and making food available to people is the hallmark of the future. Energy costs and transportation costs makes food costly and this would help themselves and their neighborhood.

Jeanette Golembiewski, 501 Osband – stated that she is excited about this project. She has a degree in horticulture from MSU and has a small landscaping business.

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

Board members had many comments on various items, i.e. food processing, size of hoophouses/greenhouses, agricultural exemptions on hoophouses, sales on garden lots and opposition to structures on vacant lots, after which, Commissioner Lenart moved to recommend to city council the proposed ordinance as presented with changes as referenced in staff presentation, and to permit greenhouses up to 720 sq. ft. as an accessory use, with greenhouses 720 sq. ft – 1200 sq. ft. as a special use.

The motion was supported by Commissioner Bullard. A roll call vote was taken with a vote of 5:2. Commissioners Hollifield and Murphy opposed.

VI. OLD BUSINESS

1. Water Street Recreation Center Update

Ms. Gillotti stated that presentations were held at Spark East and another will be held with Council the second meeting in November since some members was unable to attend. Some surveys were received on the design concepts with comments on likes/dislikes.

2. Master Plan RFP Proposal Recommendation to City Council

Ms. Gillotti referred to the presentation made the previous week noting that questions by the board and some in the audience were forwarded to the consultants as agreed and staff had received responses, which had been distributed to each member. She also noted that there had been a change in the LIAA proposal where one of the consultants from the MAP withdrew because of a conflict of interest. They have since replaced that position with McKenna Associates who they have worked with before.

The commission was asked for comments on the two proposals that had been presented. While both presentations were strong, the consensus was the ENP team. It was their opinion that ENP had a stronger vision for the City and liked the idea of the compressed schedule. ENP's team brought in an economic development consultant as well as a transportation consultant, which would bring value to the process. Also a consideration was the fact that they are based in Washtenaw County and that they brought in national expertise.

Commissioner Lautenbach moved to recommend the proposal for the Master Plan be approved to contract with the ENP Team are a cost of not to exceed \$150,000 (Support: G. Clark) and the motion carried unanimously.

VII. NEW BUSINESS

Because of the holidays, the November meeting was changed from November 21st to November 14th and the December meeting was changed from December 19th to December 12th.

VIII. COMMITTEE REPORTS

- Non-motorized transportation committee (Johnson, Murphy) – no report

IX FUTURE BUSINESS DISCUSSION/UPDATES

Ainsworth rezoning request, Ecorse McDonald's site plan amendment for a second drive-through.

VI. ADJOURNMENT

Since there was no further business, Commissioner Lenart moved to adjourn the meeting (Support: P. Hollifield) and the motion carried unanimously. The meeting adjourned at 9:20 p.m.



Resolution No. 2012 -258
December 4, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "Conditional Rezoning 311 S. Grove St." be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
December 4, 2012

From: Teresa Gillotti, Planner II

Subject: Text amendment – Food production, processing and sales ordinance change recommendations,

Background

In late 2010, the Planning Commission's ordinance committee began looking into possible text amendments related to clarifying where food can be grown in the City, addressing calls/requests for small scale hoop houses, and increasing areas where food production can be done in the City limits. The four key areas researched were:

1. Interest in food production in residential lots
2. Hoop houses/greenhouses – consideration of accessory use in residential zones
3. Food processing – opportunities in other business districts other than industrial/manufacturing
4. Food carts/trucks – options and ideas

Earlier this year, the Planning Commission's ordinance committee invited several other local experts, practitioners along with staff to discuss potential changes to existing ordinances to proactively consider some options for text amendments. The committee, upon staff recommendation, focused on the first three items and intend to reconsider food carts/trucks later. The committee met twice, Feb. 8, 2012 and April 6, 2012.

The committee consists of the following members:

Dan Lautenbach, Planning Commission	Amanda Edmonds, Growing Hope
Mark Bullard, Planning Commission	Liz Dahl MacGregor, Growing Hope, attorney
Kelly Weger, Planning Commission	Stefanie Stauffer, Nightshade Industries (food entrepreneur)
Bonnie Wessler, staff	Leah DuMouchel, staff
Teresa Gillotti, staff	

The Planning Commission reviewed proposed ordinance changes and held public hearings twice, first at the July 25, 2012 then with revisions at the October 24, 2012 meeting.

At the second meeting Planning Commission made recommendations regarding zoning text amendments to three categories listed below. Food production in residential lots

1. Food production in residential lots
2. Hoop houses/greenhouses – consideration of accessory use in residential zones
3. Food processing – opportunities in other business districts other than industrial/manufacturing

Food production in residential lots

There has been continued interest gardening vacant lots in the City of Ypsilanti. Currently, gardening is not allowed as a principle use, and is not defined as a permitted accessory use either. To prevent issues similar to what happened in Oak Park in the summer of 2011 (raised bed garden was considered a code violation), the Planning Commission is recommending zoning ordinance changes that will allow gardening as primary and accessory uses as below:

- Gardens/community gardens allowed as permitted primary use in R1, single family and R2 one-two family residential districts
 - Gardens as principal uses must maintain 3 foot setback on street frontages and maintain corner visibility clearance
 - No farm stands or other sale of goods grown in gardens/community gardens is allowed on garden sites.
- Gardens/community gardens allowed as permitted accessory use in R1, R2, R3, R4 and RO
- Community gardens allowed as permitted use in PL, Public land
- Landscaping definition now specifically includes “edible plants” as a permitted type of landscaping.

Hoop houses/greenhouses

Due to Michigan’s growing season, there is increased interest in hoop houses, greenhouses and other similar structures to extend the growing season to nearly year round use. Interest is both in residential areas where homeowners and renters would like to legally have a hoophouse as an accessory structure and for those interested in larger gardens on vacant lots, to have a hoophouse as a season extension tool for garden/urban agriculture issues.

The accessory use application of the greenhouse/hoophouse was fairly simple to apply, however the committee and the Planning Commission had much deliberation regarding the location of greenhouses/hoophouses on vacant lots in R1 and R2 districts. Concerns ranged from there the lack of an immediate resident/tenant to address any possible issues with the hoophouse maintenance, worry that they may be used as a second garage, and concern that hoophouses may be so large they could exceed the size of adjacent structures or generally not fit into the character of the neighborhood. On the supportive side, the benefits of seasonal extension were discussed as well as thoughts on what size would be most appropriate to accommodate the investment necessary for micro-farms.

Additionally, staff worked with the City's building official and Larry Lehman, Chief of the Building Division of the State Code of Bureau of Construction Codes from the Michigan to understand how the Right to Farm Act might apply to hoophouses/greenhouses in the City before making recommendations to the Planning Commission.

Building permit required?

The City's building official contacted other jurisdictions and has confirmed that hoophouses and greenhouses can be treated as agricultural buildings if the use and/or underlying district is agricultural in nature. This agriculture use invokes the "Right to Farm" legislation which states that building permits are not required for agricultural buildings. The exception to this is goods grown in said agriculture building are sold on site, or any other public uses of the greenhouse/hoophouse.

In practice, greenhouses/hoophouses would not require permits, except in the case of greenhouse in an approved zoning district where sales were also conducted on site, or potentially in the case where they may be used for educational trainings or other public gatherings. In cases where greenhouses may be an accessory use to a garden on a vacant lot in R1 or R2, staff is recommending a size limitation of 720 sf, which is the maximum size of a garage for a single-family lot, if setbacks and other requirements are unable to be met. For hoophouses/greenhouses between 720 sf and 1200 sf, planning commission is recommending a special use/site plan for the larger size. As this may put financial constraints on larger hoop houses, staff can, at council's discretion, put together special standards in lieu of the special use/site plan requirement between first and second reading.

Recommended changes to the zoning text are as follows:

- Greenhouses (hoophouses) are defined as exclusively for the cultivation of plants
- Greenhouses may be an accessory structure in R1, R2, R3, R4, RO and PL districts
 - In cases where a greenhouse is accessory to a garden as a principle use on a vacant lot, the greenhouse is limited in size to 720 sf, unless a special use permit is obtained, in which case the size can be increased to 1200 sf.

- In cases where a greenhouse is accessory to a garden as a principle use on a vacant lot, the greenhouse is subject to front yard setback requirements.
- Greenhouses do not require building permits unless sales occur on site or otherwise open to the public.

Food Processing

Currently, the zoning ordinance limits food production uses to manufacturing districts, while catering is allowed in several districts. In many circumstances, food production would not be more intensive than the current catering use. Planning Commission is recommending a change to the catering definition to allow more commercial space for small scale food/beverage production. Additional recommendations create more uniform definitions for manufacturing linked to retail food stores, with the exception that in B1, there is still a limitation on the sale of alcohol.

Recommendations:

- Catering services use also include "the manufacture and processing of food products including brewing and distilling as Special use in RC, B1 and B2 and as permitted use in B4, WS, CI, M1 and M2
- See attached chart

Recommendation

The Planning Commission held a public hearing and recommended approval of the attached ordinance changes. Staff suggests revisiting the greenhouse special use recommendation to determine if special standards might make this more feasible between first and second reading.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- Recommended text amendments
- Planning Commission Packets: July 25, 2012 and October 24, 2012
- Excerpt from July 25, 2012 and October 24, 2012 Planning Commission minutes
- Staff memos to Planning Commission ordinance committees Feb. 8, 2012 and April 6, 2012
- Resolution



Resolution No. 2012 -259
December 4, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled "FOOD PRODUCTION AMENDMENTS" be approved on **First Reading**.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

**CITY OF YPSILANTI
ORDINANCE NO. ~~1183~~ 1183A**

**Food Text Amendments
Modify Text as follows:**

**Definitions
122-2**

Building means any temporary or permanent structure, having a roof or other covering, used or built for the support, enclosure, shelter, or protection of persons, animals, chattel or property of any kind, including but not limited to tents, awning, carports, greenhouses; and also semi-trailers, vehicles, mobile homes, or premanufactured or precut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers or similar structures.

Garden/community garden means land used to grow and harvest food or non-food crops for personal or group use. The products of gardens/community gardens may or may not be for commercial purposes.

Greenhouse means any building or structure used exclusively for the cultivation of plants whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use and/or for subsequent sales. Such buildings may also be known as hoop houses, glasshouses, or indoor plant nurseries and may or may not be a structure.

Landscaping means the treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, edible plants and flowers. A landscape design may include other decorative manmade materials such as wood chips, crushed stone, boulder, or mulch.

Structural features such as fountains, pools, statues, and benches may also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted towards meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

ZONING DISTRICTS: COMMUNITY GARDENS/GARDENS

R1 - Single-family residential

122-252 permitted use:

(4): Gardens/community gardens, exempt from area regulations in section 122-255, but subject to the requirements in section 122-816.

122-253 permitted accessory use

(8) Greenhouses, subject to requirements in 122-816

122-258 Development standards

(a) Site plan review. In R1 single family residential districts site plan review and approval are required for all uses except detached single-family residential uses and garden/community garden uses in accordance with article IV of this chapter.

R2 - One- and Two-Family residential

122-272 permitted use:

(5): Gardens/community gardens, exempt from area regulations in section 122-275 but subject to the requirements in section 122-816.

122-273 permitted accessory use

(8) Greenhouses subject to requirements in 122-816.

122-278 Development standards

(a) Site plan review. Site plan review and approval is required for all uses in the R2 one- and two-family residential district except detached single- and two- family residential uses and garden/community garden uses in accordance with article IV of this chapter.

R3 – Multiple-Family medium density residential district

122-293 Permitted Accessory uses

(8) gardens/community gardens

(9) greenhouses, subject to requirements in 122-816

R4 – Multiple family high density residential district

122-313 permitted accessory uses

(9) gardens/community gardens

(10) greenhouses, subject to requirements in 122-816

RO – Residential Office District

122-333 Permitted accessory uses

(9) gardens/community gardens

(10) greenhouses, subject to requirements in 122-816

B2 Community Business district

122-373 (special uses)

(19) greenhouses

B4 General Business District

122-413 (special use)

(11) Outdoor retail sales of plant materials ~~not grown on the site~~, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.

(13) greenhouse

WS Workshop Studio

122-432. permitted uses.

(17) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter

122-433 (special uses)

(4) greenhouses

PL- Public Land

122-492. permitted use:

(7): Community gardens.

(8): greenhouses

CI Commercial-Industrial

122-518 (special use)

(20): Outdoor retail sales of plant materials ~~not grown on the site~~, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.

122-667 General Standards for detached accessory structures

- (1) *Location.* All detached accessory structure shall be located in rear yards or side yards, except for greenhouses which are subject to the provisions in 122-816. On corner lots, detached accessory structures shall not be located in the required street side yard setback. In no instance shall a structure be located within a dedicated easement
- (2) Setback requirements:
 - a. From principal structure. A detached accessory structure shall be located no closer than seven (7) feet to any principal structure used for residential purposes, five feet from any principal structure used only for nonresidential purposes; or in any case, the minimum distance to comply with fire safety regulations, whichever is greater.
 - b. From rear or side lot lines. Unless regulated otherwise under the area regulations for each district, detached accessory structures shall be constructed a minimum of three feet from a rear or side lot line, and a minimum of one foot from any lot line which abuts an alley. However, on a through lot, the minimum setback from a rear lot line shall be 12 feet.
 - c. Attached to a principal building. When an accessory building or structure is structurally attached to a principal building, it shall be subject to all of the regulations of this chapter applicable to the principal building.
- (6) *Single-family-lot.* On any one single-family residential lot, no more than one private garage, ~~and~~ one storage shed, and one greenhouse shall be erected.

122-800: Outdoor retail sales of plant materials, lawn furniture, playground equipment, garden supplies, etc.

Outdoor retail sales of plant materials ~~not grown on the site~~, lawn furniture and decorations, playground equipment, and home and garden supplies shall be permitted subject to the conditions hereinafter imposed:

- (1) Plant storage and display areas shall comply with all minimum setback requirements for the zoning district.
- (2) The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

Specific Use Standards

122-816 Gardens/Community Gardens

The goal of this standard is to clarify within existing districts that gardening is allowed as an accessory use and to allow for interim or long term low-intensity gardens and/or community

gardens on vacant lots in R1 and R2 districts as long as the use provides minimal impacts to residential character, and minimal increase in traffic in and around related parcels.

- (1) All principal use gardens/community gardens in R1 and R2 districts must maintain a 3 foot setback on street frontages as well as meet traffic visibility regulations detailed in Sec. 122-649
- (2) In cases where greenhouse are an accessory to gardens in R1 or R2, the usable area of the greenhouse shall not exceed 720 square feet, except when a special use permit is obtained, in which case the maximum usable area shall not exceed 1200 square feet.
- (3) In cases where greenhouses are an accessory to gardens in R1 or R2, the front yard setback of the underlying district will apply.
- (4) Sale of goods grown in a garden/community garden is prohibited on garden sites in residential districts. Sales of goods from greenhouse in business or other districts are subject to underlying district requirements.

Modify:

		Type	Existing Use	Proposed Use
B1	122-353 (3)	Special Uses	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises	Catering services <u>and the manufacture of food products including brewing and distilling</u>
B2	122-373 (4)	Special uses	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises	Catering services <u>and the manufacture of food products including brewing and distilling</u>
B4	122-412 (10)	Permitted	Catering Services	Catering services <u>and the manufacture of food products including brewing and distilling</u>
RC	122-511(7) <u>122-512</u> <u>(10)</u>	Permitted <u>Special Use</u>	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises, and the gross floor area or the Catering Service shall not exceed 1,500 square feet.	Catering services <u>and the manufacture of food products including brewing and distilling</u>
CI	122-517 (8)	Permitted	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises.	Catering services <u>and the manufacture of food products including brewing and distilling</u>
CI	122-517 <u>(28)</u>	Permitted		<u>Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes.</u>
CI	122-517 <u>(29)</u>	Permitted		Manufacture, compounding, processing, washing and cleaning, packaging, or

				treatment of such products as, but not limited to: bakery goods, candy, beverages, coffee, tea, spices, and other food products; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery
CI	122-518 (11)	Special Use	Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, baked goods, confections, ice cream and nonalcoholic beverages in bulk , jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.	
CI	122-518 (12)	Special Use	Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rust proofing shops; welding shops; enameling, painting and lacquering; japanning; brewing and distilling ; spinning and weaving, and powder production and cooperage.	
WS	122-432 (8)	Permitted	Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, baked goods, confections, ice cream and nonalcoholic beverages in bulk , jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories,	

			paper, wood, plastic, or rubber molded products.	
WS	122-432 (16)	Permitted		Catering services <u>and the manufacture of food products including brewing and distilling</u>
M1	122-452 (23)	Permitted		Catering services <u>and the manufacture of food products including brewing and distilling</u>
M1	122-452 (12)	Permitted	Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: bakery goods, candy, beverages, coffee, tea, spices, and other food products; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery.	
M1	122-452 (13)	Permitted	Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, baked goods, confections, ice cream and nonalcoholic beverages in bulk, jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.	
M1	122-452 (23)	Permitted		<u>Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes.</u>
M1	122-472 (33)	Permitted		Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rustproofing shops; welding shops; enameling, painting and lacquering;

				japanning; brewing and distilling ; spinning and weaving, and powder production and cooperage.
M1	122-453 (10)	Special use		Slaughtering*, sugar refining and other similar processes.
M2	122-453 (33)	Permitted		Catering services <u>and the manufacture of food products including brewing and distilling</u> .
M2	122-472 (11)	Permitted	Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rustproofing shops; welding shops; enameling, painting and lacquering; japanning; brewing and distilling ; spinning and weaving, and powder production and cooperage.	
M2	122-472 (12)	Permitted	Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes. regulated under subsection 122-473(11).	
M2	122-472 (14)	Permitted	Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: bakery goods, candy, beverages, coffee, tea, spices, and other food products ; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery.	
M2	122-472 (20)	Permitted	Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, baked goods, confections, ice cream and nonalcoholic beverages in bulk , jewelry, clothing and garments, perfumes, electrical appliances and fixtures, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and	

			household supplies, personal accessories, paper, wood, plastic, or rubber molded products.	
M2	122-473 (12)	Special Use	Slaughtering, sugar refining, and other similar processes.	

Modify:

		Type	Existing Use	Proposed Use
B1	122-352 (13) (a)	Permitted	Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as: (a) Food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, and similar food products, excluding the sale of alcohol. The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building.	(a) Food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, and similar food products, excluding the sale of alcohol. <u>Retail sale of poultry, fish and game (provided no slaughtering is allowed).</u> The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building.
B2	122-372 (27) (a)	Permitted	Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.	
B3	122-392 (25)	Permitted	a. Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. <u>Retail sale of poultry, fish and game (provided no slaughtering is allowed).</u> The manufacture of food products, such as baked goods or ice cream, is	

			permitted provided that that fifty (50) percent or more 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.	
B4	122-412 (32)	Permitted	Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided that <u>theno</u> slaughtering thereof is not allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.	
RC	122-511 (26)	Permitted	Retail businesses, such as food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, personal use items (drugs, health care, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies), florists shops, hobby and craft stores, gifts, antiques, jewelry, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.	
CI	122-517 (13)	Permitted	Grocery and food markets	<u>Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same</u>

				<u>building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.</u>
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MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY OF _____, 2012.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in the Ypsilanti Courier on the ____ day of _____, 2012.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ____ day of _____, 2012.

Frances McMullan, City Clerk

Notice Published: November 22, 2012

First Reading: December 4, 2012

Second Reading: December 18, 2012

Published: _____

Effective Date: _____



Memo

To: Planning Commission
From: Planning Staff
Date: October 24, 2012

Subject: Food production, processing and sales ordinance change recommendations, part II

In July the Planning Commission discussed in full some recommended changes to the zoning ordinance related to food production in residential lots, hoop houses/green houses as accessory use in residential zones and food processing in other districts. At the time Planning Commission was open to the changes but had concerns related to setbacks of gardens on vacant residential lots, scale of hoop houses/greenhouses in residential lots and their impact on residential character as well as any required permitting for them. Staff has made an effort to further research and provide recommendations related on Planning Commission's feedback. A summary of those changes and related developments is below.

Food production in residential lots

The proposed zoning would allow gardens/community gardens as a permitted principal use in R1 and R2, as permitted accessory uses in all residential districts, and would allow edible landscaping as part of any landscaping treatment. Additionally, community gardens will be permitted in public land districts.

In R1 and R2, gardens/community gardens will be permitted principal use subject to these requirements

- (1) Setback of 3 feet along any street frontage
- (2) Traffic visibility requirements are met per Sec. 122-649

Additionally, gardens/community gardens will be permitted accessory uses in all residential districts subject to the same setback requirements.

Hoop houses/greenhouses

The City's building official contacted other jurisdictions and has confirmed that hoophouses and greenhouses can be treated as agricultural buildings if the use and/or underlying district is agricultural in nature. This agriculture use invokes the "Right to Farm" legislation which states that building permits are not required for agricultural buildings. In conversation with an official from the State of Michigan, the only exception is goods grown in said agriculture building are sold on site. To meet t criteria, staff has defined greenhouse and gardens to indicate cultivation of plants

In practice, greenhouses/hoophouses would not require permits, except in the case of greenhouse in an approved zoning district where sales were also conducted on site, and/or other public access was granted

to the greenhouse. In cases where greenhouses may be an accessory use to a garden on a vacant lot in R1 or R2, staff is recommending a size limitation of 720 sf, which is the minimum size of a garage for a single-family lot if setbacks and other requirements are unable to be met.

The chart below indicates proposed expansion of the greenhouse use into additional business districts.

greenhouse primary use						
	M1	M2	CI	WS	B4	B2
permitted	x	x	x	X		
special					X	X

Recommended text changes:

Definitions

122-2

Building means any temporary or permanent structure, having a roof or other covering, used or built for the support, enclosure, shelter, or protection of persons, animals, chattel or property of any kind, including but not limited to tents, awning, carports, greenhouses; and also semi-trailers, vehicles, mobile homes, or premanufactured or precut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers or similar structures.

Garden/community garden

means land used to grow and harvest food or non-food crops for personal or group use. The products of gardens/community gardens may or may not be for commercial purposes.

Greenhouse means any building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use and/or for subsequent sales. Such buildings may also be known as hoop houses, glasshouses, or indoor plant nurseries and may or may not be a structure.

Landscaping means the treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, edible plants and flowers. A landscape design may include other decorative manmade materials such as wood chips, crushed stone, boulder, or mulch.

Structural features such as fountains, pools, statues, and benches may also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted towards meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

ZONING DISTRICTS: COMMUNITY GARDENS/GARDENS

R1 - Single-family residential

122-252 **permitted use:**

(4): Gardens/community gardens, exempt from area regulations in section 122-255, but subject to the requirements in section 122-816.

122-253 permitted accessory use:
(8): Greenhouses, subject to requirements in 122-816

122-258 Development standards
(a) Site plan review. In R1 single family resident districts site plan review and approval required for all uses except detached single-family residential uses and garden/community garden uses in accordance with article IV of this chapter.

R2 - One- and Two-Family residential

122-272 permitted use:
(5): Gardens/community gardens, exempt from area regulations in section 122-275 but subject to the requirements in section 122-816.

122-273 permitted accessory use
(8): Greenhouses, Greenhouses subject to requirements in 122-816

122-278 Development standards
(a) Site plan review. Site plan review and approval is required for all uses in the R2 one- and two-family residential district except detached single- and two- family residential uses and garden/community garden uses in accordance with article IV of this chapter.

R3 – Multiple-Family medium density residential district

122-293 Permitted Accessory uses
(8) gardens/community gardens
(9): Greenhouses subject to requirements in 122-816

R4 – Multiple family high density residential district

122-313 permitted accessory uses
(9) gardens/community gardens
(10) Greenhouses subject to requirements in 122-816

RO – Residential Office District

122-333 Permitted accessory uses
(9) gardens/community gardens
(10) Greenhouses subject to requirements in 122-816

B2 Community Business district

122-373 (special uses)
(19) greenhouses

B4 General Business District

122-413 (special use)
(11) Outdoor retail sales of plant materials not grown on the site, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.

WS Workshop Studio permitted uses:

122-422 (17): Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.

122-433 special uses)
(4) greenhouses

PL- Public Land

122-492 permitted use:
(7): Community gardens.
(8): Greenhouses

CI Commercial-Industrial

122-518 (special use)
(20): Outdoor retail sales of plant materials ~~not grown on the site~~, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.

122-667 General Standards for detached accessory structures

(3) *Location.* All detached accessory structure shall be located in rear yards or side yards, except for greenhouses which are subject to provisions in 122-816. On corner lots, detached accessory structures shall not be located in the required street side yard setback. In no instance shall a structure be located within a dedicated easement

(4) Setback requirements:

- a. From principal structure. A detached accessory structure shall be located no closer than seven (7) feet to any principal structure used for residential purposes, five feet from any principal structure used only for nonresidential purposes; or in any case, the minimum distance to comply with fire safety regulations, whichever is greater.
- b. From rear or side lot lines. Unless regulated otherwise under the area regulations for each district, detached accessory structures shall be constructed a minimum of three feet from a rear or side lot line, and a minimum of one foot from any lot line which abuts an alley. However, on a through lot, the minimum setback from a rear lot line shall be 12 feet.
- c. Attached to a principal building. When an accessory building or structure is structurally attached to a principal building, it shall be subject to all of the regulations of this chapter applicable to the principal building.

(6) *Single-family-lot.* On any one single-family residential lot, no more than one private garage, ~~and~~ one storage shed, and one greenhouse shall be erected.

Specific Use Standards

122-816 Gardens/Community Gardens

The goal of this standard is to clarify within existing districts that gardening is allowed as an accessory use and to allow for interim or long term low-intensity gardens and/or community gardens as a principal use on vacant lots in R1 and R2 districts as long as the use provides minimal impacts to residential character, and minimal increase in traffic in and around related parcels.

- (1) All gardens/community gardens in residential districts must maintain a 3 foot setback on street frontages as well as meet traffic visibility regulations detailed in Sec. 122-649
- (2) In cases where greenhouses are an accessory use to gardens in R1 or R2, the usable area of the greenhouse shall not exceed 720 square feet.
- (3) In cases where greenhouses are an accessory to gardens in R1 or R2, the front yard setback of the underlying district will apply.
- (4) Sales of goods grown in a garden/community garden is prohibited on garden sites in residential districts. Sales of goods from gardens or greenhouses in business or other districts are subject to underlying district requirements.

122-800: Outdoor retail sales of plant materials, lawn furniture, playground equipment, garden supplies, etc.

Outdoor retail sales of plant materials ~~not grown on the site~~, lawn furniture and decorations, playground equipment, and home and garden supplies shall be permitted subject to the conditions hereinafter imposed:

- (1) Plant storage and display areas shall comply with all minimum setback requirements for the zoning district.
- (2) The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

Food Processing:

Goal: To clarify and streamline the ordinance to allow for appropriate food production in business and industrial districts.

Background: Currently zoning for food production is limited to manufacturing districts, while catering is allowed in several districts and a change to catering could make more commercial space available to small scale food/beverage producers.

Recommendation: The committee was interested in clarifying language and providing food production in additional districts including the business park. Staff reviewed the ordinance again looking to provide edits in each section in order to more consistently characterize food production uses.

In retail situations, B1 still has a limitation on the sale of alcohol. Otherwise, all retail food stores ... will result in the same definition.

Catering services has been expanded to include manufacture and processing of food products throughout most districts.

	RC	B1	B2	B3	B4	WS	CI	M1	M2
Catering Services					P				
Catering services and the manufacture and process of food products including brewing and distilling where more than fifty (50) percent of the food produced on the premises is consumed off the premise		SU	SU	—	P	P	P	P	P
Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises, and the gross floor area or the Catering Service shall not exceed 1,500 square feet	P								
Food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, and similar food products, excluding the sale of alcohol. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building.		P							

Food stores, grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited			P					
Food stores, grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited				P				
Food stores, grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided that the thereof not no slaughtering is allowed). The manufacture of The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited				P		<u>P</u>		
Grocery and food markets							P	
Food products: the manufacture of food products such as baked goods, prepared sandwiches, ice cream, etc (not including butchering or warehousing of meat products), provided that less than 50 percent of the products are sold at retail from the premises'.						P		

Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, baked goods, confections, ice cream and nonalcoholic beverages in bulk , jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.						P	P	P	P
(12) Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: bakery goods, candy, beverages, coffee, tea, spices, and other food products ; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery							<u>P</u>	P	P
(11) Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rustproofing shops; welding shops; enameling, painting and lacquering; japanning; brewing and distilling ; spinning and weaving, and powder production and cooperage.							SU	<u>P</u>	P
Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes regulated under subsection 122-473(11).							<u>P</u>	<u>P</u>	P
*Slaughtering, sugar refining and other similar processes.								<u>SU</u>	SU

* **The Animal section of the city code has limitation on some animal slaughter:**

Sec. 14-6. - Slaughterhouses and slaughtering.

(a) *Generally.* No person, partnership or corporation shall keep, maintain or use or permit to be kept, maintained or used, any slaughterhouse within the limits of the city. No person, partnership or corporation **shall slaughter any sheep, swine or cattle within the limits of the city.**

(b) *Keeping slaughterhouses for purpose of slaughtering, declared nuisance.* It is hereby declared that the keeping, maintaining or use of a slaughterhouse for the purpose of slaughtering **sheep, swine or cattle within the limits of the city is a nuisance.**

Attorney Christ recommends cleaning up both the animal section and the special use language related to animal slaughtering. However, he notes that arguably the language in the animals section would allow a slaughtering (with special land use approval in M2 for poultry or any other animal not expressly deemed a nuisance in 14-6(b)).

Teresa Gillotti

From: Teresa Gillotti
Sent: Wednesday, 24 October, 2012 5:53 AM
To: 'blenart@comcast.net'; Bonnie Wessler; bullard@kw.com; cheryl.zuellig@jjr-us.com; Dan Lautenbach; gacsk8@aol.com; Kelly Weger; Nan Schuette; Phil Hollifield ; Richard Murphy; Rod Johnson
Subject: FW: Food ordinance changes to Planning Commission Wed. Oct 24
Attachments: Urban_Ag_Draft_12Sept12 reduced size-1.pdf

Commissioners,

Comments on tonight's proposed food ordinance language from Amanda Edmonds of Growing Hope.

Nan, can you provide copies for Commissioners tonight?

Thanks!
-Teresa

Teresa Gillotti
Planner II/Community & Economic Development
tgillotti@cityofypsilanti.com

From: Amanda Maria Edmonds [mailto:amanda@growinghope.net]
Sent: Tuesday, 23 October, 2012 10:34 PM
To: Teresa Gillotti
Cc: Elizabeth Dahl MacGregor; Kelly Weger; Dan Lautenbach; bullard@kw.com; Stefanie Stauffer; Bonnie Wessler; Leah DuMouchel; Andrew Murphy
Subject: Re: Food ordinance changes to Planning Commission Wed. Oct 24

Hi all--

I spoke with Adam Montri at MSU today per the most recent changes-- he's the one who worked with the state building department around the clarification and subsequent memo around hoophouses as agricultural structures, and who I consider the go-to person in the state. He's been a part of urban ag hoophouse development and technical assistance throughout Michigan.

Two points of clarification he made-- and I said them back to him a few times so I could make sure I was understanding correctly:

1) The point of sale issue is only if the sale (or shopping activity) is actually IN the hoophouse/greenhouse, not if it happens somewhere else on site. I.e. if the public is going to be shopping in a space there should be additional considerations around safety, exits, etc etc-- and that becomes a commercial space in the hoop-- different from if a property has sales activity elsewhere outside of the hoop. Plenty of farms have hoophouses as well as retail operation or farm stand on site-- it's only if they have retail actually in the structure-- like in a nursery or garden center-- should it be different and subject to building codes. This may be mostly mute under the current proposal to not allow on-farm sales in residential districts (and you'll see below my thoughts on that), but I think it will become very relevant.

2) Adam's understanding is that while setback is something that can be regulated by planning and zoning, size of an agricultural structure in itself cannot be dictated. I'm very much against the 720 square foot size limit and his interpretation is that it's not something that can be regulated per the exemption clause. Height and setback

indeed can per zoning, and I think it's unclear how it relates to regulations on percent of lot coverage. In Bar Harbor, Maine, hoopouses are specifically exempt from lot coverage requirements, as an example. The basic and most common size for a hoopouse is 30x96. 30 is the most common length; some will do a shorter one at 30 x 48. A "small" one for any commercial use would be 24 x 48. This range of sizes is what I would imagine on a vacant lot or a larger-than-average residential lot. You can get smaller commercially made sizes, but it's less common to, because the investment may not be worth the space if you're doing anything more than some personal season extension.

I'm pushing this now because I don't think it will be realistic for people to make the case or pay the money to apply for variances when they will definitely want hoops larger than 720 square feet. If, as a compromise, it needs to go that 720 square feet and under needs no review, and above that needs some level of additional review/approval, then I think that would be fine.

Detroit, after much careful development, has a full draft of their urban ag ordinances-- attached-- and has had a lot of community listening sessions and is moving into its official public hearings. They are regulating setback and height but not size.

One final point-- I do strongly support on-farm sales and farm stands-- which this ordinance specifically prohibits-- as I think this is key as part of a neighborhood food access strategy, and has been permitted in many other places I've visited. Detroit is allowing them in their ordinance proposal. I've been to urban CSAs in Buffalo, community gardens in Dallas, seen examples in Cleveland, et al that all allow such things and it is an asset to food access, neighborhood interactions, and the opportunity for super local economic development. If we need to propose that in the next round, that's okay-- but I'll keep pushing for it as a key piece of the healthy food access picture in our city.

I am only available for possibly a very brief portion of tomorrow night's meeting, unfortunately. Please share these comments with the other commissioners to consider my input. If it would be helpful I could write these up on official Growing Hope letterhead as our official platform around these changes.

Best,
Amanda

On Mon, Oct 22, 2012 at 6:33 PM, Teresa Gillotti <tgillotti@cityofpysilanti.com> wrote:

Hi fine folks,

The food ordinance amendments are back (see attached).

Here's a brief summary of the proposal:

- Gardens would be allowed as principal use in R1 and R2 districts and as accessory uses in all residential districts
- Greenhouses can be an accessory use to gardens in R1 and R2, but size cannot exceed 720 sf.
- Greenhouses do not require building permits

- For processing, catering definition has been expanded to include food production and processing and is allowed in more districts as a permitted use as well as special use.

The full details are attached.

Please let me know if you have questions, and feel free to pass the word. Wed. night will include a public hearing on the proposed amendments.

-Teresa

--

Amanda Maria Edmonds
Executive Director, Growing Hope
amanda@growinghope.net
734.330.7576

"We must be the change we wish to see in the world."

"To forget to dig the earth and to tend the soil is to forget ourselves."

-Mahatma Gandhi