

**PLANNING COMMISSION
MEETING MINUTES
OCTOBER 19, 2005
CITY CHAMBERS
7:30 P.M.**

I. CALL TO ORDER

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

II. ROLL CALL

Present: R. Johnson, G. Clark, N. Fosket, C. McPherson, D. Sisson,
E. Walters, B. McClemens

Absent: M. Brandt (excused)

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

III. APPROVAL OF MINUTES – Commissioner McPherson moved to approve the minutes of August 25, 2005 Special Meeting (Support: D. Sisson) and the motion carried unanimously. Commissioner McPherson moved to approve the minutes of September 21, 2005 regular meeting with corrections as noted (Support: N. Fosket) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. OLD BUSINESS

1. 511 and 515 W. Forest/ 426 Perrin Church Expansion

Commissioner Johnson stated that this is a re-hearing from last month. The Special Use Permit was approved. However, the public hearing has to be re-held because legal notices were not sent to all owners/occupants within 300 ft. of property prior to the September meeting.

Commissioner McPherson moved to open the public portion of the hearing (Support: B. McClemens) and the motion carried unanimously.

Since there were no comments from the public, Commissioner McClemens moved to close the public portion of the hearing (Support: N. Fosket) and the motion carried unanimously.

Commissioner Fosket moved to approve the Special Use Request for 511/515 W. Forest and 426 Perrin based on the following seven findings and four conditions as listed below:

- 1) The existing church and parking area were constructed in 1965.
- 2) The property is zoned R-4 Multiple-Family Residential and is adjacent to EMU campus.
- 3) The proposed expansion will not expand the capacity of the existing sanctuary, but rather serve as supplemental meeting space for parishioners.
- 4) The proposed expansion will be architecturally compatible with the existing structure and with the neighborhood.
- 5) The site will be designed of a scale and with appropriate setbacks, screening, and landscaping so as to ensure long-term compatibility with the area.
- 6) The proposed use will not result in an adverse impact on traffic patterns, nor will it impact public facilities or services so as to create an economic impact on the public.
- 7) The expansion of the non-residential use in this residential district will not cause a residential area to be surrounded by non-residential uses.

Conditions:

- 1) The Occupancy Schedule on Sheet SP6 of the Site Plan shall be part of the record of Special Use approval. As such, the use and hours of operation of the facility shall reasonably adhere to the approved Schedule.
- 2) Regular expansion of hours of operation or additional uses of the facility not specifically listed in the Occupancy Schedule shall require Planning Commission approval. A public hearing may be required depending on the proposed use, as determined by the Planning Commission. Special care shall be taken by Planning Commission for review of any use that requires off-site parking. Planning Commission review shall not be required for individual special events or other infrequent activities that occur from time-to-time, provided adequate parking is available both on-site and off-site.
- 3) Any use not provided for in the approved Occupancy Schedule that requires more than the on-site parking lot can accommodate shall require Planning Commission approval pursuant to special use condition #2, above.
- 4) Variance to be granted for parking by Zoning Board of Appeals.

The motion was supported by D. Sisson. A roll call vote was taken and carried unanimously.

2. Zoning Text Amendment

Commissioner Johnson stated that this is a re-hearing.

N. Voght, City Planner presented his staff report stating that this was a Zoning Text Amendment request by St. Joseph Mercy Health System who operated a small clinic at 201 S. Hamilton. It burned and they wanted to re-build at which time they noticed that their use was not really allowed in that zoning district which is R3. They asked the Planning Commission and City Council to amend that text to include "Medical or Dental Offices or Clinics", definitions of same were included in N. Voght's staff report dated 8-11-05.

Planning Commission agreed to recommend that we include both these uses in R3 and R4. Originally, the request was noticed for R3 but had to be re-noticed for hearing by the Planning Commission. This has been done, re-recommending that we include R4 and go forward to City Council for final decision within the next month or so.

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

Commissioner Johnson asked if there were any comments from the public. No comments were made.

Commissioner McPherson moved to close the public portion of the hearing (Support: N. Fosket) and the motion carried unanimously.

Commissioner McPherson pointed out for the newest members that the areas that are allowed to have clinics and offices and hospitals are also sporadic and not necessarily what one would logically expect, hence the reason we are trying to make this a more logical distribution of these rights. Commissioner Johnson added that in both these areas we allow hospitals but not the others noted above.

Commissioner Sisson moved to recommend to City Council approval of a zoning ordinance text amendment modifying Sections 122-294 and 314 to include "***medical or dental offices or clinics***" as noted in N. Voght's staff report, page 8, dated August 11, 2005. The motion was supported by E. Walters. A roll call vote was taken and carried unanimously.

3. Zoning Text Amendment

Commissioner Johnson stated that this a zoning text amendment changing the text for B3 to exclude private clubs, lodges, banquet meeting halls and K-12 schools from the B3 Central Business District. A proposed text change by the City Attorney was included in the packets giving members an opportunity to review it. The purpose of this meeting is to schedule a public hearing for next month, at which time we would look into this entire issue. N. Voght gave some more background information on this issue adding that there will be more discussion next month. He plans to have someone from the City Attorney's office attend to explain what some of the implications are and provide more information.

Commissioner McPherson moved to schedule a public hearing to amend Section 122-392 and Section 122-805 of the City of Ypsilanti Code of Ordinances at the November 16, 2006 meeting (Support: N. Fosket) and the motion carried unanimously.

VI. NEW BUSINESS

1. 529 Tyler Road – Special Use and Site Plan Review

Commissioner Johnson stated this issue is about a piece of property which is located next to the East Middle School.

N. Voght presented his staff report stating that there is a long history on this property. The current owner, Mr. Kind, has operated a mobile home recycling area there from 1997 to about 2002, and there have been some issues regarding this particular use. In 2002, The Planning Commission revoked the Special Use Permit that had been granted for this owner and since that time, we have trying to get the use into compliance. We are still in Circuit Court on this matter and were successful in getting a consent order signed a couple of years ago. It was amended by both parties over time and basically the owner had agreed to (as of February 2003) clean the site of all mobile homes, materials and debris, and apply for land use approval for another use permitted in the M-2 district. When a Special Use is revoked, the property no longer has land use approval to be used for any reason. It has been used since 2002 without any site plan or land use approval on how it should be used. We have finally gotten the applicant to submit a Site Plan that we can take a look at. He is proposing a Contractors' Storage Yard where equipment can be stored outdoors and minor repair of equipment can take place in some of the buildings.

There are some existing buildings on the property, one is an office and the other is a garage. A new garage is proposed which would be twice as large as the existing one. Zoning is M2, which allows a contractors storage yard as permitted, however when outdoor storage of materials is proposed, a Special Use Permit would be required. This allows the board the discretion to ensure that the types of materials that are being stored and the location and screening of same are appropriate. Also, for example, we can review any storage of hazardous materials, and that they are properly contained or protected.

Voght's staff report of October 12, 2005 has many questions listed. This plan is a good start but he needs to know more, i.e. nature of the use, what is being stored, who will be storing what, where will it be stored, how will it be screened, etc. We need more information and also a letter of authority from the owner indicating approval or permission to apply. The neighbor that owns the storage units has concerns with the drainage, and has provided a letter outlining his concerns. Our engineer from Orchard, Hiltz & McCliment, Inc. is in attendance to answer any questions.

Voght continued by saying that over a year ago, a towing company was proposed and approved for this site. The owner, Scott Klaason, did not follow through with development of

the site so that approval expired. This current application will allow the owner to get this site back into operation. Voght reviewed his staff report of 10/12/05. He recommends that the Special Use request be tabled. The submitted site plan is not sufficient for proper review and needs a revised plan with the items at issue addressed. We need to hold a public hearing for input.

Commissioner McPherson asked about a comment in the staff report dated 10-12-05 "the court enforced the order and cessation of non-permitted activities" and Voght explained this in more detail.

Commissioner McPherson moved to open the public portion of the hearing (Support: E. Walters) and the motion carried unanimously.

E. Kubiske, 1430 E. Michigan – stated that he is the engineer for the project. He was accompanied by Chris Kind, 529 Tyler Road, owner of the property.

Mr. Kubiske stated that he received the staff report of 10-12-05 and will make all the necessary changes to satisfy the issues in question and hopefully will appear back before the board in December. However, Mr. Kubiske stated that he does have one problem which relates to the road. They have tried to figure out the best material for the driveway and it is his opinion that salt would eat away concrete. Using asphalt would basically incur the same problem. He is unable to come up with any other material that would work best with ice. He wants to use gravel.

Commissioner Johnson asked what the nature of the business would be and Mr. Kind responded that they store equipment that is used to tear down mobile homes and for industrial cleaning. There were many questions from board members on cleaning materials on site, office use, complaints from neighbor on flooding, storm water retention and types of equipment used and stored on the property. Mr. Kind confirmed that they do all the tearing down of mobile homes at the client's site. The cleaning of industrial equipment is also done at the client's site.

Commissioner Sisson added that he had two concerns which he would like to see addressed and that would be the retention pond and how it impacts the neighbor's property, what will be stored on site and which building it will be stored in. He also suggested that they could consider heated pavement which might resolve the problem of ice.

Marcus McNamara, Orchard, Hiltz & McCliment, Inc. 34000 Plymouth Road, Livonia – City consulting engineer that reviewed the Site Plan. He stated that from an engineering perspective, it doesn't really matter how the entrance drive is surfaced but he is of the opinion that for this zoning district, paving is required but could be handled through a variance. Voght agreed, after referring to the Zoning Ordinance, that paving is required. Mr. McNamara feels that paving is easier to maintain and visually preferable whereas gravel would require a certain level of maintenance. He also added that soil borings are required for the retention basin.

Commissioner McPherson asked McNamara if he anticipates any issues with the safety of the retention pond since there is a school next door. Mr. McNamara responded that he wouldn't want children on the site because of the industrial equipment but the pond does have a fence around it. He does not foresee any problems with the neighboring use.

Maurice Pagoda, 32811 Middlebelt, Farmington Hills – is the agent for the neighbor to the west and is in favor of the Special Use as long as all the concerns noted by the City Planner and his letter to the Planning Commission are addressed. They have a very serious flooding problem. They are contiguous to their property and have one building they cannot use because they get a couple of feet of water in there after rain. The downspout drains into the back of their building and needs to be adjusted to drain somewhere else.

Commissioner Johnson asked if he was encouraged by the plans and Mr. Pagoda responded in the affirmative, especially if the flooding problem is resolved.

Mr. Kind added that the downspout drain that was referred to be redirected directly into the pond.

Commissioner Clark moved to close the public portion of the hearing (Support: C. McPherson) and the motion carried unanimously.

Commissioner McClemens moved to table the Special Use Request for 529 Tyler in order for petitioner to address the concerns as discussed (Support: E. Walters) and the motion carried unanimously.

Commissioner Sisson moved to table Site Plan Approval for 529 Tyler subject to petitioner addressing the Special Use questions and the 32 issues listed in the 10/12/05 Staff Report (Support: N. Fosket) and the motion carried unanimously.

2. 467, 469, 471 S. Hamilton Master Plan/Zoning Map Amendment

Commissioner Johnson stated that in order to change the zoning we must first change the Master Plan. This concerns three lots that are behind the Harriet Street Commerce Center. They are currently vacant.

N. Voght, City Planner, stated that this is two requests – first, the Master Plan Amendment and then a rezoning. We are looking at them concurrently because the Master Plan was reviewed last month by the Commission. The applicant followed up with a rezoning application and this is a public hearing to look at both. The Master Plan process takes longer than the rezoning process given the state law.

Voght reviewed this last month – it is for three separate parcels on the east side of South Hamilton that are currently planned for Two Family and are also zoned R2. Our Master Plan

policy and our zoning law regarding the parcels in this area have been residential. The Harriet Street Commerce Center has expressed a need to expand.

The questions that should be asked are: 1) have conditions changed since our 1998 Master Plan that might warrant an update to the Master Plan and rezoning, 2) are there valid reasons or concerns for expanding this commercial area? The depth of the Harriet Street parcels is really a residential depth so there seems to be a legitimate need to accommodate some commercial expansion. On the other hand, Voght has concerns about encroaching into a neighborhood. Even although there are no homes on these parcels, we have an issue where that could potentially be compromising to the integrity of the neighborhood. Part of the reason for public process is to get some feedback, give us direction and give the board input as to what might be appropriate and good for this area. Notices were sent out as required for a rezoning to all property owners within 300 feet.

Commissioner Johnson asked if there was an issue with parking when the businesses originally located there –did they go there with the understanding that they had enough parking? Voght responded that he assumed they complied since he did not see any variance request in the file. He added that he has not dealt with any parking complaints or is aware of any parking enforcement. Commissioner McClemens asked the number of current parking spaces and Voght responded that there was approximately 75.

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

Bill Kinley, Phoenix Contractors, 121 Pearl, Ypsilanti – stated that he is the manager of the property and also the contractor. He added that also in attendance are representatives of the actual ownership group, Rev Roberson, General Partner of the Harriet Street Commerce Center, and Trenda Rusher representing Washtenaw County, who is the primary tenant. All of the frontage between Hamilton and Adams were all residential depth lots originally. Mr. Kinley was brought in by the developer that was hired by Harriet Street Commerce Center Partnership to renovate the blighted area. This property has evolved into a one tenant property with three uses. The County sub-leases to Washtenaw Community College approximately 2,000 s.f. which is used as a training center. There is also a small restaurant that sub-leases from Washtenaw County. The goal for the County is to expand its workforce development programs, make some changes within the building with potentially some parking/office expansion on site. It is a beneficial use for the south side.

The management of the center has an agreement with Messiah Temple Church on a reciprocal parking agreement. They are not trying to do more parking than is justified and are not in favor of more asphalt, however, they face the reality that this is a very successful center that serves the needs of the County, and as a result, there is a high influx of traffic. There is a spillover at times because of funerals and there is no parking on Harriet/Hamilton. On heavy days with the Training Center, people are parking in the neighborhood. They are looking for a rezoning that is compatible with the area on Harriet that would encourage more development.

It is his opinion that the part of the site fronting on Hamilton would be better served long-term by expanding the office use that is currently there.

Commissioner Johnson asked Kinley if they ultimately want to expand the B1 across the street from the three spots under discussion and Kinley responded that he was applying for only those properties owned by the center and with what makes sense to him. However, Voght's suggestion was that maybe a Master Plan review of the larger area would be appropriate.

Commissioner Sisson asked for some history of the site.

Rev. S. L. Roberson, Pastor, Metropolitan Memorial Baptist Church – stated that he is one of the founders of that area. He gave some history on its development. They need the extra parking spaces because of the increase in numbers of people being trained.

Trenda Rusher, 555 Towner, Dept Head for Washtenaw County Employment Training and Community Services Group. She is also responsible for the administration of the Washtenaw County Michigan Works Service Center at 304 Harriet St. It is better known as the "one stop service center" for all of the workforce development services that come to the County. Housed at this center is the County's three million dollar workforce funding which is all of the state and federal dollars that come into the County. There are over 1000 of these "one stop centers" in the country and the one on Harriet Street is the one for the County. She reviewed all the activities for both job seekers and employers and how important this is. They have grown considerably since they first began. They have over 30 employees doing workforce development as well as 15 Washtenaw Community College employees. They have job fairs every Thursday to interview potential candidates, consequently, parking is a premium at that site and they are unable to expand and do the things they really need to in terms of new training, new technologies, etc.

She is appealing to the board to work with the owners so they can continue to make it a world class "one stop center" on workforce development. They are getting ready for the Super Bowl working with all of the hospitality industry, restaurant owners, taxi cab drivers, hotels, all in Southeast Michigan to do training and be part of the recruitment.

Commissioner McPherson asked the number of people they have come to the center and Ms. Rusher responded that depending on the day, they have from 100-300 people in one day. They have a variety of workshops, referrals from the Community College, job fairs and classes at the Community College. They are also open on Tuesday and Thursday evenings. Commissioner Sisson asked if there was any particular use that provide the majority of the parking problems and Ms. Rusher responded that major two are the job fairs and the community college classes.

Sharon Phillips, 431 S. Hamilton – stated that the whole flavor of the area changed when the center came in, which is a good change. However, regarding the possibility of trying to sell property in the residential area, it is her opinion that the board should consider in future

planning making that whole South Hamilton strip zoned commercial. It would give people the security that when and if, they want to sell, it would be easier if it was zoned commercial.

Bob Doyle, 210 S. Washington – stated that he is the Vice Chair of the Gateway Community and Economic Development Corporation. He is also the Treasurer of the Gateway Community Council and is very active in the south side. The mission of the Gateway EDC is to foster economic development on the south side as well as promote affordable owner-occupied housing. They use the Harriet Street facility for their monthly meetings. While he is not authorized to speak on behalf of, or represent the group, the general sense he gets is that it is an incredible asset to the community. They are doing good things for the City and County. He personally supports the rezoning. However, as a neighbor, he would also caution that we need to be very careful in how we look at promoting good solid neighborhoods. If the board plans to look at Master Planning and spread the commercial out, we need to get more players at the table to come up with strategies to develop strong commercial areas where they make sense but at the same time, solidify the neighborhood that is there. His neighborhood is under incredible pressure from churches and commercial district to knock down houses and convert to parking lots.

Commissioner Walters asked if their group has ever discussed residences on Hamilton with speed and trying to back out of their driveway and Mr. Doyle responded that they have discussed this and agree that traffic is a concern.

Commissioner McPherson moved to close the public portion of the hearing (Support: E. Walters) and the motion carried unanimously.

Further discussion was held by the board members on various zoning possibilities taking into consideration both commercial and residential uses. N. Voght suggested that Planning Commission direct staff do an analysis on potential uses and zoning and bring it back to for review and discussion. The board concurred.

Commissioner Clark moved to table the Master Plan Amendment Request for 467, 469 and 471 S. Hamilton (Support: C. McPherson) and the motion carried unanimously.

Commissioner Clark moved to table the Zoning Map Amendments for 467, 469 and 471 S. Hamilton (Support: C. McPherson) and the motion carried unanimously.

Commissioner Clark moved to direct staff to study various Master Plan options for the Harriet St. Corridor between Hamilton and Huron (Support: N. Fosket) and the motion carried unanimously.

3. Zoning Text Amendment-Coin Laundry in the C/I

N. Voght stated that this is an amendment to the Ordinance but it is specific to a particular property that the applicant is interested in, namely, 815 Huron River Drive. They would like to

purchase the property and operate it as a coin operated laundry and in our Commercial Industrial District, that use is currently omitted. The C/I District was one created after our 1998 Master Plan to incorporate certain areas of the City that were near the railroad tracks, Depot Town and Lowell near the EMU campus, that had a mix of industrial and commercial uses but also a need to ensure that industrial was a special use which is what C/I does. It is a shift to protect adjoining neighborhoods.

In this case, we have a C/I area that is on Huron River Drive by Lowell. Staff has provided a description and purpose of the mixed Commercial Industrial District to give the board a flavor as to what the intent is of this district. He indicated in his staff report where C/I Districts are found in the City as well as providing a current zoning map. The intent is to look at commercial uses as permitted in general but industrial as special. Voght recommended that Planning Commission approve this request and listed the language in his staff report dated 10/12/05.

Commissioner Fosket moved to open the public portion of the hearing (Support: E. Walters) and the motion carried unanimously.

Steve Bean, 30301 Woodward Avenue, Royal Oak – was in attendance to represent the applicant, Harvinder Singh. Mr. Bean is a major developer of coin operated laundries in Michigan. Mr. Singh is an investor but his wife would also assist in running the laundry and ensure that it is always fully attended with a supervisory presence and keeping the place clean. It is Mr. Singh's intention is to lease the property from the current owner for a period of months, do all the renovations and then have an option to purchase. Mr. Bean provided some display boards of the type of laundry that they produce. Mr. Singh is prepared to make all the necessary physical improvements.

Commissioner McPherson moved to close the public portion of the hearing (Support: D. Sisson) and the motion carried unanimously.

Commissioner Clark moved to recommend approval to add the following text amendment to Section 122-517 (13) of the Zoning Ordinance to City Council:

(13) Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.

The motion was supported by N. Fosket. A roll call vote was taken and carried unanimously.

4. City Owned Properties – Zoning Map Amendments

Commissioner Johnson stated that we have already initiated the Master Plan process. N. Voght stated that he did the initial staff report reviewing all the sites and this is just the next step to rezone the properties. He listed the recommended zoning for each property:

Superior Road – would go from PL to R1
West Michigan – would go from PL to RC
10 S. Prospect – would go from R4 to B4

This would be consistent with the Master Plan designations that the board sent forward to the County and surrounding communities, and will be reviewed by these adjoining entities next week. We should have a response from them before this would go to City Council.

Commissioner Johnson stated that Larry Thomas, YCUA, sent a memo discussing a potential right-of-way on the Superior Road property. N. Voght responded that staff will need to figure out if we deed over a certain piece of land or provide an easement, which would be part of the selling agreement. The City Manager, Ed Koryzno, is on the YCUA Board so there should be no problems working this out. Voght also stated that he had received a call from someone at the County Parks who is interested in seeing what we can do to preserve the river frontage since right now it is public access. He suggested the possibility of an easement along the river to ensure public access. Voght will also speak to E. Koryzno on this.

For clarification for board members, Commissioner Johnson stated that two of these properties were Public Land and are now being rezoned and the other property was R4 and now being rezoned.

Commissioner Sisson moved to open the public portion of the hearing (Support: E. Walters) and the motion carried unanimously.

Since there were no comments from the public on these three properties, Commissioner Fosket moved to close the public portion of the hearing (Support: C. McPherson) and the motion carried unanimously.

Commissioner Walters moved to approve recommendation to City Council the rezoning of the vacant property on Superior Road, 5.3 acres from PL to R1 (Support: C. McPherson). A roll call vote was taken and the motion carried unanimously.

Commissioner Clark moved to approve recommendation to City Council the rezoning of 10 S. Prospect from R4 to B4 (Support: D. Sisson). A roll call vote was taken and carried unanimously.

Commissioner McPherson moved to approve recommendation to City Council the rezoning of the westerly 70 feet of the vacant property on W. Michigan, 0.69 acres (adjacent east of 615 W. Michigan) from PL to RC (Support: B. McClemens). A roll call vote was taken and the motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Clark moved to adjourn the meeting (Support: D. Sisson) and the motion carried unanimously. The meeting adjourned at 10:35 p.m.