PLANNING COMMISSION
MEETING MINUTES
July 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: C. Zuellig, A. Bedogne, H. Jugenitz, B. Mason, L. MacGregor, P. Hollifield, J. Talaga, M. Dunwoodie, Toi Dennis;

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

III. APPROVAL OF MINUTES

Commissioner Bedogne moved to approve the minutes of June 15, 2016 (Support: B. Mason) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Forest Bike Lane

Staff report was presented by Bonnie Wessler, City Planner, who stated that bicycle lanes are being proposed for Forest Avenue, between Norris and Prospect, both the north and south side of the street taking the place of parking on the north side between River and Prospect. Approximately 20 places would be supplanted. There are no markings on these spaces currently. She did a review of the area during the day and not at night; however, review of historical aerials do not show much use on these sites. A meeting was hosted by Ward 3 Councilmembers in May, 2016 to discuss this proposal. No curbs would be moved nor roads resurfaced as part of this project, but existing parking would be removed. Staff does

recommend bike lanes be installed in accordance with the Master Plan and Non-Motorized Plan. Ms. Wessler distributed copies of various emails in support/against the project to all of the commission members.

Chairman Zuellig asked if there was any feedback at the meeting held with councilmembers and Ms. Wessler responded that no minutes were taken, therefore, she has no knowledge of the discussion.

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

Bethany Solberg, 1007 Washtenaw – stated that many people do not own cars and need bikes to be able to function on a daily basis – pick up food, get to work, etc. Supports the proposal.

Susan John – 205 E. Forest – She is concerned about access to her property for deliveries, potential garage sales, visitors, etc. While she thinks it is a good idea, she feels that residents would lose a lot by not having parking availability.

Mrs. Chamberlain – 207 E. Forest – had the same concerns as her neighbor. She asked if the turn left lane would be removed at Prospect. Ms. Wessler responded that the left hand lane would remain. Mrs. Chamberlain was also concerned about maintenance of the lanes since a lot of the area is cracked and also if they would be plowed in the winter.

John Waterman, 32 N. Washington - Exec. Director of PEAC, empowers people with disabilities. They own an office at 32 N. Washington and a building at 110 N. River. He referred to people with disabilities and their need for access. Individuals with disabilities use non-motorized transportation and have a need for access for jobs, visit friends, etc. He supports bike lanes.

Georgina Hickey, 838 Juneau Road, Twp – she plans to move to the city very soon. She is a cyclist and motorist but is in favor of the bike lanes. It also connects bike lanes in the city.

John Schuler, 316 E. Forest – in favor of bike lines but wants parking also and is asking the commission to find another alternative. Wonders why people cannot ride bikes on sidewalks – it is his opinion it would be safer than riding on the streets. There is nowhere for parking for guests and wants to keep parking.

Teresa Gillotti, 407 E. Forest – very supportive of the project – it would connect to other bike areas. The area is almost exclusively residential with everyone having a driveway. She does not feel there is a need for on-street parking and if necessary, guests can park on the side streets.

Bob Krzewinski, 706 Dwight – is the Chair of the Non-Motorized Advisory Committee – stated that we need to slow down traffic – parking on that area is not used that much and it is his opinion it would bridge an important gap. He was the injured party of two bike accidents with cars that involved a long time in the healing process. He endorses staff's

recommendation. He also added that having bikes on sidewalks is not a good idea for people walking.

Cortaz Paige, 113 Forest – has a number of cars because of his large family and likes the parking on-street. He does not support this project.

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

A number of comments were made by commissioners that included, markings on the street, possibility of other options, i.e. barrier for separation between bike lanes and cars, bike lanes on one side only. Commissioner Jugenitz supports the project strongly adding that it would improve safety, which is more important than convenience for cars. Commissioner Talaga agreed. Commissioner Bedogne also supports the initiative adding that it is important to connect the east-west thoroughfare. Commissioner Dennis asked about possibility making wider bike lanes for two-way bike traffic on one side, to which Ms. Wessler responded that this was not possible to do while preserving the parking. Commissioner Dunwoodie agreed that safety is an issue and supports this project. Commissioner Zuellig stated that this is in keeping with the non-motorized plan and supports the project. Commissioner Mason also was in support.

Commissioner Bedogne moved that the Planning Commission recommend to City Council that bike lanes be installed on each side of Forest with the following findings:

1. Bicycle lanes in the project area would bridge a significant gap in the non-motorized network called out in the 2010 Non-motorized Transportation Plan and improve bicycle safety.
2. Existing parking facilities are currently underutilized and appear to have been underutilized for more than a decade.
3. As a paint-only project, this be considered a pilot project to be revisited one year after completion.
4. Staff considers signage and signaling at the intersections at the near side of the project as well as the bike lane itself.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried 7:2. Commissioners Dennis and Hollifield opposed.

2. 20 S. Washington

Ms. Wessler stated that this is a request for approval to convert a portion of a Single-Story Commercial Building to a residence. It is a relatively new description since we do not have an application form for this type of request. It is a non-conforming building type which houses a non-conforming use – the Beer Cooler, is only non-conforming by virtue of lacking a special use permit. Because of the zoning change, a special use permit is not required. It is an approximately 7,000 sq. ft. parcel that faces onto the north-west corner of Ferris and S. Washington. It has a small parking area/driveway on the west side of the building, and the building occupies the remainder of the parcel. The building is itself divided into two portions; one is a former drive-through/garage and currently used as storage for the store and the other

is currently a “food store less than 15,000 sq. ft with sales of alcohol”. The applicant is proposing to construct an efficiency unit on the west (rear) side of the area occupied by the store.

The parcel is zoned Center, which allows as uses both “multi-family dwellings” and “apartments located above the ground floor of permitted nonresidential uses.” In the past, staff has administratively ruled that when a building contains apartments above the ground floor, they may also contain apartments on the main floor, if they are behind a commercial use and do not have street frontage (209 Pearl). An efficiency unit on the first floor could be construed as less nonconforming than a party store, but would itself be nonconforming due to the lack of upper-story units. Planning Commission does have the power under Sec 122-208 approving the change from one non-conforming use to another non-conforming use. Staff recommends the change of non-conforming with conditions to residential use at 20 S. Washington. To ensure that the commercial building does not negatively affect the residential use, and because of the natural light provision and building code provision and because it is a first story building, staff would also mandate the unit be barrier free.

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

Kamalpreet Sing, Owner of 20-22 S. Washington – currently lives in Jackson. He would like to make an apartment behind the store on Ferris and is willing to work with the Planning Department to take any necessary steps as recommended.

Kevin Dudley, 205 W. Michigan – knew the applicant and is supportive of the project.

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

Chairperson Zuellig asked if there were restrictions as to who can live in the apartment and Ms. Wessler responded that there is no precedent set and that it would be part of the rental program. Commissioner Bedogne asked if the building code restricts access to the store and if some type of fire separation would be necessary, to which Ms. Wessler responded that fire separation would be required too and tenant protection law would prevent someone from walking in. Commissioner Zuellig asked about hours of operation and Ms. Wessler responded that there is no restriction on hours in the Central District.

After a number of other comments and some discussion, Commissioner Dunwoodie moved that the Planning Commission approve the change of non-conforming use for the residential conversion at 20-22 S. Washington with the following findings and conditions:

<u>Findings:</u> the applicant is legally able to apply, and application is substantially in compliance with Sec 122-205(1)(b).

<u>Conditions:</u>

1. Natural light shall be provided for the residential use through either new windows or roof openings.

2. Construction of the residence must conform to all aspects of the Building Code and NFPA, as well as other portions of this zoning code.
3. The unit must be barrier-free.

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

VI. COMMITTEE REPORTS

Commissioner MacGregor moved to change the agenda prior to the last item on public hearings (Support: A. Bedogne) and the motion carried unanimously.

1. Non-Motorized Advisory Committee – June minutes
   Copies were included in the packet.

2. Non-Motorized Advisory Committee – Nomination: Cathie Kinzel

Bob Krzeweinski, Chairman of the Non-Motorized Advisory Committee - was in attendance to nominate Cathie Kinzel to the committee. He provided some background information on the nominee. Commissioner Hollifield moved to nominate Cathie Kinzel to the Non-Motorized Advisory Committee (Support: J. Talaga) and the motion carried unanimously.

VII. PRESENTATION AND PUBLIC HEARING ITEMS - continued

3. Zoning Ordinance Update

Ms. Wessler stated that the Zoning Ordinance was updated in 2014 and went into effect in 2015. Since that time, some major Supreme Court decisions have been made that have affected the language contained in the ordinance, and some other issues and "bugs" have arisen. She broke the issues into six categories: non-intuitive layout; the Gilbert vs Reed Supreme Court decision; "broken links" – sections that didn't apply but were referenced and sections that should have been referenced but weren't; regulations that were not having the intended affect; typos and similar small bugs; and lessons learned.

For layout and organization issues, Wessler proposed a new organization system and grouping regulations into more intuitive groups. Roughly, they're grouped into administrative items at the beginning of the Chapter, District-related items in the middle, then Use-based regulations, Site-based regulations, and then regulations that apply only in very specific situations.

Gilbert vs Reed/signage. Going from more than 25 types of signs to six basic types (freestanding permanent, freestanding temporary, freestanding temporary in the right-of-way; building-mounted permanent, building-mounted temporary, building-mounted temporary in the right-of-way). Described challenges of translating the previous code into these content-neutral areas; went over certain specific challenges, like historic signs, billboards, and the "modification of sign standards" provision, and solicited input on each area.

Correcting broken links. Wessler noted that this was best done at the end of the project, just prior to adoption, to ensure that all changes are incorporated correctly. Has begun correcting

where it wasn't just an incorrect numbered reference, but a completely lacking one (ex, garage sales).

Not quite right items. Reiterated approval process and associated table discussed at previous meeting; noted several double-defined items and the steps taken to correct; noted difficulty with "circulation plan" and "block plan," as well as associated definitions and steps to correct. Noted challenges with being able to double-count certain items, generally within the parking and landscaping chapters, but not others, and how whether something could be double-counted previously was unclear, and steps to correct. Discussed regularizing naming conventions.

Typos have been corrected as they have been found. Please report any found as soon as possible.

Lessons learned. This was the first year with food trucks/mobile food establishments/"temporary food concession sales permit." Proposed several ways to simplify the application and approval process; direction was given to proceed.

Noted that staff was developing a list of things to keep an eye on in the coming year and potentially tweak in 2017.

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

Since there were no participants in the audience, Commissioner Bedogne moved to close the public portion of the hearing (Support: L. MacGregor) and the motion carried unanimously.

After the discussion was completed, Ms. Wessler asked board members to get their feedback/recommendations back to her by August 5th so that they can be included in the next meeting August 17th for a final review. She would like to get this to council for first reading approval on September 6th and second reading September 20th.

VIII. NEW BUSINESS

1. Resignation of Commissioner Mason. Commissioner Mason stated that this will be her last meeting. She has resigned due to moving to Ypsilanti Township.

IX. OLD BUSINESS

1. Elections

Commissioner Zuellig moved to nominate Commissioner Jugenitz as Chair of the Planning Commission (Support: P. Hollifield). Since there were no other nominations, the process was closed. Commissioner Jugenitz accepted. A roll call vote was taken and carried unanimously.

Commissioner Bedogne moved to nominate Commissioner Zuellig as Vice-Chair of the Planning Commission (Support: L. MacGregor). Since there were no other nominations, the process was closed. A roll call vote was taken and carried unanimously.

X. FUTURE BUSINESS DISCUSSION/UPDATES

Alleys, I-94 Pedestrian Crossing, Zoning Ordinance

XI ADJOURNMENT

Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: C. Zuellig) and the motion carried unanimously. The meeting adjourned at 9:30 pm.