

**PLANNING COMMISSION
MEETING MINUTES
APRIL 20, 2005**

I. CALL TO ORDER

The meeting was called to order at 7:28 p.m.

II. ROLL CALL

Present: F. Davis, R. Johnson, G. Clark, M. Margaret-Brandt
C. McPherson, D. Sisson

Absent: S. Schulze (excused) N. Fosket (excused)

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

III. APPROVAL OF MINUTES – February 16, 2005

Commissioner McPherson moved to approve the minutes of February 16, 2005 (Support: G. Clark) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. 302 N. Hamilton

N. Voght, City Planner stated that this is a request for a Special Use and Site Plan Approval to establish a fraternity/sorority at 302 N. Hamilton. The applicant is Eastern Oaks, LLC who proposes eight (8) rooms with 12

occupants in an existing structure. This property has lots of history which Voght reviewed. The site is occupied by an existing 3,284 s.f. structure, not including the basement. The submitted site plan shows a total of eight (8) off-street parking spaces in the rear and one space in the garage. Since this property is located in the Historic District, it would require review by the Historic District Commission.

Voght reviewed the surrounding uses. He continued by reviewing the Special Use Criteria standards as provided in Section 122-165 as well as staff comments:

(b) *Approval of a special land use permit shall be based on the determination that the proposed use will comply with all the requirements of this chapter, including all site plan review criteria (Section 122-127) and the applicable site development standards for the specific use. In addition, the following standards shall be met:*

1) The location, scale and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land.

Staff comments: The proposed fraternity/sorority will be located one block east of the Student Overlay District. While not within the overlay, the proposed use will be in proximity. The student overlay was created in the late 1980's in order to protect neighborhoods away from campus and to define an area closer to campus where lot area, open space, and parking standards for fraternities and sororities would be relaxed, in order to encourage their location in a designated area.

A total of 12 occupants are proposed, and 8 bedrooms. The current use is a duplex, with a maximum of 8 occupants. The occupancy could also be increased if the applicant were to expand the use to three apartments, after Site Plan approval. While the immediately surrounding uses are lower density, they are not owner-occupied and are limited by the lot area. General neighborhood conditions beyond the immediate surrounds include numerous multiple apartment structures with from 3 to 8 units per property. The first standard has been met.

2) The proposed use shall promote the use of land in a socially and economically desirable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare.

Staff Comments: The proposed use will increase the occupancy of the structure to 12, which could be achieved otherwise by adding a third apartment and Site Plan approval. Over the last few years, the Greek community has developed internal policies that place more restrictions on member conduct including party and drinking policies. Given the limited occupancy of the structure, and higher density uses prevalent in the neighborhood, the use will not be disturbing to existing or future neighboring uses or the public welfare. However, special conditions may be considered to ensure the use remains compatible. These may include limitations on occupancy, noise complaints, parties, trash receptacles, furniture on porch, outdoor storage, litter, etc. The second standard has been met.

- 3) *The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation. This standard is compatible with surrounding uses.*

Staff Comments: The structure and parking area is existing. The site will be enhanced with landscaping to comply with current standards. We note that conflicting land use buffering has not been proposed along the northern boundary line to the two-family use to the north. The buffer must be a dense row of evergreen plantings with berm. However, a privacy fence may be allowed given the limited area between the properties. The required screen will provide adequate buffer to the two-family use to the north. Overall, the design of the site will be compatible in the long term with surrounding land uses. Clarification of certain site plan components I required, as discussed later in this report.

- 4) *The proposed special land use shall not present unreasonable adverse impacts on traffic circulation. Consideration shall be given to the estimated traffic generated by such use, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian traffic.*

Staff Comments: The traffic generated by 12 occupants will not be unreasonable, given neighborhood conditions. Access to the site is via a public alley from Emmet Street.

- 5) *The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Staff Comments: The proposed use will not create additional need for public facilities or services.

- 6) *The location of the proposed use shall not result in a small residential area being substantially surrounded by non-residential development, nor a small non-residential area being substantially surrounded by incompatible uses.*

Staff Comments: The proposed use is residential in character, as is the entire neighborhood.

SUMMARY: The proposed location of the fraternity/sorority use is not within the Student Overlay District, which zoning regulations do not encourage. However, the use will be one block to the east of the overlay, and within a higher density neighborhood with numerous multiple apartment structures. Adjacent uses will need to be adequately screened, and Special Use conditions should be considered to ensure long-term compatibility with the neighborhood. The proposed use also complies with all of the supplemental regulations for fraternities/sororities of Section 122-787 of the Zoning Ordinance, and discussed later in this report.

Voght reviewed the supplemental regulations for fraternity/sorority adding that the proposed use complies with all requirements of Section 122-787 and there are no items that need to be addressed. He also reviewed the Area, Width and Height Setback noting that a dimensional variance would be required. Landscaping was summarized with the notation that a waiver would be required for a fence instead of buffer and waiver would also be required for underground irrigation.

On signage, a permit would be required for future fraternity/sorority sign, maximum size of which would be three (3) s.f. in size. A floor plan should be provided for number of bedrooms and maximum occupancy.

In summary, Voght stated that the proposed use is in substantial compliance with Special Use standards. However, special use conditions should be considered to ensure the use maintains long-term compatibility and to provide Planning Commission control to revoke the Special Use permit, if necessary. Staff recommends that the Planning Commission approve the Special Use permit for a fraternity or sorority based on the following findings:

1. The subject property is zoned R4, Multiple-Family Residential, which allows fraternities/sororities with Special Use approval.
2. The proposed location is not within the Student Overlay District, which encourages establishment of such uses, but is still within one block of the overlay, and complies with the more restrictive requirements of 122-787.
3. The neighborhood is primarily higher density rental housing, with the exception of the immediately adjacent lower-density uses, primarily limited by small lot areas. The two-family use to the north will be screened with a conflicting land use buffer.
4. The proposed use complies with all the supplemental (con-discretionary) requirements of Section 122-787 of the Zoning Ordinance.
5. Adequate off-street parking will be provided.
6. The use will not present an adverse impact on traffic patterns and circulation in the area.
7. Special Use permit conditions will be imposed to ensure long-term compatibility with the neighborhood.

Staff further recommends the following special use permit conditions be imposed:

1. Occupancy shall be limited to 12 tenants.
2. Proof of sponsorship by recognized organization and registration with EMU Office of Campus Life (or equivalent) shall be provided prior to Certificate of Occupancy issued.
3. The fraternity/sorority tenants and their guest shall adhere to adopted Social Policy of the inter-fraternity and National Panhellenic Council (or equivalent organization) at all times.
4. Off-street parking lot shall be paved, as required by Zoning Ordinance, to reduce congestion and clearly delineate the varying location/design of parking spaces.
5. Parking in unapproved locations is strictly prohibited, including within the front yard or other prohibited areas.

6. Signage shall be limited to 122-787, which requires maximum three (3) s.f. sign.
7. The property shall be kept free and clean of all litter, debris, and any other material at all times.
8. Storage or parking of unlicensed, untitled, and inoperable motor vehicles, as defined by the Zoning Ordinance, on the premises shall be prohibited.
9. Couches, sofas, and any other prohibited items shall not be placed outside the building at any time, including the porch.
10. The tenants shall comply with noise and other applicable ordinances at all times. Neighborhood complaints shall be reviewed by City staff. If more than one (1) violation of any federal, state or local ordinance/law is determined to have occurred after due process within any 30 day period, whether as a result of neighborhood complaints or not, a show cause hearing may be scheduled by the Planning Commission. The purpose of the show cause hearing will be for the Planning Commission to consider revocation of the Special Use Permit. Initiation of this revocation process shall be at the discretion of City staff in consultation with the Planning Commission Chairperson.

Commissioner McPherson stated that there had been talk of changing some streets to two-way and asked if this would affect Hamilton or Emmet. Voght responded that this is way in the future, if ever. Commissioner Clark stated that the garage is in very bad condition and Voght responded that this would be something for the HDC to consider. Commissioner Sisson asked if the Master Plan or Zoning Changes would play into this Special Use and Voght responded that it would not.

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

Bill Godfrey, 3875 Voorheis Road, Superior Township – General Contractor, was in attendance to represent the owner. He has renovated neighboring properties and has been in the business for 20 years. Twelve parents have co-signed the lease.

Chairman Davis asked the applicant if he had seen all the comments by N. Voght and Mr. Godfrey responded that he had and accepted all of his recommendations except, he would like to use crushed rock instead of paving for the driveway and will mark with signs.

Commissioner McPherson asked how the property ownership works – if the property is leased to the fraternity - Mr. Godfrey responded in the affirmative.

Jeff Szumanski – River Rain Apartments – is the President of the Fraternity. He wants to break the stereotype of fraternities. Their fraternity has a policy against alcohol and partying which is included in their local by-laws. They want to be part of the community and would be willing to offer their services by shoveling sidewalks for people who are unable to do so, cut grass, etc.

Kevin Wilson, 902 Miller, Ann Arbor – is a Chapter Advisor and has been involved with fraternities for 15 years. He supports this group and the national ideals of this fraternity and is in favor of granting them a Special Use Permit.

Commissioner McPherson asked what the national ideals include to which Mr. Wilson responded.

Trevor Allen, Interim Council President – stated that although he is not affiliated with this particular fraternity, he supports their values and is supportive of this request.

Barbara Hale, 310 N. Hamilton – stated that she is not in favor of granting this Special Use Permit. It is her opinion that parking is currently a problem in that area and by granting this use, would only tend to increase it further. Not only would the people in the fraternity be parking, but it would also include overnight guests and visitors on weekends. She included a letter from a Mr. Patrick Bailey, a resident of N. Hamilton on the block in question, who is opposed to this request.

Taryn Shear,– lives in Ann Arbor but is the owner of various properties in the City of Ypsilanti, including the Tanning Salon on W. Cross and 304 N. Hamilton. She is opposed to this request for various reasons, including parking. Currently, it is impossible to find on-street parking in that area. She also understands that they plan on putting the trash receptacle in the garage, which is supposed to be used as one of the parking spaces. This is not realistic. Because of the lack of City personnel, the parking problems would not be enforced. She asks that this Special Use request be denied.

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

Commissioner Brandt asked Voght to clarify R4 zoning. Commissioner Clark referred to #6 on Special Findings listed by N. Voght and disagreed that by granting this special use, it would not have any adverse impact on traffic patterns in the area. Commissioner Johnson stated that it was his opinion that it meets the requirements of a Special Use. Commissioner Davis reminded the board that Ordinance Enforcement and Planning are two different bodies and the outcome of a decision by the Planning Department should not be affected by whether or not Ordinance Enforcement is carried out. Commissioner Sisson feels that this use does not fit into goals for the Master Plan. He also asked about parking for employees to which Voght responded that there was no indication that there would be any employees.

Commissioner Brandt moved to approve the Special Use Permit as recommended by staff including findings 1-7 and conditions 1-10 as listed above (Support: R. Johnson). A roll call vote was taken with a vote of 3:3. The special use request was denied.

2. 102 N. Hamilton – Special Use Permit Application

N. Voght presented the staff report stating that this is a request for Special Use and Site Plan approval for relocation of a drop-in center from its current location at 30 N. Huron to 102 N. Hamilton. The property is zoned R/O, Residential-Office, which allows Drop-In Centers as a Special Use.

He continued by reviewing the Special Use Criteria standards as provided in Section 122-165 as well as staff comments:

- (b) Approval of a special land use permit shall be based on the determination that the proposed use will comply with all the requirements of this chapter, including all site plan review criteria (Section 122-127) and the applicable site development standards for the specific use. In addition, the following standards shall be met:*
 - 1) The location, scale and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land.*

Staff comments: The existing structure within which the drop-in center is proposed was originally a residential home, but has been used for non-residential purposes in the past including beauty salon (1968), rooming house (1970s), foster care home (1977), drop-in center (1990 to 1999), and Youthbuild project (1999 to 2002).

Proposed hours of operation should be reviewed. However, if similar to the North Huron location (afternoons during the week), the hours will not be incompatible with the area.

Surrounding uses include single-family to the east and two-family to the north. The existing structure is oriented west, towards Hamilton Street, which is the preferred orientation from the adjacent single-family use. A six (6) foot high shadow-box privacy fence is proposed along the eastern and northern property lines to provide buffer. Landscaping will soften the fence along the north lot line. These buffers will be adequate to ensure use compatibility. We also note the R/O-Residential-Office zoning is a transitional zoning district that allows certain non-residential uses by right. Limitations on hours of operation should be considered to protect adjacent residential uses.

2) The proposed use shall promote the use of land in a socially and economically desirable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare.

Staff Comments: The scale of this property is small and will be generally compatible with the neighborhood. Given its size, the site does not have potential to expand to become incompatible with adjacent uses. However, special use conditions should be considered.

3) The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation. This standard is compatible with surrounding uses.

Staff Comments: The structure is existing and privacy screening softened with landscaping will be provided along the northern property line. The privacy fence will also extend south along the eastern property line. The orientation of the use, scale of the building, and buffering are adequate for long-term compatibility with surrounding uses.

4) *The proposed special land use shall not present unreasonable adverse impacts on traffic circulation. Consideration shall be given to the estimated traffic generated by such use, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian traffic.*

Staff Comments: The use is small scale and will not have any adverse impact on parking. The majority of the youth that will utilize the drop-in center will walk or take public transportation to the site.

5) *The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Staff Comments: The proposed use will not create additional need for public facilities or services.

6) *The location of the proposed use shall not result in a small residential area being substantially surrounded by non-residential development, nor a small non-residential area being substantially surrounded by incompatible uses.*

Staff Comments: The proposed location for this use has been non-residential for a number of years. The proposed use will not have the effect of surrounding a residential area with non-residential uses.

SUMMARY:

Voght stated that the proposed drop-in center use will occupy an existing structure that has been used for non-residential uses in the past. The area is transitional in character with higher density residential uses to the north and west and office, institutional and commercial uses to the south and east. While adjacent uses are single and two-family, the scale of the proposed use is small, and with the proposed land use buffer, will be generally compatible with surrounding uses.

Staff recommends that the Planning Commission approve the Special Use Permit to allow a youth drop-in center at 102 N. Hamilton, based on the following findings:

1. The proposed use is substantially in compliance with the required Special Use standards.
2. The subject property has historically been occupied by a variety of commercial, residential, and social service uses.
3. The R/O Residential-Office zoning for this, and surrounding lots, is indicative of the transitional land uses of this area from higher density residential uses to commercial/office/retail uses downtown.
4. The proposed use is appropriate for this location given its limited scale, adequate buffers, and hours of operation. As a result, the immediately adjacent low-density residential uses will not be adversely impacted.
5. The use will not present an adverse impact on traffic patterns and circulation in the area.

We further recommend that conditions be developed by the Planning Commission that addresses the following, in order to ensure overall compatibility with the neighborhood.

- A. Hours of operation should be limited to compatible with adjacent uses.
- B. A maximum building occupancy should be considered (may be more restrictive than fire marshal).
- C. Structure shall not be used for residential purposes.
- D. Parking shall be prohibited within the driveway approach, over public sidewalk, or in landscaped front yard.
- E. All drop-in center organized activities shall occur within the enclosed structure.

Voght reviewed the setbacks, building location and site arrangement with no items to be addressed. The existing parking spaces should be shown in the Site Plan. Landscaping was reviewed with staff's recommendation that underground irrigation requirements be waived provided the applicant agrees to a landscape maintenance schedule. Various recommendations were made regarding trees and shrubs. Signage details should be provided if known.

Staff recommended that the proposed Site Plan be approved with the following items to be addressed in a revised plan and administratively reviewed by staff:

1. Provide additional parking demand information. Off-street parking variance may be required.

2. The existing parking spaces should be show on the Site Plan.
3. Norway maple adjacent to driveway should be substituted for smaller ornamental tree or upright evergreen due to insufficient space.
4. White Pine and Norway maple in southwest corner of the site should be moved east out of the 25 ft. corner visibility triangle.
5. Provide an overall site landscaping calculation.
6. Foundation landscaping needs revision. Ornamental trees required and reduction in shrubs.
7. Planning Commission waiver recommended of underground irrigation due to small size of site, with condition of landscape maintenance plan.
8. Provide signage details if known at this time.

Commissioner McPherson asked about item #4 and Voght responded that this is a proposed tree, not an existing one. Commissioner Sisson asked about barrier free parking requirement and Voght stated that he believes they do have the space. Commissioner Brandt asked the number of spaces allowed based on number of employees and Voght responded that there is no standard for this and it is something we have to create. Most of the clients who will be visiting, will be walking or taking a bus.

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

Katie Doyle, 1307 W. Congress - stated that she can address any concerns presented by Mr. Voght and is willing to answer any questions.

Commissioner Davis referred to the discussion with Mary Jo Callen, Director about number of staff employees Director. She stated there would be 2-3 staff. He asked Ms. Doyle if that is her understanding to which she responded normally they would have two, however, occasionally they will have other staff who will attend a meeting. They currently have a request in to EMU to see if they would lease some parking spaces in their structure. Commissioner Johnson asked hours of operation and Ms. Doyle responded that Monday through Thursday would be 4-8 p.m. and Friday 4-6 p.m. He also asked maximum intended occupancy and she responded that it would be 5-20 daily. However, Halloween could be 35-40. Commissioner Clark asked if the property was previously on the tax rolls and Voght responded that if the County continues to own and lease, it would stay on the tax roll – if sold to Ozone House, it would come off the tax roll, however, this should not be a consideration of granting a Special Use Permit.

Ken Tokarz, 103 N. Adams – is three houses to the east of this property and has owned it since 1991. It is his opinion that this use does not fit with this particular building. This is not an open floor plan and would be difficult to conduct business. There is a deck outside and if used by the young people, would create noise that would affect the neighbors. Parking is also a large problem. He is opposed to this use but added if it was granted, he would suggest that they get rid of the deck.

Ethel Lee, President of Board - Ozone House, lives at 1926 Day, Ann Arbor - disagreed that parking would be a problem since most attendees would be walking or using buses. They do plan to open up the downstairs for one area. She also added there would be no organized activities on the deck and asked for support of this Special Use.

Rachel Murray – was in attendance on behalf of the Midtown Neighborhood Association. They are in favor of this proposal. Ozone House contacted them when they were interested in this location and discussed their plans. They had an opportunity to ask many questions which they answered. They are very supportive of this request and look forward to having them as part of the neighborhood.

Taryn Scherer – is concerned that even when they will be closed, young people will tend to visit and questions how Ozone House will monitor this problem. She also questions the use of the deck. She does not feel it is realistic to say that they will not spend time on the deck.

Barbara Hale, 310 N. Hamilton – does not feel this location is safe for young people. She agrees that it will be difficult to keep them contained in nice weather. She is opposed to this request.

Katie Boyle – stated that they would be willing to close of the deck if this is a concern.

Commissioner McPherson asked for some history of Ozone House. Commissioner Clark asked again the average daily client usage. Ms. Boyle reiterated 5-20/day but added that poetry night once a month could increase the number of attendees. He also asked how clients find their way there to which Ms. Boyle responded that many would travel by bus or walk.

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

After further discussion, Commissioner Johnson moved to approve the Special Use Permit at 102 N. Hamilton based on the five findings listed above by staff, hours to be Monday through Friday, no later than 8:00 p.m., no weekend use except for staff retreat, building occupancy shall be limited to a maximum of 60 subject to advice from fire marshal.

Additional conditions will be:

1. Structure shall not be used for residential purposes.
2. Parking shall be prohibited within the driveway approach, over public sidewalk, or in landscaped front yard.
3. All drop-in center organized activities shall occur within the enclosed structure.

Commissioner Sisson stated that residents support is enthusiastic although people are concerned about parking. The site is limited but does have the potential to work. The use is compatible with the neighborhood and fits within the Master Plan goals. Voght stated that we do have control since parking is prohibited within the driveway approach.

Commissioner Brandt moved to support the motion and a roll call vote was taken and carried unanimously.

Commissioner Davis continued that the next concern is the deck and its use. The prior use of Youthbuild tended to have a number of young people congregate there before the building was open which created problems and has an impact on the neighborhood. Some discussion was held on screening either by fence or landscaping.

Commissioner Brandt stated that it was implied in the Special Use that there would be two employees and two parking spaces would be required. She moved to approve one parking space per one full-time employee for this application subject to approval of the Site Plan (Support: C. McPherson) and the motion carried unanimously.

Commissioner Brandt moved to table approval of the Site Plan pending decision by applicant regarding deck and its use in off hours (Support: C. McPherson) and the motion carried unanimously.

3. Redevelopment Ready Community Initiative

Voght stated that this is a resolution for consideration by the Planning Commission which was developed by Brett Lenart. The City has been chosen as one of six communities chosen to be a pilot community for implementation of a program through the Michigan Suburbs Alliance called the "Redevelopment Ready Program" and the idea behind is that cities that are "built out" need to be able to respond to redevelopment proposals of Brownfield areas and blighted areas and their key to success will be their ability to do that.

He referred to the scoring process that evaluates a variety of goals and objectives. During the course of this scoring process, City ordinances, procedures and planning efforts will be measured. If the City is able to reach a minimum score threshold, it will become a certified redevelopment ready community. This certification will provide the City with a positive marketing opportunity in relation to the redevelopment areas targeted in the City Council goals. The Michigan Suburbs Alliance has committed up to \$30,000 in technical assistance funding if there are identified opportunities for improvement in City ordinances and procedures. We need to look our procedures, policies and approval processes but staying within our guidelines and ordinances, to respond to a development proposal in the most efficient way as possible.

Voght took this before the Zoning Board of Appeals at their meeting the week prior who did support it.

Commissioner McPherson asked Voght if he felt comfortable with some of the requirements since it seemed to involve more paperwork on the part of the Planner to which Voght responded in the affirmative.

Commissioner Clark moved to adopt resolution to implement the Redevelopment Ready Program and Certification System administered by the Michigan Suburbs Alliance. The motion was supported by C. McPherson and carried unanimously.

4. Announcement

Chairperson Davis stated that the May meeting will be his last. He is planning to retire from the Planning Commission. Election of a new chair will take place at that meeting.

5. ADJOURNMENT

Since there was no further business, Commissioner Clark moved to adjourn the meeting (Support: M. Brandt) and the motion carried. The meeting adjourned at 10:30 p.m.