

**PLANNING COMMISSION
MEETING MINUTES
DECEMBER 17, 2003**

I. CALL TO ORDER

The meeting was called to order at 7:32 p.m.

II. ROLL CALL

Present: R. Johnson, C. Knapp, J. Goulet, F. Enneking, G. Clark,
M. Brandt, J. Adams

Absent: F. Davis (excused) N. Fosket (excused)

Staff: N. Voght, City Planner
N. Schuette, Secretary

III. APPROVAL OF MINUTES

J. Goulet moved to approve the minutes of November 19, 2003 (Support: G. Clark) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None.

V. OLD BUSINESS

1. South Depot Town Neighborhood Zoning Amendments – Public Hearing

Commissioner Johnson stated that this has been a long on-going process which has included neighborhood meetings, walking tours, presentations, and recently a Master Plan amendment for the neighborhood that has been approved. We now come to the final chapter, which is approval of the zoning amendments. We had a review of these proposed amendments at the last meeting, at which time a decision was made to bring it before the public, make a decision and go forward to City Council for their final approval.

City Planner, Nathan Voght, passed out an updated map of the final recommendation, including the change requested by Planning Commission of the one block from M1 to CI, Commercial/Industrial. The map shows

existing and proposed zoning, and shows the approved Master Plan designations that were updated for this neighborhood two months ago by the Planning Commission. This process began over a year ago when the neighborhood approached the Planning Commission asking that we look at the area, address land use issues that have been identified and look at how we can clean up this neighborhood in terms of spot zoning and incompatible land uses. We went through the process of identifying existing land use, held a neighborhood workshop where groups developed suggested land use recommendations for consideration by the Planning Commission. A final plan was adopted in March for amendments to the Master Plan. At that point, we held a public hearing, sent notices to surrounding communities after which the Master Plan change was adopted. This is the last step – rezoning of the neighborhood consistent with the Master Plan Amendment.

Commissioner moved to open the public portion of the hearing (Support: C. Knapp) and the motion carried unanimously.

Teresa Alexander, 115 N. Park – stated that she is a co-owner of Superior TV Service operating in that location since 1993 and prior to that, they were located on Michigan Avenue, doing business in the city for over 25 years. She submitted a letter to the board and asked if they had all received it and also asked for a response from each member. She continued by stating that this rezoning would destroy the value of their property. Their building is for a business and would require extensive renovation to become a residence or apartments. It is not physically suitable for either use. She asked about compensation for the loss of the property because changing the rezoning of their building would incur financial losses. She referred to Sec. 122-516(2) adding that by making this change, it would make their property non-conforming to the Marsh Plating properties. Non-conforming is the key word in this rezoning issue - they have two businesses in the building, one a Beauty Salon, which has been in business for 6 years and the TV repair business. Both of them would become non-conforming businesses operating in a residential/office district and would affect the marketability of their property.

She believes that the Master Plan is flawed indicating Babbitt Street that no longer exists.

Their family is not willing to donate their property to the city as a buffer zone. They are willing to sell the property to the city if they wish to compensate them. She believes they have been a solid tax base for the city, bringing in many customers from outside of the city and this rezoning

destroys their business. They have supported the City of Ypsilanti in many ways and are now asking the city to reconsider this proposal.

Gary Sobbry, 221 N. Lincoln – is totally against this rezoning and agrees with the previous speaker that this will devalue the property. Does not think it is practical to make this area residential when there is a railroad track down the middle. It ought to be industrial – this does not make sense.

Keith Agdanowski, 105 Babbitt – thanked the board members for all their effort on this issue. He feels that this is a very creative plan and will foster its goal of creating more single family residences in the area and stabilize the neighborhoods that are already there.

Bob Barnes, 4877 Vorhies, Ann Arbor – is a property owner in Ypsilanti. He has a warehouse in the area that is being rezoned. The City of Ypsilanti came to him and asked that he buy it and put it back in some reasonable shape, which he did and now they want to rezone it. Prior to his purchase, it was used to grow marijuana – he cleaned it up and feels betrayed that the city wants to change the zoning. He does not feel the area is safe, therefore, does not understand anyone considering putting a residence there. It is his belief that the city needs to provide better enforcement in the area, not change the zoning. He does not feel that anyone would be interested in building a home next to the railroad and asked that it stay commercial.

Christine Chie, 226 N. River – is opposed to this rezoning. Although she does not have as much investment as the previous speakers, she is still impacted by the rezoning. She is in agreement that people are not going to build a new house near a railroad. The clean-up of the area needs to be enforced.

Pam Hamblin, 109 North – she is part of the group who are trying to bring some sense to this particular neighborhood which has some commercial business, some industrial, quite a number of private homes and multiple rental homes. She appreciates all the effort put into this issue by both the board and the neighborhood association. It is her opinion that this change makes sense compared to what they have. There are quite a number of single family residences there and no space to build any new ones. She feels they are solidifying what they have already and fully supports this rezoning.

Ted Mull, 703 Dwight (owner of 233 N. Lincoln) – stated that he is concerned about the tax base if there is no commercial and all residential.

He suggested the possibility of making the whole area commercial which would also raise the value of the residential properties.

James Davis, 103 N. Park – stated that he did not receive a notice of the meeting.

215 N. River – also stated that he did not receive a notice.

Gary Sobbry, Jr. owner of Sobbry's Automotive – 222 N. Lincoln – he was born in the City of Ypsilanti and takes pride in saying he is a business owner here. This rezoning will affect him also and agrees with points stated by Mr. Barnes. He sat through all the workshops and meetings and it is his belief that most people think it sounds good on paper but what is really needed is to clean up the area, put in curbs and gutters and it is not the businesses that are the problem. No one will want to invest money in that area except for businesses. He is against the rezoning proposal and feels we need to go in a different direction.

Teresa Alexander – referred to Sec 122-63 Protests of the Zoning Ordinance and read it into the record. She also stated that the Master Plan designates this area to be residential/commercial not residential/office.

Scott Klaasen, Property Owner of 221 N. Lincoln – stated that he is against the rezoning of N. Lincoln Street area. He believes it would be better to have it zoned industrial.

Commissioner Goulet moved to close the public portion of the hearing (Support: Commissioner Brandt) and the motion carried unanimously.

Commissioner Johnson commented on the questions posed. The Planning Commission is responsible for setting up the Master Plan ensuring that the plan is followed -- it is not in the business of making compensation. We do not want to turn any conforming businesses into non-conforming, however, it does happen and at that time, the house or business would be grandfathered in. This would even apply to the sale of the house or business involved. We cannot look at individual issues on tax base – that is an on-going issue with a well planned city. Where you have homeowners, renters and businesses, they sometimes run up against each other and what we are trying to do here is to come up with some kind of a buffer since it is obvious they don't do well right up against each other and this is the reason for the change.

Commissioner Goulet stated that the Master Plan is not a self-executing document – it has to be executed through a change in zoning. A Master Plan means nothing until it is followed through with a change in zoning code or changes to the zoning map. There is a question on whether or not the RO zoning is consistent with the Master Plan designation and he asked the City Planner, Nathan Voght, to provide an explanation on how the RO is consistent with the Master Plan classification and what other districts are consistent, which he did.

Commissioner Adams asked who had requested a rezoning of their individual properties since we have heard from six major property owners at this meeting who are against this zoning and only two residents in support. He added that Mr. Barnes had been enticed to invest here and now we are changing the zoning, therefore, it diminishes his opportunity on the property. Mr. Adams is concerned about who has requested rezoning properties in this area.

Commissioner Knapp stated that he was one of the property owners who had initiated the process prior to becoming a board member. He was concerned about conditions in the area, namely, prostitution, arson and deterioration of the neighborhood. The neighbors asked the board to look at land use changes that stabilize the neighborhood and encourage home ownership. He agreed that enforcement is a large issue, however, Planning Commission has no control over enforcement of cleaning up the city. He feels that the changes we are considering will create a more consistent distribution of zoning in this area although he does not want to polarize the community. He realizes that the business owners also have a stake in the area and have done a lot to clean up the portions in which they have ownership. We definitely need to find a consensus but at the same time, we cannot leave it as is.

Commissioner Goulet asked if any consideration had been given to RC, Residential/Commercial zoning, instead of the R/O, which may be more appropriate. He fully supports the City proactively rezoning in accordance with the Master Plan since it is the only way we can effect change. If you wait for the property owners to rezone a property in accordance with the Master Plan, it may never happen. He does have some concern with the RO zoning about its limitations and is not sure that this is a great location for office use and the RC may be more appropriate and give broader uses in this area preventing non-conforming uses from occurring. He asked the City Planner about procedures since it has been advertised RO and wondered if we still have the ability to make a recommendation to City Council for something other than based on the intensity of uses. Voght

responded stating that we can re-notice modifying the properties accordingly and hold another public hearing with the new designation.

Commissioner Adams stated that this would be appropriate based on people showing up without notice. He stated that it would also be appropriate for those of us who have a personal interest and ownership interest in the area being rezoned to not vote on this issue. One of the commissioners lives in the area and it is the opinion of Adams that this commissioner not vote on this issue. Commissioner Goulet stated that he disagrees with Adams. Based on law, Mr. Knapp has a right to vote on this unless he has a personal financial interest in the outcome of the change. By law, he cannot abstain from zoning, unless this financial conflict of interest exists. In fact, he would be abrogating his responsibilities as a Planning Commissioner to abstain under these circumstances.

Commissioner Brandt asked Voght for confirmation that non-conforming does not mean that a business has to go away. If the business owner chooses to sell the property as long as it is continuously in that particular use, it would stay non-conforming and Voght responded in the affirmative.

Commissioner Adams asked if it was true that the building would be unable to get a building permit if improved or add on or change the façade or interior of the building and Voght responded that they could modify the interior of the building, the façade, add lighting but what they could NOT do is expand the footprint of the building or expand the area that the use occupies.

Commissioner Clark asked if we could exempt this particular use for RO zoning or do we have to do the whole package and Voght responded that we can do anything we want. Goulet suggested that we could make a recommendation on all the areas not proposed for RO and bring back those for a hearing as R/C next month. We could hold everything else and take the entire rezoning to City Council when ready. Voght agreed that this would be easier and save us money on advertising.

Commissioner Goulet moved to approve the proposed zoning ordinance amendments for South Depot Town Neighborhood as proposed with the exception of the properties that are currently zoned B4 proposed to go to RO, and directed the city staff to re-advertise those for rezoning at a future meeting for consideration to RC instead of RO (Support: Councilmember Brandt). A roll call vote was taken with a vote of 6:1 in support of the motion. Councilmember Adams voted against the motion.

Secretary Nan Schuette asked permission from the Chair to make a comment with regard to the statement made by a member of the audience that they had not received any notification on the above meeting. She had taken the opportunity to go to her office and pulled out a copy of the notice that was mailed and it included proof of mailing to both 103 N. Park and 215 N. River. Since we have no control of the Post Office, we can only assume that these notices were mailed with all the rest.

2. Zoning Ordinance Text Amendment 50% non-conforming use formula

Voght stated that he provided a memo dated December 12, 2003 to the Planning Commission in which he updated the language reviewed last month with the two changes which were asked for, one of which was "homeowner" be changed to "owner" in Section 122-205 (5) and add wording after site work "i.e. landscaping, fencing, paving, shall not be included" to make it clear that any site planning costs were not part of the cost of restoration. This is also a public hearing.

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

Since there was no public comment, Commissioner Goulet moved to close the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

Commissioner Brandt stated that this change will make rezoning easier for property owners and that the language is more reasonable.

Commissioner Goulet complimented the City Planner on a good job capturing the essence of what was discussed and moved to recommend approval of the proposed changes to the non-conforming section of the zoning code, Section 122.205 (5) (Support: G. Clark) and the motion carried unanimously.

3. Ypsilanti Brewing Company, 4 West Forest - Site Plan Review

Commissioner Johnson stated that this item was tabled at the last meeting.

Commissioner Goulet moved to remove the item from the table (Support: Commissioner Brandt) and the motion carried unanimously.

City Planner Voght gave an update on this item stating that the applicant is requesting site plan approval to operate a small retail store in the front of the existing vacant Farm Bureau warehouse complex. The applicants were granted Site Plan approval on September 19, 2001 to operate a micro brewery and tasking room, but the plans were abandoned and the approval expired. The current proposal is for a phased approach to develop the site. Phase I is delineated on the plan and includes renovation of the front 1,000 square feet of the building area for retail use. Other uses may be proposed for future phases.

At the last meeting, there were several items that needed to be addressed and these have been taken care of in the revised plan. In addition, documentation has been submitted to the City Attorney's office regarding ownership, which Karl Barr directed the owners to record at the Register of Deeds.

Voght recommended approval with conditions which he listed.

Dave French, 708 N. Prospect – co-owner – had no comments to add.

Commissioner Adams asked if the easement is measured from the edge of the water and if we really need 50ft. Voght responded that this width is what the City has been requesting for any property going through Site Plan review. Given limited usable topography along many lengths of the river bank, a 50 ft. easement is necessary to ensure adequate room for a future path. The City Attorney is also aware of this width.

Commissioner Goulet moved to approve the Site Plan with the following conditions and resolution of easement as outlined by the City Planner:

1. Add note to site plan regarding the westerly gate and that it will be kept locked.
2. Provide a turn-around bump-out on the southeast side of the parking area for proper parking space egress.
3. In accordance with Huron River Preservation District goals in the 1998 City of Ypsilanti Master Plan, applicant/owner to negotiate a 50 ft. wide easement along the Huron River with the City for purpose of future public pathway system.
4. Provide a van-accessible barrier-free space with eight ft. wide aisle.
5. Landscaped berm in front of the parking area waived by Planning Commission with the condition that a 30" high hedge row be provided between the parking area and right-of-way.

6. Does the overall landscaping calculation provided include areas outside the current phase?
7. A defined foundation landscape bed must be provided.

The motion was supported by Commissioner Brandt and carried unanimously.

Commissioner Clark commented that he was delighted to see the City and applicant work together on this issue to make it work for both parties.

4. LeForge Station Student Housing – Planned Unit Development Review

Commissioner Brandt moved to remove this item from the table (Support: Commissioner Goulet) and the motion carried unanimously.

Staff gave an update on this item stating that the applicant had submitted revised plans and he outlined a summary of the changes that were made from the previous plans and concluded by stating that there are 27 remaining items to be addressed.

Richard Kirk, Edwards Communities – 495 S. High, Columbus, OH – gave a brief update and addressed some of the remaining items in question. He stated that a traffic study had been submitted for review by N. Voght. He also had meetings with Atwell Hicks and MDEQ on the storm water design. He discussed proposed changes to parking arrangements.

Commissioner Adams asked about their ability to control one person per bedroom. Mr. Kirk responded that they would probably have some married couples but because of the square footage, it would be difficult to have more than one person in a room.

Commissioner Brandt was concerned about parking and also who would ultimately own this property. Mr. Kirk responded that they have had no dialogue with EMU on ownership and it is their intention to maintain ownership.

Commissioner Goulet is concerned about the conceptual plan and asked if any discussion had been held on the possibility of pushing the building of the courtyard closer to the river and pulling the bank of parking in front of the building like the other side of the road. This would allow the path of the buildings to have more of a pedestrian relationship to one another instead of trying to mix the pedestrian with the vehicular, separating the

courtyard and residence from the river by the parking – it would seem to be more consistent. Mr. Kirk responded giving his reasoning for the current design. Goulet also discussed parallel parking which would make it difficult to turn around. There would also be a concern with other uses, i.e. truck and bus traffic.

Commissioner Adams is concerned that this is a small site with a lot of buildings which affects the distance between parking spaces and the building presenting a problem to the residents with bright lights and noise. Also there are no sidewalks shown between parking and the building which means the residents have to walk in the streets behind the cars where traffic is moving. He asked Mr. Kirk if they had considered increasing the height of the building and reducing the footprint, which would be permitted under our ordinance and allow more green space and parking space. Commissioner Goulet asked the relative height of the proposed buildings in comparison to the current structures. Mr. Kirk responded that they have built similar buildings in other states which have been very successful. Since they plan to use wood frame construction, and when considering the type of construction, fire codes and elevators are also a factor. Some discussion was held on type of materials proposed with Mr. Kirk stating that they plan to use vinyl siding which has improved greatly over the years. Also there was a reference to the type of material to be used on the path and Goulet stated that all materials will be described in the Development Agreement.

The issue of density and the possibility of a potential lease from the railroad for some of their width to accommodate parking as well as the possibility of trees in the right-of way was discussed. Mr. Kirk stated that he will approach Norfolk & Southern to see if this would be permitted.

Since there was no further discussion on this issue Commissioner Brandt moved to schedule a public hearing in January (Support: G. Clark) and the motion carried unanimously.

VI. NEW BUSINESS

1. 317 N. Washington – Special Use and Site Plan Review (Public Hearing)

N. Voght, City Planner, stated that the applicant proposes to open a filling station at the southwest corner of West Cross and N. Washington. The property is 9,652 sq. ft. and was formerly used as a filling station, but was abandoned in September 2001. The property went for tax sale in 2002, and after a year of abandonment, lost any non-conforming grandfathered

status it had at that time. It was non-conforming because it did not have a Special Use permit or approved Site Plan. It was sold to the applicant on land contract in 2003. We informed the owner that if it re-opened as a filling station, it would need Special Use and Site Plan approval.

Voght reviewed the surrounding uses adding that the use is fairly compatible. He indicated that hours of operation need to be declared and he also has a concern about the tanks. MDEQ has reviewed various tests conducted on the tanks, however, it is unclear whether the tanks can be used. Voght has a concern about their safety since they are old. He feels we need certification from MDEQ and the Fire Marshal. There is also a concern about the traffic flow. There is an existing privacy fence along the southern property line that does not belong to this owner. He spoke with the owner to the south to confirm that it is her fence and has control over that fence, consequently, it would require that the applicant install a fence on their property not relying on the adjacent fence which could be removed at any time by that owner.

Off-street parking requirements have been met. There are two parking spaces for two employees. With regard to landscaping, Voght recommended that a brick knee wall is provided around the property and consider adding two street trees in lieu of providing the required greenbelt trees. These requirements should be reflected in the Special Use Permit, if approved.

Voght recommended that the Special Use Application be tabled pending the following items being addressed by the applicant:

1. Proposed hours of operation should be indicated.
2. Information and certification regarding the existing underground storage tanks is required from the Michigan Department of Environmental Quality.
3. Access drives from Cross St should be designated as one-way in and one-way out.
4. Ownership/control of the existing privacy fence along the southern property line must be determined. A fence owned/controlled by the applicant may have to be installed along the southern property line to the front building line of 315 N. Washington.

Voght further recommend that the proposed Site Plan be tabled pending the following items being addressed:

1. Provide lot coverage and canopy height information.

2. Canopy height should state 14 ft. minimum in Site Data table on site plan.
3. What does the applicant propose to address the poor condition of the pavement on the site and possible lack of adequate drainage?
4. Provide maximum number of employees in largest working shift on site plan.
5. Due to site visibility requirements, burning bush should not be installed within the landscape island at the corner of Washington and Cross.
6. Ownership and control of the existing privacy fence along the southern lot line must be established, as it appears it may belong to the adjacent owner. A new privacy fence may need to be installed by the applicant to ensure control of this screening feature.
7. The proposed fence detail should match the existing fence, unless it is determined a new fence is required.
8. We recommend that the Planning Commission require a 36 inch high brick knee-wall with decorative masonry cap with drip edge within all planning beds surrounding the property, in lieu of a 3 ft high landscaped berm. The wall should be chamfered and reduced in height to 30 inches at the corner of Washington and West Cross for visibility. This requirement should be reflected in the Special Use Permit, if approved.
9. The proposed plantings within the landscape beds should be located on the outside of the knee-wall.
10. Additional front greenbelt trees are required. Due to dimensional constraints, two (2) "street" trees should be provided in the lawn extension adjacent to the two proposed parallel parking spaces on West Cross. A permit from the MDOT or the Department of Public Works will be required.
11. A decorative masonry cap with drip edge should be provided for the dumpster enclosure, to match the cap on the 36 inch high knee-wall.
12. Modify the note on the site plan to indicate underground irrigation will be provided to all landscaped areas.
13. Is signage proposed?
14. If structural changes are proposed for the building or canopy, elevation/architectural details may be required by the Historic District Commission.
15. Review and approval of the site plan and any proposed exterior changes to the buildings on site required by the Historic District Commission.
16. Is new lighting proposed?
17. Compliance with 122-641 of the Zoning Ordinance is required.

18. The lights on the underside of the canopy do not comply and must be replaced with flush-mounted lights, such that the source of the illumination is not visible from adjacent properties. Additional shielding may be required.
19. The existing fluorescent lights mounted on the exterior of the sales/office building are unacceptable and must be shielded downward.
20. Proposed lighting details including canopy lights, shields, and shields/fixtures for wall-mounted lights must be provided.

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

Steve Pierce, 118 S. Washington – stated that there have been a number of problems with this gas station over the years. He does agree that they should be permitted to re-open with the right guidelines since it would be good for the community and we should move forward to support it. Regarding the screening, he would suggest that as long as the other fence remains, the applicant should not have to do anything, however, in the event that the other owner elects to remove their fence, then the applicant should be responsible for installing screening. He agrees that the lighting is a problem since it affects the residents in Cross Street Village.

Another issue is the noise – this particular property has residential on two sides and we always have complaints about noise at gas stations. There should be signs on the pumps that no radios are allowed. He realizes that this is an enforcement issue but we should put the owner on notice that noise can be a problem and they need to address it. An important issue on signage is that we should make sure that they do not put signs on every possible pole, window, wall, etc. He is supportive of the project, however, would like them to abide by some guidelines.

Commissioner Brandt moved to close the public portion of the hearing (Support: J. Goulet) and the motion carried unanimously.

Commissioner Goulet recommended that we eliminate the easterly curb cut which would allow more on-street parking, extend the landscape along the sidewalk allowing for less conflict to pedestrians using the sidewalk and traffic coming out of the site. Voght responded that he would include this in his revised review since it is a good suggestion.

Commissioner Knapp asked about hours of operation to which Voght responded that he has not heard anything.

Commissioner Brandt moved to table this item to January pending a response from the applicant addressing the items listed by staff (Support: J. Adams) and the motion carried unanimously.

2. 406-408 S. Washington

City Planner Voght presented the staff report stating that this is a Special Use and Site Plan request. Voght had expected the applicant to be in attendance since he discussed the staff report with him and the applicant sent a letter to the Planning Commission. The purpose of the letter was to provide information to the Planning Commission regarding how much this parking lot would be used. Voght also informed the applicant when the packets would be mailed so that he could provide the letter for inclusion in the packets.

Voght stated that New Jerusalem Baptist Church is located on the east side of S. Adams and they propose to construct a 40 space off-street parking lot behind the existing church with address 407 S. Adams. To the south is Lucille's Funeral Home (currently C & H) who had received Zoning Board of Appeals approval for a non-overlapping parking arrangement to share the existing New Jerusalem parking spaces. Part of the basis for this approval was the assertion that the funeral home and church do not share operating hours.

The applicant proposes construction of a 40-space parking lot on a parcel that adjoins the S. Adams church that faces S. Washington. This proposed use is an expansion of the church use, which is classified as a Special Use in the R2, One and Two Family zoning district.

Voght reviewed the special use criteria adding that staff is very concerned about the proliferation of non-residential uses in this neighborhood. Currently, there are a numerous churches, large parking lots, and other non-residential uses in the area. Regarding the Site Plan, Voght stated there were many things that need to be addressed, one of which is that that all three properties should be combined into one parcel and tax ID. He discussed the possibility of a one way circulation drive from Adams around the church would also provide access to the new parking lot. He would like to have the applicant explore if there is an actual need for this parking lot. The funeral home to the south was granted a variance to share parking with New Jerusalem, based on the premise that both non-residential uses do not share operating hours. This was stated by the owners of Lucille's Funeral Home. However, in discussing this with the pastor of New Jerusalem, he stated that this is not the case all the time.

He stated that it is chaos if they have funerals or services at the same time. Voght's question is can both owners work out an arrangement where parking facilities can be shared? Another opportunity is the dumpster and enclosure for both uses, proposed in proximity to each other, which could be combined to a common dumpster.

After further discussion on landscaping, lighting and other areas of concern, Voght recommended that this application for Special Use and Site Plan be tabled pending the items listed being addressed.

Commissioner Enneking asked if the neighbors had been mailed notification of this meeting to which Voght responded in the affirmative. Commissioner Clark asked if any of the neighbors had contacted staff with concerns and Voght responded that he had been made aware of problems with people parking in front of their homes causing problems with exhaust in the summer when windows are open. Commissioner Johnson asked if the existing lot being used is gravel and Voght responded that it is not gravel.

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

Steve Pierce, 118 S. Washington – was in attendance representing the neighborhood association and asked that we not approve the Special Use Permit. He feels that this is a totally inappropriate use and not in keeping with the neighborhood. Originally, there had been a house on the property which was torn down because it was in disrepair. We now also have a vacant lot that is not well maintained. The property is not, and has not, been operated as a parking lot very often because it is mostly muddy and when it is used it is illegal since parking is not allowed on that property. He referred to the December 9th letter indicating that C & H (which is a business, not a church) proposes using the lot six days and the church would use on Sundays, consequently, we are talking about a significantly high usage in a residential neighborhood. There are already traffic problems and this proposed use will only increase traffic. He asked that this item be denied.

Joe Gallegos , 209 Buffalo – stated that he had no idea the funeral home would be using the parking lot all week. The lights are a problem since his house sits approximately 15 ft from the property line. There is also the problem of noise with car alarms and radios within the proximity of the property line especially at night that disturbs his children from sleeping. Drainage is another problem to be considered, could potentially have problems with water from snow melting. Car exhaust is a large

problem, especially in the summer. He is asking the board to consider these issues when making their decision.

Commissioner Knapp moved to close the public portion of the hearing (Support: Commissioner Brandt) and the motion carried unanimously.

Commissioner Clark moved to table this request for Special Use Application because of the concern about continued non-residential expansion and pending the 14 items listed being addressed (Support: Commissioner Adams) and the motion carried unanimously.

1. All three properties must be combined into one tax code ID number, otherwise easements will be required.
2. Sheet 1 incorrectly lists the proposed parking lot as a "permitted accessory use" where it should be listed as a "Special Use."
3. Explore common dumpster enclosure with C&H Community Funeral Homes at 411 S. Adams.
4. The "existing building" shown on the southwest corner of Buffalo and Washington was demolished in 2001 and should be removed from the plan.
5. The existing lot lines should be shown on sheet 3 with an indication that a combination of all parcels will be executed.
6. Will pavement symbols or vertical signage be provided to indicate the one-way traffic system around the church?
7. The proposed curb cut on S. Adams will require a permit from the Department of Public Works.
8. Provide seating capacity or linear pew space based on maximum capacity of main hall of worship.
9. We question the need for the proposed parking lot, based on a variance granted to C&H Community Funeral Homes at 411 S. Adams to utilize New Jerusalem's parking due to non-overlapping operating hours. Can New Jerusalem Church use C&H Community Funeral Home's proposed lot?
10. The C&H Community Funeral Home site plan will have to be modified consistent with the New Jerusalem submitted site plan.
11. Additional landscaping information must be provided. The landscape plan is incomplete.
12. Is signage proposed?
13. Are building improvements/changes proposed?
14. If the proposed parking lot will be utilized during night-time hours, illumination will be required. A photometric study, lighting details and proposed locations would be required as well.

Commissioner Goulet asked Voght if this is an issue where the applicant could meet the criteria but there is a big accountability issue. This is a small neighborhood church and he wonders how much parking they actually generate. Is it causing problems for the neighborhood for the parishioners to park on the street, and if so, additional parking will help alleviate this since neighborhood churches depend on off-street parking to accommodate their needs. Voght responded that they do have a lot of elderly members and parking on the street in snowy weather can be a long walk and also when there is a funeral at Lucille's or a service at the church, it can be a problem. If it is snowy and they are parking on the street, residents tell them not to because removal trucks can't get in to plow. Voght added that they could get together to work this out. Commissioner Adams said there is a significant need for parking for the church and it seems to him that a portion of the two lots in the back could be used for parking, rather than the entire lot. Voght agreed adding that he would suggest this to the applicant.

3. 599 S. Mansfield – Special Use and Site Plan Review

Voght gave his staff report presentation stating that the applicant is requesting Special Use Approval and Site Plan Review to construct two outdoor storage tanks for oxygen and nitrogen to be located on the west side of the building. The site is currently occupied by a moving and storage company and they propose to sell/lease property to Life Gas. The scope of this project is simply to do a concrete pad, add the tanks and enclose them with barbed wire fencing for security. The Fire Marshal does have to review the tanks to ensure they are installed safely and certify them. The site must be upgraded to current landscape standards. Voght stated that the planned use complies, it is adequately screened and the tanks have no impact on traffic or are not incompatible with adjacent uses.

The site will essentially remain as is currently except for landscaping and restriping and the new tanks. There is already adequate parking for the size of the facility – 18 are required and they have 19. There are no changes to the drainage. Landscaping is the main focus. He recommends that the site plan be approved with the condition that a revised plan be submitted for administrative review on the landscaping. He also recommends that the Special Use be approved with the condition that Special Use is required due to the outdoor component of the use, the tanks will installed where noted on the plan, that the storage tanks be maintained in an attractive, finished appearance and that the Fire Marshal certify the tanks.

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

Mike Walsh, Life Gas, Atlanta, GA – was in attendance to represent the company. He stated that they don't actually manufacture oxygen – they purchase oxygen in bulk and put it in small cylinders that are used for medical use – hospitals, patients in homes, etc. They are heavily regulated by the FDA and it is a very clean business. After they were informed that this was a Special Use, they hired a local company to assist them in the process.

Commissioner Brandt asked about the need for any special requirements for security of the environment and Mr. Walsh responded that from an environment standpoint they have very few issues. Oxygen is actually non-flammable and there are three things required to create a fire – fuel (oxygen is not a fuel – that's the flammable part), oxygen and ignition source. What oxygen does is it supports that combustion much more rapidly than it would in air and that is the danger that they deal with. This tank is a closed loop system – it gets piped in to a whole manifold system and transferred to small tanks.

Commissioner Goulet asked about the height of the tanks and if there is any reason they could not use a smaller tank to be less noticeable from I-94 and Mr. Walsh responded that there are only two companies in the world that make these tanks, consequently, they have no choice as to color or size. Commissioner Adams asked if the tanks have to be outdoors and Mr. Walsh responded that the risk of having them indoors is that you have to deal releasing pressure from the tanks if they expand. Releasing pressure inside the building is difficult. It needs to be evaporated in the air because it is oxygen.

After further discussion on minor issues, Commissioner Goulet moved to close the public portion of the hearing (Support: Commissioner Brandt) and the motion carried unanimously.

Commissioner Brandt moved to approve the Special Use Request based on staff recommendation that they comply with the following:

1. Proposed installation of outdoor storage tanks at 599 S. Mansfield is considered an outdoor storage use in the M-1, Light Industrial District, which requires Special Use approval.
2. Tanks to be installed in the noted located on the site plan.
3. Exterior of storage tanks to be maintained in an attractive, finished appearance, i.e. devoid of rust.

4. City of Ypsilanti Fire Marshal to approve/certify installation of outdoor tanks, as required by fire code.
5. All landscaping to buffer tanks to be maintained and kept in a live, healthy condition to ensure long-term screening of tanks.

The motion was supported by Commissioner Adams and a roll call vote was taken and carried unanimously.

Commissioner Goulet moved to approve the Site Plan Request based on staff recommendation that they comply with the following:

1. The planting code "FU" must be indicated on the landscape legend.
2. Propose six ornamental foundation trees.
3. Proposed two crabapples on northwest side of the building must more closely relate to foundation landscaping bed.

Commissioner Clark supported the motion and a roll call vote was taken and carried unanimously.

4. Cross Street Area Zoning Amendments

City Planner, Nathan Voght, stated that we adopted the changes last month and the next step is to try to implement these changes. He recommended scheduling a public hearing for February. Commissioner Goulet asked if he had brought back any map indicating proposed zoning changes for the board to review, in accordance with the Master Plan and Voght responded that he had not. Goulet suggested that this be done prior to establishing a public hearing. Voght agreed to bring these forward in January and tentatively schedule a public hearing for February.

5. Superior Township Growth Management Plan Amendment

Commissioner Johnson asked Voght what is required from the board on their Notice Of Intent to consider an amendment to their Growth Management Plan and Voght responded that we should review it to determine if there is any comment the Planning Commission would like Superior Township to consider. Commissioner Goulet stated that he was familiar with this since it bordered Canton Township. He noted that they would have to re-notice it since there is an error on Map 9 which he described in detail. Voght stated that he will send a letter of record to Superior Township indicating we have no comment.

Since there was no further business, Commissioner Clark moved to adjourn the meeting (Support: Commissioner Goulet) and the motion carried unanimously. The meeting adjourned at 11:25 p.m.