

**PLANNING COMMISSION
MEETING MINUTES
JANUARY 15, 2003**

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m.

II. ROLL CALL

Present: F. Davis, R. Miller, F. Enneking, R. Johnson,
G. Clark, J. Adams

Staff: N. Voght, City Planner
N. Schuette

III. APPROVAL OF MINUTES – December 18, 2002

R. Miller moved to approve the minutes of December 18, 2002 (Support: R. Johnson) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. OLD BUSINESS

1. 529 Tyler Road

F. Davis stated that the applicant has requested this item be tabled because they do not have all the necessary information which was requested at last month's meeting by the commission. There were some people in attendance who had some general comments they wished to make about this project. This item has been going on for almost six months with lots of discussion and review between the City and the

applicant. Since the applicant is not here, it would be inappropriate for the commission to take any action or have significant discussion. Davis invited any one who wished to comment on this matter to do so, since our past history is one of allowing people to make comment on agenda items.

Steve Pierce, S. Washington – asked the commission to consider an investigation on a change of the Master Plan for properties that border East Middle School to uses that might be more appropriate. Now that the old Special Use Permit has been removed, this might be a good time to consider this change and encouraged the board to do so.

Cheryl Farmer, Mayor – also reiterated Mr. Pierce’s recommendation in looking at this area to consider the zoning, and what kind of uses we want to have adjacent to our schools. The last business was not good for the school or neighborhood and if the zoning stays the same, what kinds of businesses that are permitted under that zoning that we really might not want next to a school and when would be the appropriate time to make changes. If this is something that can be done now, she would like to see it done – if not, she would like to see any current use wrapped up tightly with requirements and have the Special Use pulled at the first instance of non-compliance. The City wants a use located there that is compatible with the school and the neighborhood.

Davis stated that the input that has been received will be taken into consideration by staff and Planning Commission during the Special Use process.

R. Johnson moved to table 529 Tyler Road (Support: G. Clark) and the motion carried unanimously.

2. 1645 Washtenaw – B.P. Station

Voght gave an update stating that at the December meeting, staff made a request to consider revoking the permit for this address for the continued violation of the 1987 Special Use Permit. Initial contact had been made with the owner in July who was unresponsive in any attempts to comply with the permit, Consequently, it was turned over to the Planning Commission and it was agreed that he would be given until January 3rd, 2003 to comply with hours of operation. He was to come back to this meeting with essentially all the other items taken care of – signage and fencing -- and because it cannot be done until spring, we would decide on a reasonable time period to complete the curb cut.

Voght visited the site with the owner's contractor after the last Planning Commission meeting on December 19th, 2002. The contractor will be submitting a design to DPW and our department to ensure that it meets all requirements. Voght also met today (January 16th) with the owner to discuss signage. Voght had followed up with MDOT on the signage since he realized that the required 15 minute parking sign on Washtenaw would be very close to the right-of-way. MDOT advised him that the signs could not be put in the right-of-way, therefore, Voght feels that they could go right between the bumper blocks. The "no left turn" sign will be placed on the northern curb cut on Douglas. Voght encouraged the Planning Commission to give the owner a week to have the sign permit submitted and have the signs erected. Regarding the "responsible management" sign, the owner has also agreed to post a sign with his name and phone number where he can be contacted at any hour of the day or night.

The last item of discussion was the hours of operation. On January 6, 2003, Voght e-mailed Police Chief Basar requesting that his officers check and verify that they are closing at midnight. Because of a computer problem, Chief Basar did not receive the e-mail, therefore, they did not start checking until Monday, January 13th. Voght received a report from Sergeant Tom Eberts which was not encouraging. It appeared that the lights were being turned off but there was still a clerk in the convenience store and did not look closed. Voght would like an explanation from the owner.

F. Davis stated that he had missed the last meeting however, it is his understanding that the applicant agreed to meet all of the Special Use requirements and asked the owner to confirm this, which he did.

Feredioun Saremi, owner – stated that everything had been completed except he does not feel safe to close completely. Either he or someone else stays in the store with the door locked. The store is closed from 12:00 – 6:00 a.m., the gas pumps are turned off and the car wash is turned off from 11:00 p.m. – 7:00 a.m.

Davis asked the owner if he would be agreeable to take care of the signage if he was given until the end of the month. Mr. Saremi agreed to this. Davis agreed to give the owner until the end of May to complete the curb cuts.

Davis reiterated that the owner has agreed that he will comply with all the Special Use Permit provisions and that the two open items – 1) signage - will be completed by the end of the month and 2) curb cuts - completed by the end of May.

Commissioner Miller asked Voght to have the police continue to spot check once on weekends and twice during the week for a 60 day period to verify the hours. Davis added that it has been noted in the minutes that the owner has agreed to the hours specified.

R. Miller moved to allow the owner to have until the end of January 2003 to complete the signage, to have until the end of May 2003 to complete the curb cut and that there is 60 day monitoring by the Police Department for verification of hours of operation (Support: G. Clark). A roll call vote was taken and carried unanimously.

Davis gave members of the audience an opportunity to speak on this matter.

Chuck Walgren, 470 Douglas – stated that everything he has heard with regard to the commission sounds good with the exception of the noise pollution control, which he feels is a major problem facing the neighborhood. The problem is with customers, particularly on nice days and has not been beneficial to the neighborhood.

Steve Pierce, owner of property at 412 Douglas – agreed with Mr. Walgren about the noise problem. He feels that it is a bad situation when the City has to make so much effort to get the owner before the commission in order to get these problems resolved. Mr. Pierce was recently shown an article from 1987 that discussed an uprising by the neighbors on Marion and Douglas when the first application was submitted. At that time, the complaint was the same – noise, trash, hours of operation and lack of support by the community. He stopped by there recently at 12:30 p.m. and verified the hours of operation and the door was closed and locked with a clerk sitting behind the counter. However, the car wash was not shut down. They had a chain going across the north side of the entranceway and also several trash cans that blocked some but not all of the entrances to the south. The neighborhood has been asking to meet with the owner for the last two years with no result. The owner has never returned a phone call or attended a meeting. Mr. Pierce will no longer support this gas station since it is obvious they have no regard for the neighborhood. He passed around photographs of the trash sitting around the building. They are also selling cars there which is not permitted.

Harold Goodsman, 482 Marion – referred to the 1987 article adding that they are still having the same problems. Regulations need to be enforced. He had questions on the location of signage.

Mayor Farmer – stated that she is not impressed with eleventh hour compliance. She continued by stating that on her way home, Friday, December 13th at 1:00 a.m. she stopped to fill up her gas tank. After doing so, with receipt in hand, she mentioned to the attendant that she was surprised to see they were open since she thought they closed at midnight, to which he replied “we were having trouble with the city – we’re supposed to close at midnight.” He grinned as if this was a joke between the two of them.

This is a business with a Special Use Permit which would not have been allowed in this location if they did not have an agreement that the business would adhere to certain conditions that would soften its impact on the adjacent neighborhood. This business has failed to live up to its end of the bargain. Requirements of the Special Use Permit continue to be ignored even after reminders went out from the City Planner, N. Voght, that we were going to look at enforcement. The end result has been a negative impact on this neighborhood. There are three houses for sale on Douglas (which is a one block street) and it is her opinion that this could be related to the strain of ongoing problems with trash, noise and other things that the manager has failed to control. Anything that weakens the livability and the viability of the neighborhood weakens the livability and viability of the entire city. It is time to start pulling Special Use Permits from businesses that are disrespectful of the conditions of the permit. We need to send a message that Ypsilanti is no longer a city where anything goes.

Barb Walgren, 470 Douglas – stated that last year over 85 calls were made to the police about the noise. They are on record.

F. Davis stated that our issues are land use compliance. During the past year, ordinance compliance has improved quite a bit and we will continue to be supportive of enforcement. We already had one Special Use Permit revoked as a result of non-compliance

Various comments were made by commissioners with regard to the trash and maintenance of the property. Commissioner Clark referred to the calls to the police regarding the noise questioning why tickets were not issued. The owner was informed that it is his responsibility to take care of any problems regarding this property.

3. South Depot Town Neighborhood

Voght brought some maps of this project to discuss. They were sent to Chris Knapp to review. The association met the previous week, however, Voght was unable to attend due to it coinciding with the Zoning Board of Appeals meeting. They invited some of the business owners in the area and are now looking for more direction from staff so they can have a better understanding of what some of the zoning designations and Master Plan designations mean. They have another meeting scheduled for next week and Voght plans to attend to assist them.

Last month, Voght gave the commissioners maps of existing land uses but in addition, he has shown on the first map the future land use designations currently in the Master Plan, which he reviewed in detail. He also showed another map indicating what may be more appropriate for the area.

Davis asked what problems may be created if the commission were to agree to staff's recommendation and Voght responded that he took all the uses and using Lincoln as example, he reviewed it in detail stating that this is really office and residential, therefore, RO would make more sense to accommodate the uses that are already there and prevent heavy commercial/industrial.

Adams disagreed with the R2 designation for N. River. It is his contention that these homes are very large and people would not be able to afford them for single family use and that this designation would be too low. Voght responded that staff's opinion on that corridor is, who should take precedence – single family owner or landlord? If one of our goals of the city is to stabilize and improve neighborhoods and have people that are interested, it would seem that it is our priority to discourage rentals by reducing density.

Mayor Farmer – stated that 66% of the housing in the city is rental units and the average college town is approximately 30-35%. That has a large impact on the city for police and fire protection as well as other services. It is her opinion that it is not unreasonable to downsize this area. It would allow the existing uses to remain but would stop further houses from becoming divided into rental units.

Chris Knapp stated that there have been many changes in Ypsilanti within the last three years. With the Water Street project in the planning, anyone who is interested in buying a condominium will not want to see burned up buildings or boarded up buildings within eyesight. The people who have come together in the neighborhood are predominantly single family owners. They believe that changing the zoning to represent what

they want it to be in the future is a start. If it is left the way it is, they will continue to see non-profit agencies moving in turning them into rooming houses.

Commissioner Adams stated that he is against down zoning to the point where it is not financially feasible. Commissioner Clark reiterated his comments from previous meeting on the interaction between businesses and proximity of employees many years ago and was functional at that time. However, it is his opinion that we have to take a modern view of this area and look at what we want in the future. If we leave it as is, it will continue to look like it does.

F. Davis stated that RO is the least aggressive zoning next to residential.

Commissioner Miller stated that part of the responsibility of the Planning Commission is to consider future zoning. More and more, the city is becoming a victim of antiquated zoning. He commended the South Depot Neighborhood Association in being pro-active and taking steps to improve the area. He feels that this is a very reasonable and thoughtful mission that they have embarked on.

Davis asked staff the next step to which Voght responded that we are now under the new state enabling legislation law that was amended a year ago and the process is now more arduous to update a Master Plan. He needs to meet with the association and come back next month with their thoughts and the direction we can go. If there is general agreement, we could settle an official public meeting.

Davis suggested the possibility of a special visioning session just for this area bringing together all of the stakeholders.

Commissioner Johnson stated that we should not ignore R1 as a possibility on N. River on the east side from North St.

Davis concluded the discussion by asking staff to designate a date and time for a special meeting to discuss this further. Mayor Farmer stated that zoning affects getting a mortgage. Under past ordinances, if a building becomes vacant, the only requirement made on the owner was to keep it secured and board it up. Other communities put a financial penalty on vacant buildings to encourage the owner to fix them up. If they are not fixed up, we can fix them up and put the cost on their taxes, consequently, we plan to use this tool in Ypsilanti. Council will be having a second reading of the new ordinance next week.

4. Cross Street Area

Voght gave a power point presentation on the preliminary Master Plan Amendments recommendations reviewing the following maps in detail:

- Study Area Boundaries
- General City Land Use Goals and Policies
- Planning/Zoning Process
- Master Plan – 1998
- Future Land Use Plan Master Plan – 1998
- Cross Street Neighborhood Improvement Plan – 2002 Goals
- Cross Street Neighborhood Improvement Plan – Implementation
- City Council 2002 Goals
- Master Plan Amendments – Existing Land Use Map
- Existing Land Use Map Conclusions
- Existing Non Conformities – Cross Street Area Based on Number of Units/Lot Area
- Proposed Land Use Designations
- Description of Proposed Future Land Use Changes

Davis asked if any financial studies had come before Council on the impact of the recommendations and Mayor Farmer responded that the impact is two-fold – 1) the first being R1 zoning does protect investments of the homeowner and 2) over time the parking in that area would lighten up, which could mean less involvement with police.

Adams stated that with what is being proposed with single family housing, he is concerned about the sororities and students at Eastern Michigan University. Mayor Farmer responded that they are building more student-housing on campus. Johnson added that it is his understanding that we are trying to clarify existing conditions rather than downgrade. Voght responded that if changes are implemented, we would be impacting properties but the directive staff has been given by City Council, and some of the goals of the community, is to try to take back some of our neighborhoods. It will take time, but we think this is best for the community and some of the neighborhoods.

After further discussion with the board, Mayor and staff, Davis gave staff a directive to get the word out on what we are doing and meet with some of the groups on a smaller scale to discuss the recommendations.

5. Misc.

R. Miller read a resolution from the City of Ypsilanti, for Emily Turner-Jones who had submitted her resignation from the Planning Commission due to other commitments. R. Miller moved to approve the resolution (Support: G. Clark) and the motion carried unanimously.

Since there was no further business, R. Miller moved to adjourn the meeting (Support: R. Johnson) and the motion carried unanimously. The meeting adjourned at 9:40 p.m.