

**PLANNING COMMISSION
MEETING MINUTES
WEDNESDAY, MAY 18, 2005**

I. CALL TO ORDER

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

II. ROLL CALL

Present: F. Davis, R. Johnson, G. Clark, N. Fosket, D. Sisson,
C. McPherson

Absent: M. Brandt (excused) S. Schulze (excused)

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

III. APPROVAL OF MINUTES – APRIL 20, 2005

Commissioner Johnson moved to approve the minutes of April 20, 2005 with recommended corrections on Pages 5, 10 and 12 (Support: N. Fosket) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. OLD BUSINESS

1. 102 N. Hamilton – Revised Site Plan

Commissioner McPherson moved to remove this item from the table (Support: D. Sisson) and the motion carried unanimously.

Commissioner Davis stated that at last month's meeting, the Special Use Permit was approved. However, the Site Plan was tabled due to concerns with parking and changes to the fencing along the deck and loitering after hours, giving the applicant the opportunity to resolve the issues.

N. Voght, City Planner, provided a memo dated May 4, 2005 to summarize the eight site plan issues he noted in his previous report. The biggest concern that the Planning Commission had last month was the issue of potential loitering of the youth after hours. They have shown on their plan a proposal to erect signage and the Planning Commission should discuss this with the applicant and how it will be enforced. He has reviewed the changes to the site plan and they have addressed the 8 comments from his prior staff report. He recommended approval.

Mary Jo Callan, 3480 Ashburn, Ann Arbor – Director of Ozone House – did not have a presentation but was in attendance to answer questions by the commission. It is her understanding that some neighbors had concerns with the usage of the former occupants with youth hanging out when the agency was closed. She understands this concern but wanted to ensure the commission that they are different than the previous organization. They would have staff on site every day in the event people came prior to hours of operation.

Commissioner Davis confirmed staff would be available every business day prior to and up to the point of closing to which Ms. Callen confirmed. Commissioner McPherson commented on Ms. Callen's statement that they had three facilities and had no problem with loitering. Ms. Callen reiterated that they did not have any problems and will oversee all activity on the deck. They will also discuss with the young people the expectations of Ozone House and the role of these young people in the community. Ms. McPherson responded that she was more concerned with young people who did not participate in Ozone House questioning how potential anti-loitering would be enforced. Ms. Callen appreciates her concern adding that they did not plan to have cameras on the premises but would do what they could to discourage these people from hanging out. N. Voght stated that there have not been any problems that he is aware of over the last few years, even though the property has been unoccupied.

Commissioner Johnson asked about the signage and Voght responded that they do show six signs on the Site Plan, therefore, it would be a Site Plan requirement and would not be able to occupy the building until these were installed. This would be enforced by Voght at final site plan inspection before occupancy.

Voght asked Commissioner Sisson if he felt the issue of the fence, which he brought up last month, had been addressed to his satisfaction. He suggested that the fence should continue approximately 5 ft to the northeast corner.

Commissioner Sisson moved to accept the site plan noting that all eight outstanding items of the City Planner's staff report had been addressed, and that the City Planner will discuss and approve content of the no-loitering signs with the applicant, underground irrigation requirements are hereby waived, minor change to fence on the north property line to extend to the northeast corner, and noting that the 7 ft. height of fence is acceptable in the R/O district (Support: G. Clark). A roll call vote was taken and carried unanimously.

2. Presentation to re-apply for Special Use Approval – 302 N. Hamilton

Chairperson Davis stated that at last month's meeting there was an item on the agenda regarding the approval of a Special Use Permit for a fraternity that was not approved. According to Section 122-172, if there is evidence of changed conditions or new information that would warrant a re-application, the Planning Commission has the ability to allow this before one year has passed.

City Planner, Nathan Voght, reviewed last month's meeting for members of the commission who were not in attendance adding that the Special Use Permit was denied due to lack of off-street parking. The owners decided to consider their options, one of which was to demolish the small garage on the site that hindered the use of the rear parking area. They went before the Historic District Commission on May 3 and were successful in getting approval to demolish this garage as a non-contributing structure in the Historic District. Given the change, the applicant distributed a new concept plan for the parking area, showing more off-street parking spaces than previously proposed. The applicant is in attendance to see if that change would be significant enough to allow them to re-apply for Special Use Permit re-consideration by the Planning Commission.

Commissioner Davis stated that if an applicant is denied Special Use approval, there is a requirement that the applicant must wait essentially one year to re-apply. However, the Zoning Ordinance also allows that if there is a change in facts and circumstances, this body may determine whether or not a re-application for Special Use before a year has elapsed is allowed. This would be for the Special Use only since the Site Plan was tabled.

Commissioner Fosket asked the number of members of the fraternity who would be living in the fraternity and Voght responded that there would be 12.

Chairman Davis stated that since this an old business item, we would hear the request for reconsideration.

Bill Godfrey, 3875 Vorheis Road, Ann Arbor – the applicant wants permission to re-apply and discuss the new parking which is 14 parking spaces. He also wanted to discuss the fraternity's commitment to the neighborhood with clean-up projects and go door-to-door to the neighbors to re-assure them that they are willing to be good neighbors. The President of the Fraternity has recently joined Eastern Michigan University Task Force. They are a very sincere group of young men who are interested in engaging the community and being part of this neighborhood and would be an asset.

They have gotten approval to remove the garage allowing a significant change in parking. It is his opinion that they have complied with every requirement of a Special Use Permit. Only two neighbors had objections and since that meeting, he has spoken with other neighbors who would be willing to come before the board at the June meeting to voice their support of the fraternity. The issue is really about parking and traffic flow and the 14 proposed parking spots

and configuration has greatly improved the site. Removal of the garage makes the property more appealing with which the Historic District Commission is in agreement.

He is asking permission to come back to the June meeting and make their case since it is his opinion that the change in parking merits reconsideration.

Commissioner Davis stated that the issue is for the board to decide if there is sufficient merit to allow this re-application for a Special Use Permit to allow a fraternity to locate at 302 N. Hamilton.

Commissioner Clark stated that he was one of the people who had concerns but feels they have addressed his concerns by moving the entry to the parking area off the street, increased the parking spaces in a way that they can actually be used, therefore, he would be willing to allow them the opportunity re-apply now instead of waiting a year. Commissioner Johnson agreed with the re-application. Commissioner Sisson's concern is more about the use of the zone rather than the parking and that would still apply at this time but the change in parking helps since it contributes to the density issue. He would be in agreement of the re-application. He also mentioned that the parking spaces should be at least 18 ft to which Voght agreed adding that he would work with their engineer if the plan was submitted. Commissioner McPherson is willing to hear this item again and would be interested in the input of some of the neighbors who spoke at great length at the last meeting regarding this particular change.

Commissioner Johnson moved to allow the applicant to re-apply for Special Use Permit at 302 N. Hamilton due to significant changes in the physical outlay of the property (Support: N. Fosket). A roll call vote was taken and carried unanimously.

VI. NEW BUSINESS

1. 120 E. Cross

Chairman Davis stated that he has a conflict of interest since the applicant is a client of his firm and he does not feel it is appropriate for him to chair the meeting with regard to this matter. The gavel was turned over to Vice Chair Johnson.

Commissioner Johnson stated that this is a request for Site Plan Approval for Standard Printing. This property has been vacant for many years.

N. Voght stated that he had completed an initial staff report on May 4, 2005 and then went on vacation. A revised plan was submitted and handled by Brett Lenart, Redevelopment Coordinator, who was in attendance for any questions or details that Voght might not be aware of. Mr. Lenart did update the report on May 11th based on revised plans.

This is only a Site Plan Request. No Special Use Permit is required. It is an existing site with building and paved parking area in the rear, which is zoned CI, Commercial Industrial.

Printing services is a permitted use. Site Plan Review is required since the property has been vacant for a number of years and when a new use is involved with a property that impacts, loading, landscaping or parking, Site Plan Review is required.

The property is about ½ acre and is located within the Historic District. Some exterior work is proposed, which has already been reviewed by the HDC. An existing parking lot on the south side will be utilized for off-street parking. About 20 parking spaces are proposed although only 8 are required. Norfolk Southern Railroad right-of-way borders the property to the south.

Voght stated that since it is an existing site, there are some non-conforming aspects to the building. Revised plans include much of the information that is required. However, a few items still need to be added to the plans. These were reviewed by Voght. Supplemental Standards were adopted in 2000 which apply to printing shops because of potential noise by presses and types of chemicals. There were no items to be addressed.

On the building location and site arrangement, the existing building is located towards the front of the site, with parking at the rear. A few existing non-conforming parking spaces between the building and N. Lincoln Street will be removed in favor of foundation landscaping and sidewalk. The sidewalk will be located along the street with no buffer between pedestrians and traffic. A right-of-way permit may be required to cut the edge of the N. Lincoln Street.

The rear parking lot will be re-striped to provide 20 off-street parking spaces. The applicant has indicated that no circulation is proposed onto the western adjacent property; however, the plan is unclear in delineating this. A curbed interior landscape island has been provided at the end of all parking rows on the plan, and contrary to the applicant's request, no modification of this requirement is recommended. Voght noted that the plan had been amended to indicate a barrier at the western end of the southern parking aisle to restrict traffic from the adjacent property.

Off-street parking requirements were reviewed and staff requested that a detailed floor plan be provided to support square footage calculations.

Landscaping requirements were reviewed including interior parking lot trees, foundation landscaping, and interior parking lot islands, for which the applicant is requesting a waiver to allow to be removed.

Voght reiterated that all underground irrigation of planting areas is required unless waived by the Planning Commission; however, staff recommends waiver only for those parking lot islands not immediately adjacent to the building. Historic District Commission approval is required for any exterior building changes and the Site Plan. Details must be provided of any new or existing outdoor lighting proposed on site. All existing lighting must be properly shielded so that the source of the illumination is not visible from adjacent rights-of-way properties.

The applicant has requested relief from two general development standards associated with the project, to not provide interior parking lot curbed islands, and additional time to complete improvements.

Voght stated that the Planning Commission has no authority to grant waivers or exceptions to allow additional time to complete all required improvements before C/O is granted. A variance from the Zoning Board of Appeals is required for this.

Staff recommends that the Planning Commission approve the Site Plan with conditions which were listed in the May 11th staff report as well as any motion noting that approval would require waivers by Planning Commission for berm requirement and the requirement of underground irrigation for parking lot interior islands.

John/Patricia Harrington, 209 N. Huron – owners of the property, which they purchased last September. They are moving from their current location primarily because they need a larger place of operation. They have two concerns – this building has been vacant for a number of years and they want to make it a viable business. Their main concern is cost since the bank will only give them a certain amount of money, which they would need for all the internal repairs. They do not have enough money to do everything that has been asked of them in the time frame they have since they have to be in the building by August. Regarding the parking lot, they feel that currently it is an existing parking lot and works well for their use for trucks that would be coming in and out, consequently, there is no need for the islands.

One issue that they did not address was regarding people cutting through the parking lot to Lincoln – they propose to install the five planters that were donated by the City in an effort to eliminate this problem. He is also asking for a variance on the irrigation requirement since it is his opinion that this is not necessary. They plan to put in the right plants with plenty of mulch as well as having hose connections at each end of the building making it easy to water on a regular basis.

Commissioner Johnson confirmed that Mr. Harrington wants a waiver on all the irrigation standards to which he agreed. He does not want three of the islands but does want to retain the one on the southeast corner of the building.

Commissioner Sisson asked Voght if the islands were really necessary due to the size of the lot and Voght responded that it is a requirement of Section 122-704 of the Zoning Ordinance. Commissioner McPherson asked if they have large trucks frequenting the property and Harrington responded that they do not have large semis, only very small trucks.

Commissioner Clark stated that a number of years ago, this property came before the Planning Commission and there was a lot of discussion about maneuverability of fire trucks. Voght responded that he had not been employed at the City at that time, but it is his opinion that there would be no problem with the amount of space to turn around. Clark responded that the parking lot is exactly the same as it was then and remembers that there was some issue.

He asked Voght to check with the Fire Marshal in an effort to forestall any future problems. Commissioner Sisson stated that the requirement for fire vehicle access is to be within 200 ft of any part of the building and the building is small enough that they could be on Cross Street and still be able to provide assistance if necessary. Brett Lenart stated that he just went to the department files and checked the file on this property but was unable to find any information on this issue.

Commissioner Johnson stated that the issue before the board is a request for waiver of landscaping as stated in Section 122-713. Voght stated that it is his opinion, where feasible, we should comply with landscaping requirements but it gives the applicant the flexibility of the standards because of various conditions.

Commissioner Sisson asked why the applicant shows 20 parking spots where only 8 are required. Mr. Harrington responded that he did not have any specific reason -- only because they have the space. Voght suggested that Mr. Harrington stripe the extra spaces because of the possibility of having "shared parking" with other businesses in the area.

Commissioner McPherson asked if it is possible to cite a property owner for failing to take care of plants and Voght responded that if the concern is that if irrigation is waived, can we assure that the plants will survive, then yes, we would not need to state this as a condition since maintaining live, healthy plant materials is already in the Zoning Ordinance. Anytime landscaping is required and installed, it must be maintained. The planner can initiate an enforcement action anytime he sees plants that have died. McPherson added that this business fits the building and it was her opinion that we should assist wherever we can to put this property back into use within the meaning and scope of the ordinance.

Commissioner Sisson stated that if the applicant was granted the three years variance by the Zoning Board of Appeals, the islands would be easier to do. Voght responded that the responsibility of the Planning Commission is to look at Site Plan standards and consider what waivers have been granted in the past for other similar properties. His concern is equity. We have required retro-fitting on most existing sites where applicable. Voght explained that the applicant also has the option to submit a performance bond or letter of credit or other performance guarantee to allow him extra time to occupy the building prior to improvements being completed.

There was much discussion on various aspects of this application, after which a motion was requested by Chairman Johnson.

Commissioner Clark moved to approve the recommended site plan for 120 E. Cross provided the applicant meets the following conditions:

1. Provide all necessary plan information as specified in "Area, Width, Height and Setbacks as listed on Page 3 of City Planner Staff Report dated May 11, 2005.

2. Clear delineation that the western edge of south parking access drive will not be used for circulation onto adjacent property.
3. Extend landscape screening within northeast parking lot island to reach southern end of island.
4. Confirm fire and emergency access prior to next meeting.

Approval as recommended includes the following waivers:

1. Waiver of berm requirement to screen parking from adjacent N. Lincoln right-of-way.
2. Waiver of requirement for underground irrigation for foundation landscape beds and adjacent landscape areas and islands.
3. Waiver of three of the four islands with the exception of the one at the southeast corner of the building.
4. Waive the underground irrigation for the island on the southeast corner of the building.

Commissioner Clark stated that his reason for granting the above waivers is that he feels the requirements are unnecessary for the present configuration. The motion was supported by Commissioner McPherson. A roll call vote was taken with a vote of 5:1. Fred Davis abstained.

2. 555 Towner – Site Plan Review

Staff Report was presented by Nathan Voght, City Planner, who stated that Washtenaw County is requesting approval for a small parking lot within an existing courtyard. There are two surface parking lots that serve this facility. A total of approximately 289 spaces are currently provided and an additional 36 new spaces are proposed in the interior courtyard. A small number of additional parking spaces are proposed to be added to the west parking lot, which will provide 12 additional spaces.

This facility has previously leased spaces from Beyer Hospital. After Beyer left, that arrangement was terminated. They leased 80 spaces from the old Ponderosa, however, that has now been redeveloped.

They are now in a crunch to find more parking. Voght has been working with the architect, Dan Joseph and also Jason Fee who is in attendance to represent the County. They have agreed to submit the Site Plan to our engineer and Planning Commission for the purpose of Site Plan Review. What is also happening concurrently, which also happens to be shown on this plan, is that they are proposing to stripe angle parking in the Center Street right-of-way. The City has review authority over both the on-street spaces and off-street as discharge to the City's public storm requires compliance with city stormwater standards. The City's Traffic Review Committee will have to review the on-street spaces, which is scheduled soon, and finally, the on-street parking will have to go to City Council for final approval. There has been much discussion with Washtenaw County staff and consultants about parking solutions for this facility. This includes shared parking with Forest Health and striping existing pavement in Center St., rather than removing landscaping and curbs to create new pavement. However,

the Site Plan proposed to pave the interior courtyard does not comply with our minimum 10% landscaping standard, and therefore would be difficult to approve. It is also Voght's opinion that there may be other options than the proposed removal of the remaining green space, which should be discussed further. Staff recommends that the Planning Commission table the site plan to provide additional time for all parties to explore additional options.

Commissioner Davis stated that he appreciates the County coming before the City Planning Commission; however, there are problems that need to be dealt with. He referred to the report by OHM, our consulting engineer, who takes significant exception to what is needed on some of the plans and perhaps, some of the opportunities for enhancements or changes. He assumes that time is not an issue but the plan does need some work.

Jason Fee, Washtenaw County Facilities Department – he has been working with N. Voght who has been very helpful on this project with different options on how this can be resolved. He has read the report by OHM and feels that all their comments can be addressed and then a revised plan be re-submitted.

It is Voght's opinion that there are other options which he feels could be considered. Traffic Review Committee will likely have concerns from a policy standpoint of giving up City right-of-way to use for county parking purposes. Commissioner Davis added that the 10% green space requirement has not been provided.

After further discussion, Commissioner McPherson moved to table this item for 30 days until we get feedback from the City Manager, and/or City Council and Traffic Review Committee (Support: N. Fosket) and the motion carried unanimously.

3. Public Property Disposition

Voght stated that the City is trying to balance the budget for next year and one of the potential solutions being considered in the budget approval process is disposition of city-owned property – property which is not taking in taxes but yet we are having to maintain and could possibly sell. Voght listed the properties under discussion, including the Superior Rd. property, lot at SE corner of N. Huron and Cross, apartments behind Historical Museum, former City Landfill. He relayed this information in an effort to keep the Planning Commission informed with potential redevelopment.

4. Election of Planning Commission Officers

Commissioner Davis stated that this is his last meeting. The Planning Commission normally elects officers on an annual basis in June. There are now two positions vacant, Chairman and Vice Chair. He feels that there is a lot to be gained on a personal level by participating on the board as well as the City itself appreciates the time and effort given. He continued that it is appropriate to receive nominations for Chair of the Planning Commission. Commissioner Clark

moved to appoint Rod Johnson as Chair (Support: C. McPherson). A roll call vote was taken and the motion carried unanimously.

Commissioner Johnson noted that Fred's attention to detail and dedication has been an inspiration and his leadership on the board will be greatly missed. A proclamation will be presented to Fred at the June 7th Council Meeting for those who wish to attend.

Commission Johnson stated that according to the by-laws, the Vice Chair position should be filled next month and the board members agreed.

VII. ADJOURNMENT

Since there was no further business, Commissioner Johnson moved to adjourn (Support: G. Clark) and the motion was unanimous. The meeting adjourned at 9:50 p.m.