

**PLANNING COMMISSION  
MEETING MINUTES  
JUNE 15, 2005**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

**Present:** R. Johnson, G. Clark, M. Brandt, N. Fosket, C. McPherson

**Absent:** D. Sisson (excused) S. Schulze (excused)

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

**III. APPROVAL OF MINUTES – May 18, 2005**

Commissioner McPherson moved to approve the minutes of May 18, 2005 with corrections on Page 2 (Support:M. Brandt) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

None

**V. OLD BUSINESS**

1. 302 N. Hamilton

Commissioner Johnson reviewed the status of this issue stating that this is a re-application of a Special Use, which was an item that was on a previous agenda.

N. Voght, City Planner, presented his staff report reiterating that this is a request for a Special Use/Site Plan for the above address. The Special Use was denied in April. They came back before the commission in May asking for the right to re-apply, which is allowed in the Zoning Ordinance if there is evidence of changed conditions or circumstances. This must be done before 365 days have elapsed. The applicant went before the Historic District Commission and got approval to demolish the garage to provide additional off-street parking. They are proposing 14 parking spaces instead of the eight that were previously proposed. Voght

summarized his staff report. The proposed use substantially complies with Special Use Standards and is compatible with the neighborhood. It also complies with all of the supplementary standards for fraternities/sororities that are non-discretionary. There is a side setback deficiency of approximately 0.5 ft. due to the change in use. The current use requires only four feet of side yard setback and they have applied for a 6" variance, which will be heard at the Zoning Board of Appeals next month. This revised plan did show the revised off-street parking lot but many of the other items were not adequately addressed, therefore, many of Voght's comments regarding the site plan remain. He recommended that we table the site plan if the Special Use is approved.

He added that having more than ten parking spaces requires that the parking be paved. The applicant is proposing gravel which would require a variance. Voght also stated that if paving is required, there may be a need for underground stormwater management, in which case, he would have to speak with our consulting engineer.

Voght referred to the conditions that he recommended the Planning Commission consider if this Special Use is granted to give us more control.

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

**Bill Godfrey, 3875 Vorheis Road, Superior Township** – stated that the new drive shows 14 spaces although they do have room for 16, which are larger than required in the Ordinance. He confirmed that they do need the variance for the slightly less than 6" and have applied to the Zoning Board of Appeals for same. Regarding the parking lot, they prefer to use crushed limestone with timbers. In terms of landscaping, they will adhere to City requirements. They do not have signage at this time but will comply with requirements of the ordinance. The refuse containers will be located under the fire escape. He will work with N. Voght ensuring that all requirements are shown on the site plan and met.

**Taryn Scherer, 9346 Hilltop, Ann Arbor** – is the owner of many rental properties in the City including 304 N. Hamilton. She referred to a neighbor, Barbara Hale, who could not attend but is in agreement with Ms. Scherer's comments. She is against zoning this for a fraternity. This is not about this particular group but more about the long-term effect it would have on the City. This is not an appropriate location and is not consistent with the Master Plan. It is her opinion that we would be setting a precedent by allowing spot zoning and is against approval of this request.

**Hoyt Carrier, 105 Hoyt Hall, EMU** – stated that they have looked at other properties and this best suits their needs. They like the neighborhood and location and feel that they would be an asset by being involved in community clean-up and giving back. They plan on maintaining the property since that reflects on the fraternity. They are part of a substance free housing policy that is both voluntary and necessary with no alcohol or drugs on the premises. All members of the fraternity sign an agreement that they will adhere to this. They have participated in raising funds for various charities including the Ann Arbor Safe House. He is asking for approval of their request.

**Bob Barnes, Jr., 215 N. River** – is a partner in Barnes & Barnes who own over 53 properties in Ypsilanti. This property is in the R4 district and is on a main thoroughfare which has been designed to move people from Eastern Michigan University to I-94. With this in mind, this is not good for single family homes. He is supportive of Three Oaks coming into our community since he feels they are a quality investment group and a good addition to the City. Coming to Ypsilanti and putting in a design of this magnitude, speaks for itself. He also commented that this is R4 and if allowed to be a four 2-bedroom apartment complex and have as many as 16 students, whereas the fraternity is only allowing 12. It also gives the City much more control. He supports this request for a fraternity.

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

Commissioner Johnson stated that this is a Special Use application and not “spot zoning” since there is no change in zoning. He commended the applicant on the appearance of the property. Commission Brandt asked if we can answer the question of the Special Use without answering the Site Plan and Voght responded that we can. There are questions on the parking lot. The board can still take care of the Special Use and table the Site Plan in an effort to have them address the issues in question.

Commissioner McPherson referred to comments on the “proposed fraternity/sorority which will be located one block east of the Student Overlay District.” It is her opinion that having the use be a block east from the first use, gives the next person the opportunity to say they are one block from the new use. This does not sway her toward approving this request. She also stated that Commissioner Sisson had made comments at the April meeting that it was his opinion this use does not fit with the goals of the Master Plan, which is basically an attempt to reduce density. She commented that there was nothing in the May minutes to reiterate his opinion but agrees with Commissioner Sisson in that this proposal does not seem in the spirit of the Master Plan. Her view is that a fraternity has a different dynamic than an apartment building containing three or four units. While she does not question that these young men are outstanding people, there is a group dynamic in a fraternity. As a permanent resident of this community, she is concerned that when this group leaves and another group comes in, they may not have the same interest in the community. She would be voting against this request as she did at the April meeting.

Commissioner Clark agreed with comments by B. Barnes that the City has greater control of a fraternity than having four separate apartments with possibly 16 residents increasing the density in that area. There is governance involved in a fraternity.

Commissioner Fosket agreed that there are more problems with apartments since normally they are inhabited by unrelated tenants with no rules, whereas a fraternity may have some constraints and rules in order to live there.

Commissioner Brandt moved to approve the Special Use request for 302 N. Hamilton based on the following findings: (Support: G. Clark)

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 (non-discretionary) requirements of Section 122-787 of the Zoning Ordinance.
5. Adequate off-street parking will be provided, and the applicant has increased the number of spaces provided from previous proposals.
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.

The motion also includes that the following special use conditions be imposed:

1. Occupancy shall be limited to 12 tenants.
2. Fourteen (14) off-street parking spaces shall be provided, unless reduced by a maximum of two (2) spaces if a dumpster and enclosure is required.
3. Refuse containers shall be stored inside the building except on trash collection day, or outside dumpster with enclosure provided. Site Plan to be amended accordingly.
4. 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.
5. The fraternity/sorority tenants and their guests shall adhere to adopted Social Policy of the Inter-fraternity and National Panhellenic Council (or equivalent organization) at all times.
6. Off-street parking lot shall be paved unless variance granted by Zoning Board of Appeals.
7. Parking in unapproved locations is strictly prohibited, including within the front yard or other prohibited areas.
8. Signage shall be limited to 122-787, which requires maximum three (3) s.f. sign.
9. The property shall be kept free and clean of all litter, debris, and any other material at all times.
10. Storage or parking of unlicensed, untitled, and inoperable motor vehicles, as defined by the Zoning Ordinance, on the premises shall be prohibited.
11. Couches, sofas, and any other prohibited items shall not be placed outside the building at any time, including the porch.
12. 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.

A roll call vote was taken. The vote was 4:1 with Commissioner McPherson voting against the request.

Commissioner Clark moved to table the Site Plan to enable applicant to address the 20 items recommended in staff report dated June 9, 2005 submitting a revised plan amending item #4 to read "parking lot must be paved, striped, and bumper blocks provided unless variance granted by Zoning Board of Appeals". The motion was supported by Commissioner Brandt. A roll call vote was taken and carried unanimously.

## **VI. NEW BUSINESS**

### **1. 750 Towner**

N. Voght presented the staff report stating that this is a request for Special Use and Site Plan request for an adult drop-in center. This use is defined in our ordinance. It is not an overnight service but for daytime use only. Individuals can come by, possibly have a meal, and meet with caseworkers or friends. This particular building is a vacant and is approximately 8,500 square feet in an area that is transitional in terms of land use. They are currently located at 10 S. Prospect which is a property that the City owns and is looking to sell this year.

Full Circle would use approximately 5,000 s.f. and there would be some space leftover that would be built out and may be used by Washtenaw County for office space since they are purchasing the building and leasing it to Full Circle.

Voght reviewed the surrounding uses and Special Use criteria commenting on items that need to be addressed regarding off-street parking, landscaping, underground irrigation, signage and lighting. The proposed adult drop-in center use substantially complies with the Special Use criteria. Staff recommends that the Planning Commission approve the Special Use Permit based on their findings which were listed. Staff further recommended that conditions be developed that address various concerns to ensure overall compatibility with the neighborhood. He also recommended that the Site Plan be approved conditionally so that he can review the items administratively in a revised plan.

Commissioner Johnson stated that "existing non-conforming building size" should be included in findings.

Commissioner Brandt asked the number of days open since they state in their application it would be six days. Voght responded that he was unaware of this. In their letter, they state that it would be only open five days but we can confirm this with the applicant.

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

**Jason Fee – Facilities Manager**, was in attendance to represent Washtenaw County. He stated that they will continue to work with N. Voght. There are a few minor details to work out but he does not see any problems. They realize the parking lot does need work and they will clean up and stripe to the proposed 9 x 20 ft. They also plan to clean up and maintain as much of the vegetation as possible. Regarding the other 3,000 s.f., they do not have another permanent tenant at this time. It may be used as another County department. He will work with N. Voght on the lights and safety as well as irrigation.

Commissioner Johnson stated that there is a need to clarify the parking lot requirement. He asked if the plan is to re-surface and re-stripe and Mr. Fee responded that they plan to fill in the cracks and then re-seal the complete area. Voght stated that he feels this would be reasonable.

**Gregory Dill, Director of Facilities** – added that they would do a complete evaluation of the parking lot and will make the necessary corrections consistent with their standards.

**Cheryl Weber, 1808 Collegewood, Ypsilanti** – is the Assistant Director at Full Circle. She stated that they have a five day operation with occasional activities on Saturdays on a “sign-up” basis, i.e. basketball game, participating in Ypsilanti Pride Day. At their current location, they have a memorial garden in a courtyard dedicated to employees who have passed away. They plan to transfer that to the new location with a couple of benches and some greenery. Voght stated that we could add a sentence to “A” of conditions “limited weekend hours may be allowed for special events.”

Commissioner McPherson asked who their clients are and Ms. Weber responded that they are consumers of mental health services, most of whom have been part of this community for many years. They have approximately 40-60 people attend per day.

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

Commissioner McPherson referred to the agenda in which it states that this is a request for Special Use and Site Plan Review for Adult Drop-in Center by Full Circle and questions what happens if this is granted and Full Circle leaves this facility. Voght responded that a Special Use runs with the land and the only way another user can come in and use the facility would be if it is the same use with the same parameters.

Commissioner Brandt moved to approve the Special Use for 750 Towner to Full Circle based on the following findings (Support: G. Clark)

1. The proposed use substantially complies with the required Special Use standards.
2. The subject property is large in size, with existing parking areas to adequately serve the use.
3. The proposed use will serve as an appropriate transition from retail/commercial uses to the east, to multiple-family and other residential and office uses to the west.
4. The proposed hours of operation are compatible with adjacent residential uses.

5. the proposed use will be in proximity to the Washtenaw County Service Center at 555 Towner, which serves many of the users of the drop-in center.
6. The proposed use and site is designed for long-term compatibility with the neighborhood, including substantial landscaping, adequate off-street parking, and buffers to adjacent residential uses.
7. The use will not present an adverse impact on traffic patterns and circulation in the area.
8. The size of the building as it exists is non-conforming.

This motion also includes the following conditions to ensure overall compatibility with the neighborhood:

1. Drop-in Center hours of operation shall be limited to Monday through Friday, 8AM to 5PM, except Wednesday until 7PM. Drop-in Center staff may stay past the hour of closing for clean up or other purposes. Limited weekend hours shall be permitted for special events only.
2. Use of the property by patients/users after normal hours of operation shall be prohibited.
3. Any use proposed for the remaining 3,300 s.f. shall be reviewed by the Planning and Development Department for Zoning Ordinance compliance. Proposed uses may be deferred to the Planning Commission for review.
4. Substance abuse treatment facilities, emergency shelters for the homeless, and other non-permitted uses shall be prohibited.
5. Drop-in center activities shall occur within the enclosed building.
6. Drop-in center staff shall ensure reasonable steps are taken to discourage users from loitering outside the building or on public sidewalks in the neighborhood.

A roll call vote was taken and carried unanimously.

Some discussion was held on the definition of a "memorial garden" and it was agreed that it would only consist of a plaque and bench.

Commissioner Clark moved to approve the proposed Site Plan with the eighteen (18) items included in the staff report dated June 9, 2005 being addressed and administratively reviewed by staff (Support: M. Brandt). A roll call vote was taken and carried unanimously.

2. 130 S. Grove – Rezoning of 0.4 acres from PL

N. Voght presented his staff report stating that this is a request to rezone approximately 0.4 acres from PL, Public Lands, to R-2, One and Two Family Residential. The Master Plan designates the west side of S. Grove for Mixed Residential/Commercial land uses. This designation allows for a variety of zoning districts. Voght reviewed the surrounding land uses and although there are no specific standards, either in state law or in the zoning ordinance, there are generally accepted criteria for evaluating a rezoning request. He reviewed this criteria adding that it could be used as a guide to assist the board in making a determination. It is consistent with the Master Plan.

Staff recommends approval of the rezoning to City Council for final approval.

Commissioner Johnson asked if this rezoning would have any impact on the river preservation and Voght responded that this rezoning does not relate to this overlay. The parcel does not have any rear frontage on the Huron River.

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

**Kayode Olatunbosum, 4808 Washtenaw** – was in attendance representing the applicant. They propose a two family structure and would complement the neighborhood.

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

Commissioner Brandt asked how a parcel that is zoned PL would go to R2 when owned by an individual. Voght explained that this parcel for some reason was historically PL zoned, but went for tax sale a few years ago and was purchased by the applicant.

Commissioner Clark moved to approve recommendation to City Council of rezoning 130 South Grove from PL to R2 based on the following findings listed on the June 9, 2005 staff report (Support: C. McPherson).

1. The rezoning is consistent with the City of Ypsilanti Master Plan's future land use designation of Mixed Residential/Commercial, which calls for a variety of low intensity business or residential uses.
2. The S. Grove corridor is residential in character, therefore, a commercial designation is not appropriate.
3. The R2 zoning is a more appropriate zoning than R1 to begin a potential land use transition towards future single-family uses on the vacant land farther south. Single-family uses farther south would mirror the existing single-family uses across S. Grove on the east side.
4. City utilities and services can accommodate the permitted uses in the proposed R2 district.
5. The proposed zoning that would allow a two-family use will not significantly increase traffic impacts on the neighborhood.
6. The zoning change will not result in a "spot zone" as the existing PL designation is not applicable to private land, and other adjacent properties may be rezoned in accordance with the Master Plan in the future.

A roll call vote was taken and carried unanimously.

3. S. Washington Alley Vacation

Commissioner Johnson stated that this is an alley between 210 and 214 S. Washington.

Voght stated that this is a request for alley vacation which is different than an alley closure. Alley vacation means that the City is giving up our rights to this public easement and giving it to adjoining property owners. Voght reviewed some history on this alley stating that it has been closed since 1967. The two owners who have signed this petition are requesting that the east portion along their properties be vacated. This request does not include the western portion.

The process includes a hearing before Planning Commission who then recommends it to City Council, which holds a hearing, first reading and second reading of an ordinance to vacate. There are legal notice requirements too. Staff has to post a notice in the alley and it is published in the paper and sent to surrounding owners.

The standards that the City Code has for alley closure and/or vacation are listed on page 3 and 4 of the staff report and give us some guidance on what we should be taking into consideration when making a recommendation to vacate or close an alley. This will not be creating any undue burden on traffic since it has been closed for over thirty years. Easements may need to be retained within the alley for water, sewer, electric, phone or other essential services and utilities. Voght stated that he did not have any feedback yet from YCUA as to whether or not there are any utilities within the alley. H. Hutchison, Director of DPW stated that he has no objection to vacation. Voght has not yet received any feedback from the Police Department or the Fire Marshal.

Staff recommends that the public hearing be held to receive input from adjoining owners and the neighborhood. This vacation request complies with the standards and is appropriate given it is currently closed. Staff is recommending approval by Planning Commission to go forward to City Council.

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

**Bob Doyle, 210 S. Washington** – was in attendance to represent both himself and the other petitioner who was unable to attend. He referred to the letter he and the other petitioner submitted stating their reasons and explanation for requesting this vacation.

Commissioner McPherson asked if the property would be divided in the middle and Mr. Doyle responded agreed that it would be and then they would grant each other access so they can continue to use it as a shared driveway. They would also have a clause on mutual maintenance. Mr. Doyle was not aware of any underground easement at this point but they will wait for input from YCUA which may have some bearing on language agreements. There is an overhead easement that would be required since DTE has lines running on the south side of the alley.

**James Fink, 206 S. Washington** – stated that all of the neighbors are aware of this request and are not opposed to it.

**Steve Pierce, 118 S. Washington** – stated that he is also supportive of this request.

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

Commissioner Brandt moved to recommend the approval of the alley vacation at 210-214 S. Washington to City Council based on the following findings recommended in the staff report of June 10, 2005 (Support: G. Clark):

1. The alley has been closed since at least 1967 and does not serve a public purpose.
2. The alley should be vacated as it only provides vehicular/parking access to the two adjoining properties.
3. Vacating the alley will not have an adverse impact on traffic as the alley is already closed.
4. The alley has been maintained by adjoining property owners.
5. The alley does not serve any future planning interests or needs for the City.
6. The owners agree to retain any necessary easements in perpetuity.

A roll call vote was taken and carried unanimously.

4. Memo re: Zoning Ordinance Text Amendment – Brick Pavers

N. Voght presented his staff report stating that recently, a property owner had inquired about the possibility of using brick pavers for a parking lot instead of bonded material (asphalt/concrete) as currently required by Section 122-835 (5) of the Zoning Ordinance. Voght stated that brick pavers are not permitted under the existing language of the Zoning Ordinance although brick pavers may be a desirable alternative in certain circumstances. It may be reasonable to consider a Zoning Ordinance text amendment to allow brick pavers, provided they are installed properly to certain specifications to ensure durability and longevity. The Planning Commission could consider an amendment to this section of the Zoning Ordinance.

Commissioner Brandt asked if this includes a residential driveway and Voght responded that this is only for any use that requires Site Plan review of over 4 parking spaces. If it's single or two family, it is not regulated. Commissioner Johnson asked if we should come up with installation or engineering standards but Voght does not recommend including this in the ordinance because standards could change as new materials are developed. We should defer to our consulting engineer who would advise whatever specifications are appropriate considering the material and latest technology, etc.

Some discussion was held and it was agreed that this item be tabled until further studies can be made. This opportunity could include other zoning text amendments for general housekeeping. Commissioner McPherson stated it would be useful to give the board the kind of issues that might occur by using pavers, suggested underlay materials, etc.

Commissioner Clark moved to table this item for further study directing City Planner to present any other pending zoning text amendments at the July 20th meeting (Support: C. McPherson) and the motion carried unanimously.

## 5. Annual Adoption of By-Laws & Minor Revisions

N. Voght stated that the current by-laws require that by-laws are adopted by the Planning Commission on an annual basis at the June meeting. Staff noted a minor discrepancy of Article VIII, Section 1, (c) of the by-laws regarding absences. This section was amended and adopted in September 2003 with the intent of requiring automatic appointment nullification of any Planning Commissioner that is absent for three consecutive meetings.

Voght is proposing that the language be changed to ensure it is clear that it is three meetings, not just two. Some recommendations were made.

After much discussion, Commissioner Clark moved to change Article III – to read “Membership, Officers and Their Duties” with Section 1 to read “Membership of Planning Commission shall consist of nine members and the officers shall be a Chairperson and a Vice-Chairperson.” (Support: M. Brandt) and the motion carried unanimously.

## 6. Election of Vice-Chairperson

Commissioner McPherson nominated Gary Clark to be Vice-Chair (Support: N. Fosket). Commissioner Clark accepted the nomination and the motion carried unanimously.

## **VII. ADJOURNMENT**

Commissioner Clark moved to adjourn the meeting (Support: C. McPherson) and the motion carried unanimously. The meeting adjourned at 10:20 p.m.