

**PLANNING COMMISSION  
MEETING MINUTES  
April 18, 2018  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order at 7:04 p.m.

**II. ROLL CALL**

**Present:** L. Dahl MacGregor, A. Bedogne, P. Hollifield, T. Dennis, J. Talaga

**Absent:** H. Jugenitz, M. Dunwoodie, C. Madigan, C. Zuellig (all excused)

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

**III. APPROVAL OF MINUTES**

Commissioner Dennis moved to approve the minutes of March 21, 2018 (Support: A. Bedogne) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

None

**V. PRESENTATION AND PUBLIC HEARING ITEMS**

**1. 720 Norris, 715-725 N. River**

Preservation Planner, C. Kochanek, stated that this is a request for rezone all of 720 Norris and the west 65' of 715-725 N. River to GC-General Corridor. 720 Norris is currently zoned NC, Neighborhood Corridor and 715-725 are currently zoned CN-Mid, Core Neighborhood Mid. The property owner wishes to have the entire parcel at 720 Norris and the west 65' of the N. River Street parcels rezoned to GC-General Corridor in order to be able to expand the use and facility at 720 Norris. The alley that runs north-south from E. Forest to the north part of Norris St. is an open alley.

The original site plan and special use for the bar/brewery was approved for 720 Norris back in 2005 along with a variance for the parking and size of the outdoor beer garden. A rezoning under a previous zoning ordinance from M2 to C/I was approved back in September 2005. In March 2011, a site plan and special use permit were approved for the expansion of the site (for a storage facility/Quonset hut) and in December 2015 a variance was granted for the height of

the accessory structure. No variances or special uses have been approved for the N. River St. properties.

The rezoning is consistent with the guiding values of the City of Ypsilanti as it helps to foster a locally grown business. Storm water is a concern in the development, however, engineering will be reviewed as part of the special use/site plan presented in the future. A note from staff stated that the depth of the River St parcels as surveyed range from 164.95' on the south end to 165' at the north end. If the applicant takes exactly 65' then these parcels would be under 100' in depth this limiting the building types on these sites to cottage or townhouse. Staff recommended approval with stated findings and condition.

Commissioner Hollifield moved to open the public portion of the hearing (Support: T. Dennis) and the motion carried unanimously.

**Mike Furbacher, 730 N. River** – embraced the potential project. He is concerned about the issues of storm drainage but is sure that it will all be discussed during the site plan review process. He hopes there will be open and transparent dialogue as the project goes through the various stages. He is supportive of the proposed project. He owns the business on the corner – sheet metal specialty work etc.

**Paul Neuoffer, 728 Norris** – asked staff to define “non-conforming”, which Ms. Kochanek detailed. It basically means that the use he has now would not be permitted. While he likes the Corner Brewery as a neighbor, he is concerned about the expansion and additional noise. He also referred to 715 Norris and trucks/cars sitting idling and wondered if this is legal. Ms. Wessler stated that this would be an enforcement issue by police.

**Mike Collins, part-owner of Corner Brewery** – stated that they specifically did not lay out a site plan knowing it was a multi-step process so were waiting until they got approval. They will invite all neighbors to see their plans. They are not looking to expand food, etc. but will be adding on to the brewing side. They plan on hiring two additional employees but do not anticipate more customers.

Commissioner Bedogne asked the premise of splitting the lot and intent of easterly side in the future. Mr. Collins stated they do not need the space and they know it is residential and intend to keep it residential putting the lots up for sale and talking to developers.

**Amy Schrodes, 713 N. River** – is concerned with the noise issue from the equipment. She also has concerns with the smells. She also wondered if they could use the property for a temporary playground or dog park. Mr. Collins responded that they noise is probably coming from the compressor which they plan to update. The smell is with the grain but will look into other ways of containment. Ms. Schrodes asked if the back of the property will change, there is an old alley there. Ms. Kochanek responded that it is an open and active alley that is owned by the city and not in play.

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

Commissioner Talaga asked that Ms. Wessler go through the site plan process so that the public can understand what it entails. Ms. Wessler detailed the various steps involved. Chair Dahl-MacGregor added that if someone is unable to attend the public meeting, they can send letters or emails which is included as part of the record.

Commissioner Talaga moved that the Planning Commission recommend approval of the rezoning for 720 Norris and western portions of 715-725 N. River to General Corridor, to City Council with the following findings and conditions:

Findings:

1. The rezoning is consistent with the guiding value of "Ypsilanti is a great place to do business, especially the green and creative kind" as this rezoning helps to foster a locally grown business.
2. The capacity of City infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
3. The rezoning will not be detrimental to the financial stability and economic welfare of the City.

Condition:

1. That the eastern portion of the parcels at 715-725 N. River that are to remain CN-Mid be maintained at a 100' lot depth or more as anything less than that will limit the building types permitted on these parcels.

The motion was supported by Commissioner Bedogne. A roll call vote was taken and carried unanimously 5:0.

## **2. 534 N. Huron**

Preservation Planner Kochanek stated that this is a request for approval of site plan and special use for the expansion of a food store with the sale of alcohol, less than 15,000 sq. ft. Staff noted that in the original staff report, recommendation called for conditional approval, however, staff did change that this item be tabled after finding out that there are at least 16 conditions that need to be corrected prior to any approval. The total for the three parcels is 0.434 acres; it includes 528 N. Huron, 530 N. Huron and 534 N. Huron with frontage on N. Huron and W. Forest. There is an existing 1,200 sq. ft commercial building at 530 N. Huron that partially encroaches on the 528 N. Huron parcel and a 2,700 sq. ft. commercial building on the 534 N. Huron parcel. The parking lot is to the south of 534 N. Huron with approximately 19 spaces. There are three curb cuts for access; two on N. Huron and one on W. Forest. No special use permits or variances have been granted for these properties.

Zoned NC-neighborhood Corridor, which only allows for a food store with the sale of alcohol, less than 15,000 sq. ft after approval as a special land use. The plans submitted propose a 3,520 sq. ft. addition to the existing 2,774 sq. ft. building for a total of 6,294 sq. ft. at the northwest corner of the parcels with a demolition of the existing structure at 530 N. Huron. Parking is proposed to the south of the structure with 20 parking spaces, one of which indicated as an accessible parking space. The existing structure is nonconforming in regard to

street setbacks on the N. Huron parking space. The existing structure is nonconforming in regard to street setbacks on the N. Huron and W. Forest street sides. The existing northern curb cut on N. Huron St. will be eliminated and the existing southern curb cut on N. Huron St. will be moved. The three parcels will need to be combined in order to accommodate the proposed use as a parking lot cannot be a primary use in Neighborhood Corridor.

Ms. Kochanek continued by highlighting some of the conditions; that the applicant will need to pursue a variance for the street side setback on N. Huron since that is an expansion the applicant will need to comply with commercial private frontage requirements on N. Huron and W. Forest; there are issues on the access to the building and public sidewalk, door placement is also an issue - the entrance should be is proposed in the parking lot side and should be on the N. Huron side; accessible barrier free space; all engineering conditions. Applicant is to move the parking area on the south of the lot so it is required 10' from the adjacent lot to the south, screening from both neighbors, covered bike parking; staff came up with a different calculation as to the use space inside the building as opposed as to the applicant and needs more clarification; photometrics and shielding of lights, no street trees, landscaping plan. All three of these properties are in the Historic District so demolition of the existing building at 530 N. Huron will require approval from the HDC prior to moving forward and HDC will also need to approve the site plan. At this point, staff is recommending to table the application for special use and site plan to verify approval of the street side setback variance from ZBA and HDC review and approval.

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

**Ryan Palowski, 1612 White, Ann Arbor** – stated that he runs the pizza business – it is a family operation. He is opposed to the demolition. His business has increased. Not only would it put him out of business but it also affects the drivers and their families. He is opposed to demolition of the business and expanding the liquor store. It does not contribute to the community.

**Jeff Karr, 15 W. Forest** – supports the project – improving it would be good for the community.

**Bill Ceepen, 718 Lowell** – supports the pizza business – it is a minority owned group and does not agree with the demolition of this small business. He added that he had sent a two page letter to staff on his opposition.

**Mohammed Al Tawil** – leases the pizza property from the owner at 530 N. Huron. The landlord wants to demolish the building and put the business inside the main building. This is not ethical to take advantage of him and his hard work. He currently leases the building for \$2200 and the owner of the Keg wants to charge him \$4500 to go inside the building. He has worked hard to build the pizza business and it is successful. It is a limited neighborhood – one way street.

**Sam Al Tawil, 450 Grant** – is the brother of the pizza store business. Their family has lived here over 20 years, operating a business here and spending their money in Ypsilanti. The owner of the Keg lives in Detroit area and only interested in taking money out of here.

**Joe Novitsky, Berkely, Mi, Architect working w/Keg Owner** – feels this is a character issue and that there are two sides to every story. He has worked with many business owners over the years and Mr. Tamou is an upstanding business owner. They have been working with staff for a long time and they would like to put up an outstanding building. They have no problem installing street trees and have brought back the plans that include everything with the hope that they will get conditional site plan approval. They are hoping to get one step down the road. Chair Dahl-MacGregor asked Mr. Novitsky if they have included everything that staff has required and he responded that he can talk about that. The location of the windows is a security issue – because there are no setbacks, putting the door in the front is a security issue. They can easily put in another door that won't be used – but people park on the side and come in on the side. They have agreed to cover the bike rack parking. It is his opinion that his math is correct on usable area. He just wants to get one step down the road – the owner is trying to do something to the building that will last 50 years. He is asking to move forward.

**Tom Tamou, 3102 Farmdale Dr, Sterling heights, MI** –property owner of the buildings in question. He has an agreement with Mr. Jeff Karr re the house on 15 W. Forest to purchase the house so they can have a multi-house for students and continue their business. They have produced five different drawings and met with the planning department personnel. They want to build a beautiful building but their proposed plans do not conform to this property. They cannot put a drive-through, or restaurant, or gas station. They cannot demo 15 W. Forest because of its historical value. They also cannot demo the party store but they may be able to demo the pizza building. In order to accomplish their plans, they will take down the small building and put it as part of the party store. His tenants would get the first option to relocate inside the store. It is his opinion that the pizza business should stay open for more hours and make more money. They gave an updated copy of his plans to the city planner and commissioners. He reviewed the elevation and the proposed building. He also has samples of stone and bricks. He detailed the lighting. They plan to do all the construction without closing the party store, which he explained in detail. He added that he will be happy to give any of the employees a job in the store including his tenants. He cannot do all the expansion, including new equipment, etc without charging more. He recommended that they could open longer hours.

Chair Dahl-MacGregor stated that the Planning Commission cannot base their decision on the basis of leases, or agreements, we have to look at the site plan as it is. Mr. Tamou added that all he is asking for right now is a conditional approval.

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

Commissioner Bedogne asked about windows on west elevation and if it is different than in the packet. He also asked about the door on the Huron side and Mr. Tamou stated they did not plan a door. Commissioner Bedogne recommended tabling this item and have them come back with a proposal that meets all the requirements since they are not prepared at this time and they have not complied with all the city requirements. Commissioner Hollifield added that if this does not pass the HDC, it's a moot point. Ms. Kochanek stated that she took this to HDC as a study item discussion only early in the plan. They did indicate to staff the two

buildings on the site could be taken down but prior to approval, they have to know what is going in before they will approve the demo. They would still have to have site plan approval and materials approval from the HDC. Commissioner Dennis asked staff if the list of items discussed had been addressed and Ms. Wessler responded that it does not address engineering or photometric and they were about half of the plans. Commissioner Talaga commented about the doors and the reason it is required on the front is walkability. Commissioner Dennis stated that while the Planning Commission understands the property owner's plight on his rights, however, that is not in the purview of the Planning Commission and we are not here to make decisions on this. She agrees with the decision to table.

Commissioner Bedogne moved that the Planning Commission table the Special Use Permit for the Party Store Expansion at 534 N. Huron until all issues can be addressed (Support: T. Dennis). A roll call was taken and the motion carried unanimously 5:0.

Commissioner Bedogne moved that the Planning Commission table the Site Plan for the Party Store Expansion at 534 N. Huron until all issues can be addressed (Support: J. Talaga) and the motion carried unanimously 5:0.

## **VI. NEW BUSINESS**

### **1. Resolution from the Non-Motorized Committee regarding Capital Improvements**

City Planner Wessler gave a brief staff presentation. The Non-Motorized Committee has presented a resolution regarding reconstruction from Elbridge to the borders of the city. Generally speaking, it is a sound idea, improving the safety of the roads for all users, providing bike lanes, bump-outs, improving safety around the school, etc. The timing of this is not great and not accurate so she recommends that the Planning Commission take the resolution to heart but not pass along to City Council.

Bedogne asked for more details. Ms. Wessler explained that Capital Improvement Plans are tied to funding and funding shifts. In order to ensure a smooth transition, it would entail more discussion with Washtenaw County Road Commission. The Ypsilanti Community Schools do not at this time participate in the Safe Routes to School program. The two-lane cannot start as far back as Wallace.

Commissioner Bedogne added that if he could simply the sentiment it is difficult to write engineering guidelines when there are a lot of variables at play – we want to have bike lanes from one end of the city to the other and we can keep it that simple. How we get there is insignificant – just that it happens. Ms. Wessler stated that the Planning Commission will see the CIP next month.

Commissioner Hollifield moved that the Planning Commission deny the findings since the Capital Improvement Plan (CIP) is on the agenda next month and we will review the CIP and make the recommendation to City Council keeping the spirit of this resolution in mind (Support: T. Dennis). A roll call vote was taken and carried unanimously.

**VII. OLD BUSINESS**

**1. Medical Marijuana Provisioning Centers: Increase in Buffer**

No further discussion – this item remains on the table.

**VIII. FUTURE BUSINESS DISCUSSION/UPDATES**

**1. Capital Improvements Plan: Annual update process (May)**

This will be on the agenda for May

**IX. COMMITTEE REPORTS**

**1. Master Plan: Housing Affordability and Access subcommittee**

Planner Wessler stated that the adopted minutes are available on line. The Housing Committee has its own page. The committee have met twice and have a meeting the second week in April. We have a facilitator to do the meeting – she was offered by the County and they accepted. We are still in the discovery phase.

**2. Non-motorized Committee Report**

March minutes were included in packet

**X. ADJOURNMENT**

Since there was no further business, Commissioner Dennis moved to adjourn the meeting (Support: C. Madigan) and the motion carried unanimously. The meeting adjourned at 8:40 pm.