

**PLANNING COMMISSION
MEETING MINUTES
April 20, 2016
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, A. Bedogne, B. Mason, L. MacGregor, P. Hollifield,
J. Talaga, H. Jugenitz, M. Dunwoodie

Absent: C. Zuellig

Staff: Bonnie Wessler, City Planner
Nan Schuette, Executive Secretary
Cynthia Kochanek, Associate Planner

Chairman Johnson welcomed our new Planning Commission member, Matt Dunwoodie.

III. APPROVAL OF MINUTES

Commissioner Jugenitz moved to approve the minutes of March 16, 2016, (Support: A. Bedogne) with recommended corrections on Page 4, first paragraph by Commissioner MacGregor and fourth paragraph by Commissioner Bedogne and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Special Use Permit and Site Plan Review – 436 Orchard

Staff report was presented by Associate Planner, C. Kochanek, who stated that this was a request for a Special Use and Site Plan Review for a group day care.

Ms. Kochanek stated that the applicant is currently licensed with the State of Michigan as a child care home with a capacity of six children, Zoned R-1, Single-Family Residential, which is permitted as an accessory use. The applicant is seeking approval for an increase in the use to utilize the home as a group day care for up to 12 children, which is allowed in R-1, Single-Family Residential only after approval as a special land use. A more intense use of a child care center is not allowed in R-1. Child care centers, child drop-off centers and group day care homes are regulated under Sec 122-779 and special land use is regulated under Article V of the zoning code.

Ms. Kochanek reviewed the standards and added that there were no concerns that the applicant was not in compliance with the standards. Ms. Kersey stated that the hours involved would be from 7:00 a.m. 7:00 p.m. with occasional late hours of 12 pm but there will definitely not be any overnight stays. Ms. Kersey added that she is also a bus driver and is up at 5:00 a.m. for that job but has a helper who comes first thing in the morning.

Ms. Kersey referred to the fencing and showed a photo from her phone to the board of the fencing which has been fixed at the north end as requested. She also showed a photo of lighting that was installed, which is also in compliance with city standards. She did state that a neighbor at the back had floodlights on his home to prevent any thefts on his property. Chairman Johnson asked that both of the photos indicating the fencing and lights be forwarded to the city planner. Commissioner Jugenitz asked about obstruction of traffic. Ms. Kersey responded that she has room for four cars in her driveway and that parents arrive at different times, which does not involve a lot of traffic concerns.

Staff recommends approval of this application with findings and conditions as stated in the staff report dated April 8, 2016.

Commissioner Hollifield moved to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Commissioner Jugenitz moved to recommend that the Planning Commission approve the Special Use Permit for 436 Orchard Daycare with the following findings and conditions:

Findings:

1. The application substantially complies with Sec 122-127.

Conditions:

1. Special Use approval shall be subject to approval of site plan

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

Commissioner Bedogne moved that the Planning Commission approve the Site Plan for daycare located at 436 Orchard with the following findings and conditions:

Findings:

1. The application substantially complies with Sec 122-127.

Conditions:

1. The applicant must obtain a license from the State of Michigan for the group child care home within six months of this approval otherwise the special land use will be revoked.
2. The applicant is to maintain the required outdoor recreation space of 600 square feet or more that is required by the State of Michigan for a group child care home.
3. The applicant needs to repair and secure the fencing on the north side of the lot.
4. At least one off-street parking space for each care giver must be provided and drop-off sites must not obstruct the flow of traffic along the public roadway.
5. All lighting is to be full cut-off.
6. The existing landscaping is to be maintained by owner.

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

2. Special Use Permit and Site Plan Review – 734 N. River

Staff report was presented by Associate Planner, C. Kochanek, who stated this is a special use approval for multiple family dwelling, 4 units. Ms. Kochanek stated that this structure is approximately 2,500 sq. ft. with a 484 sq. ft garage to the east, behind the structure. Parking for the structure is in the garage (2 spaces) and a gravel lot on the north side of the house. The entrance to the house faces south. There is a substantial amount of land behind the home that is wooded. No variances or special use applications have been approved previously for this property.

The applicant is applying for special use approval to utilize the house as a multiple family dwelling with four units. No changes or alterations are planned for the structure or site. CN-Mid, Core Neighborhood Mid allows for multiple family dwellings with a maximum of four units after approval as a special land use. Ms. Kochanek reviewed the special use criteria and review and does not foresee any problems with this application and recommends staff approval.

Commissioner Hollifield moved to open the public portion of the hearing (Supported: A. Bedogne) and the motion carried unanimously.

Yana Mucklebauer, 734 N. River – is the owner of the property– stated that parking is not a problem because the current tenants do not require that many spaces. The 4th unit in the basement doesn't need a separate entry because it was originally part of the first floor apartment but they are now separating them for ease of use. Building Department did not certify the rental because of the 4th apartment; therefore that triggered the need for the special use. She maintained she had a certificate of occupancy, however, Building Department records did not indicate such.

Rex Ritchie – Best Peak Properties, management firm for this property- They were expected to get a certificate of occupancy but this could not be done without permission to have four apartments from the Planning Commission. It is already set up for four apartments and has egress. He added that twelve parking spots were available; however, only seven are required. He agreed that the owner had met all demands required by the Building Department.

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

After some questions by the board members, Commissioner Bedogne moved to approve the Site Plan for the 734 N. River Apartments with the following findings and conditions:

Findings:

1. The applicant is substantially in compliance with Sec 122-165(b).

Conditions:

1. That the applicant works with staff to ensure that all provisions of the Michigan Barrier Free Design Law are met.
2. The applicant is to plant one additional shrub between the two that exist to the west of the gravel parking area for screening of the parking area from the ROW.
3. Applicant is to install two bicycle spaces or indicate on the sketch plan if these spaces already exist for staff approval.
4. That any lighting on site is to be full cut-off.
5. That the applicant provides a trash storage location on a sketch plan for staff approval. The trash storage needs to be located in the rear yard or arranged to minimize its visibility from adjacent streets.
6. The applicant is to maintain all existing landscaping.
7. The applicant will resubmit a parking plan for staff review showing the revised parking space estimates.
8. The applicant will submit an approved floor plan with the application.

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

3. Special Use Permit and Site Plan Review – 298 Jarvis

Associate Planner, C. Kochanek, presented her staff report stating that this is a site plan and special use approval for vehicle storage facility at 298 Jarvis. The applicant is applying for these approvals for vehicle storage. The applicant has proposed a 213,651 sq. ft. structure for the storage of fire engines. Plans indicate ten parking spots, including one handicap accessible parking spot. The facility will not generally be open to the public.

Five existing parcels will be combined and then the 2.44 acre parcel shown indicated on the plans will be split off. All of the 2.44 acres is vacant and includes frontage on Jarvis St and N. Huron St. A rezoning to R-4, multiple family high density residential was approved for 298 Jarvis in 1970 and in 1987 the property was rezoned to M-1, light manufacturing district.

Ms. Kochanek reviewed the special use criteria noting various items that would need to be addressed.

Commissioner Dunwoodie had questions on the lighting, which the architect addressed. Chairman Johnson asked about the note regarding the possibility of moving the building closer

to Huron and it was staff's opinion that there could be issues with that. Ms. Wessler stated the issue was the closeness of the driveway to the corner between Huron and Jarvis but it could be done.

Commissioner Jugenitz moved to open the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Scott Bowers, Bowers & Associates Architects, 2400 S. Huron Parkway, Ann Arbor – was in attendance to represent the applicant. He noted that they store all their fire trucks in the warehouses adjacent to this location. The property is approximately 12 acres total currently. He revealed a drawing noting that in the future the site would include a large scale student housing to the north in addition to the new building for fire truck storage, adding that this is a \$40M investment in the overall site, and that the fire engine storage is the first piece of that development. Regarding the driveway layout and length, one antique vehicle is over 70'. They can't make the turn if they don't keep the driveway longer. He also stated that although the plan is to develop the north end of the site with student housing, while sharing the acreage, the two projects are really separate entities only sharing the same civil engineers. Commissioner Johnson asked about the form based code, which Ms. Wessler explained in detail.

Chairman Johnson asked if the applicants were OK with the conditions as laid out and Mr. Bowers agreed that they have no problems adhering to the conditions.

Saul Castell, 300 Jarvis – the area is a student area– he had questions for Mr. Bowers regarding the green area, fence and the distance of the building from the fence, which Mr. Bowers addressed. The building at its peak will be 36'. Mr. Castell also had other concerns which did not pertain to this request but were more to do with complaints he had for city council, trash, high taxes, etc.

Richard Murphy, 406 Florence – stated that he was a former Planning Commissioner and had submitted a letter to the City Planner detailing his opposition to this request and his reasons for same. It is his opinion that the intensity of the site is not appropriate – ok for Industrial Park but not at this location since it is at the edge of a neighborhood and does not promote sustainability of the city – could be fine for a warehouse. He feels we should wait until we have the plans for the entire development to be able to weigh in on the benefits and also feels that the site could be designed more efficiently. He asked if any other sites had been available, to which Mr. Bowers responded that they had been unable to find any other site that would accommodate the size of the fire trucks, and besides the fact that this location was perfect because of the proximity to the fire house museum. He encouraged the board not to approve this request at this time. Look for more appropriate sites.

Chairman Johnson asked about the B2B trail and Mr. Murphy gave his opinion on this especially since he is a bike commuter.

Jamie Ramsay, 302 Jarvis – regarding the Jarvis site, wants green space to be kept – she is concerned about lighting since it sounds like it will be very intense and would like it turned off all night.

Ms. Sarah Adcock, 630 N Adams- She stated she was concerned about the driveway location since the road conditions there are already difficult. She is also concerned about the location of the building to the current properties. She feels that more walkable space is required in the area.

Commissioner Hollifield moved to close the public portion of the hearing (Support: H. Jugenitz) and the motion carried unanimously.

A number of comments were raised by the board members. Chairman Johnson is concerned if the other part of the plan (student housing) doesn't go thru, what would happen. Mr. Bowers added that he is confident it will. They have had huge interest and have a contract right now but they can't do anything until they build the new building on the corner for the fire truck storage. The fire trucks are currently stored in the structures that will need to be torn down to accommodate the student housing project.

Commissioner Bedogne asked if they were amenable to a 10' path for the B2B Trail, to which Mr. Bowers had no complaints. Commissioner Bedogne inquired if they would build out the entire B2B trail all the way to the north end of the property to which Mr. Bowers stated that they would not want to build that yet as they would need to tear it out during construction for the northern portion of the site. Mr. Bowers stated they plan to continue the B2B trail on the northern portion eventually. Commissioner Bedogne stated that that is even more reason that he would like to wait until they can see the proposal for the entire site.

Chairman Johnson has no problem with the layout and use of the property. That he suspects that it might be pretty difficult to locate an existing structure that will accommodate this use. He states that as a stand-alone use this is better than what has been there previously.

Commissioner Bedogne does not like the use, would prefer more of a mix and will not support this request. It is his opinion that their need to move should not be our reason to approve and feels they need to come up with a better plan. He is not interested in approving the whole special use if we don't know for sure that the apartments will come to fruition and would prefer to approve the whole thing as a package.

Commissioner Jugenitz had a number of concerns.

1. Would like to see the big picture and how it will all fit in with our Master Plan. She thinks it could have a better public use.
2. Procedural – contingent on something we are not sure will materialize.
3. Plan for historic unit – lacks integrated feel

Chairman Johnson added that it is important to consider if trucks don't go there, where would they go? There doesn't seem to be another location that could accommodate trucks of this size and within a close distance of the fire museum for easy transport. He asked how many engines it would hold and Mr. Bowers responded they are looking at 16 trucks to be located in the structure.

Commissioner Hollifield stated that this does make sense to him – while it's not perfect it is better than what we have now. He states that the planning commission would be supporting

this project on faith that they will do what they say they are going to do. The B2B trail would be done eventually. He feels the board should be more progressive and he will support this.

Commissioner Mason not sure about having faith it will happen – doesn't have enough guarantee for the board to make a decision on supporting this request. But as a student, she supports additional student housing.

Commissioner MacGregor moved that the Planning Commission approve the Special Use Permit for the Fire Engine Storage at 298 Jarvis with the following findings and conditions:

Findings: The application is substantially in compliance with Sec 122-165(b).

Conditions:

1. Special Use approval shall be subject to approval of site plan and the times of operation, loading and unloading of trucks are kept to reasonable business hours.

The motion was supported by Commissioner Hollifield. A roll call vote was taken with vote of 3:5. Commissioners Bedogne, Dunwoodie, Jugenitz, Mason and Talaga were opposed. The motion failed.

VI. NEW BUSINESS

None

VI. OLD BUSINESS

1. Zoning Ordinance Updates

Ms. Wessler asked board members to assist her in reviewing the zoning ordinance for corrections by volunteering to take various chapters.

Commissioner Jugenitz agreed to take "specific uses"

Commissioner Talaga agreed to take "parking"

Commissioner Bedogne agreed to take "accessory structures"

Commissioner Mason agreed to look over "procedure to ensure it makes sense to applicants"

Commissioner Dunwoodie agreed to "Site Regular, Parking/Circulation and Physical Built"

Commissioner MacGregor agreed to take "signs"

Ms. Wessler added that she would like to schedule meetings with all of the above in the next two weeks.

VII. FUTURE BUSINESS DISCUSSION/UPDATES

Ms. Wessler noted that since Chairperson Johnson will be retiring, and he has been our planning representative on the Zoning Board of Appeals that we would need someone to take his place. Commissioner Talaga volunteered. Commissioner Jugenitz moved to recommend nomination of Commissioner Talaga to the Mayor to fill the seat on the Zoning Board of Appeals beginning May 1, 2016 and the motion was supported by Commissioner MacGregor and carried

unanimously. Secretary Nan Schuette will inform Mayor Edmonds of the recommendation by the Planning Commission.

Chairman Johnson gave his farewell comments to the board – thanking everyone for their support over the years. Reminded board members that there will be a gathering at the Bona Sera the following Wednesday.

VIII. COMMITTEE REPORTS

1. Non-Motorized Advisory Committee: 4/7/2016 Minutes

IX ADJOURNMENT

Since there was no further business, Commissioner Bedogne moved to adjourn the meeting (Support: H. Jugenitz). The meeting adjourned at 9:18 pm