

**PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 21, 2007
COUNCIL CHAMBERS
7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:31 p.m.

II. ROLL CALL

Present: R. Johnson, G. Clark, B. Lenart, R. Andrews, C. Zuellig,
D. Lautenbach, B. McClemens, C. Zuellig

Absent: K. Smith (Excused)

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

Chairperson Johnson stated that Paul Lippens has resigned his position on the board due to his acceptance of a position in Indianapolis. Johnson stated that Commissioner Lippens will be missed for his expertise in urban planning and input on the many decisions that were made and wished him well.

III. Change in Agenda

Commissioner Lenart moved to amend the agenda by removing Item 5; Presentation by Washtenaw County Planning on Transit Oriented Development (Support: G. Clark) and the motion carried unanimously. This presentation will be rescheduled for a future meeting.

IV. APPROVAL OF MINUTES – October 17, 2007

Commissioner Lenart moved to approve the minutes of October 17, 2007 (Support: B. McClemens) and the motion carried unanimously.

V. AUDIENCE PARTICIPATION

None

VI. OLD BUSINESS

None

VII. NEW BUSINESS/DISCUSSION

1. 220 N. Huron

N. Voght, City Planner, presented his staff report stating that this a site plan for a small improvement to the Historical Museum at 220 N. Huron. The City had previously owned this property and leased it to the Historical Society for operation of a museum and archives. There were also two apartments that were leased by the City. Approximately one year ago, a decision was made to sell the property to the Historical Society, after which they approached to City to do a minor improvement moving the archives to the basement and constructing a barrier-free addition, in order to facilitate barrier-free access to the basement. This necessitated a small structure on the north side of the museum for a lift and some stairs to get down to this new archived area.

Since it was a small addition, at that time, it only required administrative approval by staff. Mr. Voght reviewed a final draft of a site plan from the architect and wrote a letter at that time indicating the site plan was fine but to add a couple more pieces of information for formal review and authorized the work to proceed. At that time, it was determined that multiple landscaping waivers were required, which, according to Section 122-713, must be approved by the Planning Commission (not administratively by the City Planner). Previous interpretations of the Zoning Ordinance had been that the City Planner has the authority for those Site Plans only requiring Administrative approval. The Director of Planning reviewed the ordinance text and determined that this must go before the Planning Commission for their decision.

This is a review of a site plan and there are a variety of landscaping enhancements that are proposed to comply with some of the standards, however, there are also some waivers requested.

The existing parking lot is a row of parking of 90 degree spaces with shared access drive with the neighbor to the south. There is existing greenbelt landscaping in the front yard, a few new trees proposed, foundation landscaping that exists and some additional proposed to supplement, but there are four specific landscape waivers being requested at this meeting and are listed in the staff report.

There is one other waiver being requested which is the screening; the interior landscaped island that is required at the end of every row of parking spaces. Regarding the eleven spaces which exist, we are asking that the westerly most space comply by adding a 10' island, to provide a 10' setback for the parking, screening shrubs, and a shade tree. Staff feels this island should be provided and the applicant is asking that this requirement be waived. They would rather retain the parking space. Once the site plan is approved, it would have to go before Historic District Commission (HDC) for their approval, which has already approved the barrier-free addition.

Chairman Johnson asked Voght to speak on the parking, which is the main issue; where the Zoning Board of Appeals (ZBA) granted a variance for additional required parking but there was a condition stating six more spaces are required within two years. That condition is in conflict with the HDC, which has stated they would never approve it. Voght explained that when this barrier-free addition was presented to the City, we realized that the use is non-conforming. There was not enough parking based on the floor area of the museum and the two apartments. They only have 10-11 and the maneuvering aisle. They went before ZBA and got approval with the condition that they provide six more spaces within two years. They also added that the nearby church had agreed that they could utilize their parking during the week when church services were not being held. They went before HDC as a study item stating what the ZBA required, adding they would like to expand their parking lot, but the HDC had concerns at that time since they did not want to see the parking lot expanded.

Lenart asked what arrangement was presented to HDC and Voght responded that the new entrance would be where the row of spaces is now and that row would be shifted about 20 ft north adding about 6-8 spaces.

Zuellig asked if one more space is removed, the issue would become seven spaces rather than six and Voght responded the variance was granted for 10 plus the six.

Al Rudisill, 1935 Collegewood – stated he would limit his remarks to the request for the waiver of the interior landscape island and the screening for three reasons:

1. Not supported by staff report from Planning Department
2. It is the most complicated
3. Probably the one that will end up in court because of the dispute between two City boards, both of whom have final decision-making authority.

He gave some background on this project stating that in March 2007, the ZBA stated that they would have to increase the parking lot to 16 spaces within two years, currently there are 11. The adjacent neighbor to the south is strongly opposed to expanding the parking lot. Prior to hiring an engineer, they went before the HDC as a study item to get their feelings. They stated

that the Historical Society could not expand the parking lot. City staff stated they can go back to the ZBA but the HDC has final decision making authority as well as the ZBA. Mr. Rudisill had a brief conversation with the Chairperson of the ZBA who indicated that that she was not confident that they would back off the additional six spots. He also had a conversation with a member of the HDC whose comment was that they would probably not back off their decision to expand the parking lot on that historic spot.

Mr. Rudisill spoke with the City Attorney, John Barr, and has a meeting scheduled for the following week. They bought the property from the City because the City could not afford to maintain it or the parking lot. He referred to the various problems of water and potholes and the damage to the curb. The lot is only 40' wide. He referred to the many pictures of the parking lot and surrounding buildings that have parking lots right up to the sidewalk. If they have to put in the island, it means taking them down to 10 spots instead of 11. The neighbor has 4 parking spaces in the easement; there are two apartments that require two spaces for each apartment which means that 8 of the 11 spaces are committed. He requested that this waiver be granted. If they have to expand the parking lot, it would require the museum meeting new drainage codes with high costs.

Commissioner Lenart asked about the arrangement with the church and if some agreement could be formalized. Mr. Rudisill responded that they are unable to get a formal easement. Ms. Andrews added if there is still a parking requirement even without the church allowing use of parking. Mr. Rudisill stated that the two boards have to come to some agreement. The ZBA states they must add six spaces and the HDC says they cannot do so. Commissioner Clark asked if the Historical Society had contacted the church to see if they would give them an easement for six spaces and Mr. Rudisill responded that he had not made a formal request although he did have a letter to say that they could use the spaces when there were no services being held. Lenart stated there are many other opportunities within 300 ft of the museum property that may be possibilities, both the church and otherwise. Regardless of the waiver, the museum does have ten spaces .

Chairperson Johnson stated that there are five waivers being requested, four of which appear not to be an issue, but one will determine whether a landscape island is installed at the west end of the row of parking. It is his opinion that we cannot use past performance or present conditions as an indication of what we should do in the future. We would always want shrubbery and setbacks to protect the parking from the sidewalks. Lenart added that we have adopted an ordinance and while the circumstances may be unique, we have an opportunity to recognize the ordinance. Other board members were in agreement that this is an important step into improving the area and should be enforced to improve the look of the block. Johnson had a final comment that from a safety standpoint, there should be some kind of separation from the sidewalk and the parking so that pedestrians are protected from cars that inadvertently park on the sidewalk.

Commissioner Lenart moved to approve the Site Plan for a barrier-free addition on the north side of the existing structure for 220 N. Huron with the following conditions and landscape waivers:

1. HDC approval of the Site Plan and all improvements is required.

And that the following landscape waivers are granted:

- A. Conflicting land use screen along south property line.
- B. One greenbelt tree.
- C. Five foundation landscaping ornamental trees.
- D. Underground irrigation

But that specifically, no waivers are granted for the landscape island at the west end of the row of parking and screening of the parking lot with shrubs and that an amended plan shall be submitted that reflects this required landscape bed, an interior landscape island in place of the westernmost parking space with at least one shade tree and shrubs that meet the requirements of the ordinance.

The motion was supported by Commissioner Andrews and a roll call vote was taken. The motion carried 6:1 with Commissioner McClemens opposed.

2. Zoning Ordinance Text Amendment

Voght presented his staff report stating that this is a request for a Zoning Ordinance Text Amendment to add Museums to R/O, Residential-Office District either as a Special Use or Permitted Use. When the historic museum improvement was submitted to the City, staff realized that museums were not included in the list of Permitted or Special Uses in R/O. The present zoning renders the use of the property as non-conforming. The applicant would like to resolve this so it is not an issue in the future.

Voght listed the various areas in the city that are zoned R/O and the purpose of this district. R/O is specifically designed as a transitional from a downtown to a bordering neighborhood and allowing just office uses by right. There are a lot of other non-residential uses that are included as Special Uses and it is staff's opinion that museums could be included as a Special Use in the R/O. Staff is recommending that the Planning Commission approve the request to add private and public museums to Section 122-334 based on findings listed in his staff report.

Chairperson Johnson asked why museums had been taken out of the R/O and Voght responded that in the 1970's, it was considered a new classification for the streets around the downtown area to prevent commercial encroachment to the neighborhood but he does not know why it was removed. Johnson continued by stating it is his understanding that the

applicant would have to make a separate application as a Special Use to become conforming and Voght agreed that in the future, if they wanted to do another addition, at that time they would have to come before the Planning Commission for a Special Use approval to take the final step towards total conformance.

Commissioner Lautenbach asked what other zoning options there were and Voght responded that he had listed three other areas B3/PL/RC although in the PL District, museums are only permitted as an accessory.

Commissioner McClemens moved to open the public portion of the hearing (Support: D. Lautenbach) and the motion carried.

Al Rudisill, 1935 Collegewood – the City started this museum on the property over 35 years ago and the Historical Society has operated it for the City for all of this time. The only reason they were interested in purchasing the property is because the City was unable to maintain it. At that time, the stipulation was that it would continue to be used as a museum. It is his opinion that it would be reasonable to change the zoning to make it a conforming use.

Steve Pierce, 108 S. Washington – he hopes that the Planning Commission will adopt this change. If there should be a tragedy that might befall this institution, or any building that would be subject to these rules and regulations, as a non-conforming use, they would not be allowed to be rebuilt. It is his opinion that this is a unique opportunity for the Planning Commission

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

After some discussion by board members, Commissioner McClemens moved to approve the Zoning Ordinance text amendment application by adding "Private and Public Museums" to Section 122-334 of the list of Special Uses in the R/O, Residential Office zoning district, based on the following findings:

- 1) The applicant operates a private museum at 220 North Huron.
- 2) The museum use is currently designated as a non-conforming use of a structure, as the R/O, Residential-office, zoning does not permit museums.
- 3) The R/O district permits only residential and office uses by right and a variety of high density residential and commercial/institutional uses with Special Use approval. Therefore, adding an additional non-residential use (museums) to the list of Special Uses is more appropriate than adding it as a Permitted Use.
- 4) There are several, more intense non-residential uses currently allowed in the R/O district; therefore, it is appropriate to add public and private museums to the district.

The motion was supported by Commissioner Clark and carried unanimously.

This will go forward to City Council with the recommendation of the Planning Commission.

3. 201 N. Park Special Use and Site Plan for Major Auto Repair and 202 N. Lincoln, Site Plan Review for 4-unit Multiple-Family Dwelling.

N. Voght stated that neither the applicant nor representative could be in attendance due to sudden hospitalization in the family. The hearing has been noticed in the paper and to all property owners and occupants within 300 ft. therefore, we should proceed with a hearing as to whether or not the board wants additional presentation or discussion.

Chairperson Johnson stated that he hesitated in having staff do a full presentation for something which may be tabled but since we publicly notified residents, it is his opinion that we should still hold a public hearing.

Lenart added that this could give us the opportunity to address a number of items that are listed as unresolved on the site plan prior to it coming before the board again. Johnson stated that there may also be questions for staff that need to be addressed this evening before we go further with this project.

Voght stated that there are two actions from the same applicant. The properties are owned by the same individual. 201 N. Park is an existing building with a zero lot line. Parking is located and proposed to be improved to the rear (west) of the building, with access from a rear 16 ft wide public alley from North Street. Additional parallel parking is proposed for N. Park in the right-of-way. According to the application, the auto repair/painting use has been located at this location for 8 years. They are seeking proper approvals at this time under the C/I zoning.

The submitted site plan also shows a proposed multiple-family residential building on a vacant lot at 202 N. Lincoln, to be reviewed separately for a 4-unit multiple apartment building. This property was recently rezoned to R-3 Multiple-Family Residential by the applicant.

The stormwater is under the parking lot behind 201 N. Park and will be piped from the pavement area at 202 N. Lincoln. Both are relying on each other. Our engineers have reviewed it and are recommending approval at this stage of the engineering.

Johnson asked if the auto repair will increase the impact in the area and Voght responded that they want to expand to a full service auto body repair.

The footprint will not change – they just want to do more inside the building. Johnson asked if there would be issues with the painting part and setbacks to the north and proposed west. Voght responded that this is one of his concerns since there is a two-family home within 10-15 ft. He added there is a potential for fumes. They can meet the building code setback but the stack needs to be a certain height above the roof, etc.

Johnson asked if we deny the Special Use, can we still treat the Site Plan as is and Voght responded it is his understanding that Mr. Quatro (applicant) wants to proceed. He needs to make improvements to the building so we can look at the Site Plan, including parking, drainage, landscaping, etc. independent of the use of the building.

Further comments were made regarding storage vehicles, possibility of semi-trailers moving in and out and it was suggested that Voght could discuss the various issues that will possibly arise prior to the meeting.

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

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

Commissioner Lenart moved to table Items 3 and 4 of the agenda dated November 21, 2007 encouraging staff to pose questions to applicant and be prepared to respond (Support: G. Clark) and the motion carried unanimously.

VIII. FUTURE BUSINESS DISCUSSION

Voght gave a brief outline of items to be discussed at next month's meeting.

IX. ADJOURNMENT

Since there was no further business, Commissioner Lenart moved to adjourn the meeting (Support: G. Clark) and the motion carried unanimously. The meeting adjourned at 9:10 p.m.