

**PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 20, 2006
COUNCIL CHAMBER
7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:32 p.m.

Chairperson Johnson welcomed a new member, Cheryl Zuellig, to the board. He also introduced the new Planning & Development Director, Karen Hart.

II. ROLL CALL

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

Absent: M. Greff (excused) M. Paul Lippins (excused)

Staff: N. Voght, City Planner, N. Schuette, Executive Secretary, K. Hart, Planning and Development director

III. APPROVAL OF MINUTES – July 19, 2006

Commissioner Clark moved to approve the minutes of July 19, 2006 as written (Support: B. McClemens) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

1. Presentation by Hope Clinic on proposed relocation to 300-302 W. Forest

Kathy Robinson, 302 N. Grove, Ypsilanti – stated that she is the Executive Director of Hope Clinic. They are considering a proposal to purchase property at 300-302 W. Forest and

relocate all of their current services in the city to this location, and would like some feedback from the Planning Commission prior to this purchase.

Ms. Robinson stated that this is a non-profit organization which has been in existence for 25 years. She gave some background information on the services provided by Hope Clinic including Medical/Dental Clinic, Food Bank providing emergency food to families in need, Wash-with-Care Program consisting of six washers/dryers for people who do not have washing facilities in their homes, free of charge for low income families, as well as emergency financial programs. Their client base are residents of Washtenaw County and most likely have an Ypsilanti address. Most are working at low paying jobs without medical coverage.

To give the board an idea of the traffic flow, since this could be a concern of the board as to how it might affect the neighborhood, their Medical Clinic runs primarily by appointment. They have under 100 people in a day with hours of operation from 8-12 and 1-5 p.m. They also have evening appointments on Mondays and Wednesdays and Saturdays from 8:30 – 12:00 p.m.

They currently have three locations and their intent by purchasing this property would enable them to consolidate their services in one location. Not only would it improve efficiency but it would be more cost effective and a better utilization of paid and volunteer staff. Ms. Robinson inquired if their proposal would be feasible and worth pursuing, and if not, what other suggestions could the board offer. She has met with staff and the property is not currently zoned to allow the proposed use. There are a few options, but she is not sure of what is the best course of action.

Board members had various questions on zoning, traffic concerns, hours of operation, etc. The need for a Master Plan update, then rezoning, then Site Plan and Special Use approvals was discussed. The current Master Plan is Public/Institutional, and it is zoned R-2, One and Two-Family residential. Commissioner Lenart stated that since there are a lot of steps that would be involved as well as timing expectations, he recommended that Ms. Robinson continue to have dialog with the City Planner since this is a unique situation. This site was originally developed as what was presumed to be a long time public institutional use, which is not there any more, and Mr. Lenart is suggesting that something other than R-2, One and Two-Family zoning may need to be considered and it would be more productive to facilitate re-use of the property to consider approaches that would provide some flexibility.

N. Voght added that conditional zoning under the new state zoning enabling laws is very new, untested and could be problematic. These properties are currently zoned R2 and planned for Public/institutional land uses. The current zoning does not allow the proposed use as administrative offices, medical/dental clinics, and social services. A Master Plan update would be required and rezoning to some commercial designations. Staff has concerns about spot-zoning in this location, which is surrounded by residential zoning but within 200 ft of Residential/Commercial zoning on N. Huron.

Ms. Hart confirmed that this only involved a portion of the Ave Maria site and asked how the addition of parking and change of use would impact the balance of the property.

John Patrick, Domino's Farms – representing Ave Maria – stated that most of the properties are being re-integrated into the existing residential university use. The apartment buildings have been sold to private owners and will be used for student housing and other university functions.

N. Voght added that ownership went directly from the School District to Ave Maria. The zoning standards for medical clinics or neighborhood counseling center of 122-793 were discussed and whether this site could meet these requirements. There was some concern that the site would not meet these standards and N. Voght indicated one or more variances may be required. Ms. Robinson asked the board to clarify if they did go for the RO Zoning would they require a variance, too, and Lenart responded that they should work with the City Planner to address such issues. Commissioner Johnson stated that at this time, the board does not have any kind of authority to make any decision. Voght asked the Planning Commission for guidance on any Master Plan Amendment that may be involved and Lenart responded that Mixed Residential Commercial could be the appropriate designation to which Commissioner Johnson agreed.

V. OLD BUSINESS

None

VI. NEW BUSINESS/DISCUSSION

1. Prospect Court Alley Vacation Application

Staff presentation was made by N. Voght who stated that this is an application for an alley vacation at Prospect Court. It is 16.5 wide and provides access to three residential homes. The request is to vacate the alley which means, not only closing it, but abolishing it after which, the alley would revert to adjoining owners.

The zoning is C1 on the north and B4 to the south. The intent is to assemble all of these properties on the corner to redevelop the corner for commercial use. All existing structures would be removed to accommodate proposed new development. Most of the properties are owned by SOS Community Services.

The process for vacating an alley requires the Planning Commission to hold a public hearing, make a recommendation to City Council who in turn would hold their own public hearing with it's own legal requirements and make a decision to vacate or not. The process to vacate has to be initiated by the adjoining property owners or by City Council and we do have letters from the adjoining property owners initiating the vacation. There are five alley vacation standards which have to be addressed which are listed below with staff comments:

1) Whether the alley services a residential, single-family, multi-family or business area.

The alley serves three residential properties on the north side of prospect Court. These uses rely on Prospect Court for utility connections and vehicular access to North Prospect Street. The vacation of the alley must be conditioned on demolition of these homes and combination of these parcels together with other parcels on the corner. SOS is planning to consolidate its services onto one campus, and the sale of its uses on this corner is part of that plan.

2) Whether the closing will create an undue burden on traffic.

The alley has been closed for decades and therefore will not change traffic patterns on N. Prospect.

3) Whether the closing is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the alley.

The alley vacation is proposed in the context of redevelopment of the entire corner. The vacation is not intended to address cut-through traffic or safety factors.

4) The present and future interests of the City considering planning for the entire City.

The alley vacation will allow commercial redevelopment of this corner. This area is zoned for general commercial and commercial-industrial uses; therefore, a more intense use than residential is contemplated. In these ways, the proposed change is consistent with present and future planning interests for the City. The 1998 Master Plan calls for General Commercial and Mixed Industrial/Commercial to the south and north of the alley, respectively.

Voght distributed copies of letters from YCUA, DTE and City Attorney with their comments and suggestions to consider if the alley is vacated. YCUA and DTE have indicated that the developer would be responsible for removing all utilities and service connections, the cost of which was listed by DTE. No comments were received from Fire/DPW departments.

Staff recommends that the alley vacation be recommended to City Council based on findings which were listed. If this is ultimately approved, we would have to ensure that the homes are removed and lots combined since lots and homes require frontage and access to a public street/alley. This would have to be a major condition of approval. Commissioner Johnson confirmed that the alley to be vacated and "Prospect Court" are one and the same.

Dave Prueter, Sr. V. P. Agree Realty – there are six parcels controlled by two different entities that are under contract to Agree for redevelopment, the first step of which is to vacate the alley before they can come back to the Planning Commission for Site Plan Approval for the proposed Walgreen’s Drugstore. This project is conditional on closing on the property, then vacation would commence before construction.

Commissioner Johnson stated that his concern is that we were to vacate this alley and the project to not happen, the residents would not have access. Mr. Prueter responded that they would not request final vacation of the alley until they were ready to start construction.

Commissioner Zuellig asked Mr. Prueter if he saw any impediments to Walgreen’s completing their commitment and Mr. Prueter responded that based on the Site Plan that they have already submitted to Planning Department, he sees no impediments.

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

Chris Wrobel, 409 E. Michigan – asked for reassurance that the store will not be bigger than proposed. He is also concerned about an entry/exit drive on Michigan Avenue since there is very heavy traffic on Michigan Avenue and it is a blind hill.

Keith Peters, President – Chamber of Commerce – stated that he has been involved in this project for some time working with the developer – it is a significant location and he supports the project without reservation.

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

Commissioner Lenart is concerned about the vacation of the alley prior to the project being completed and the houses removed. It is his opinion that the best guarantee is a condition that the property has both been acquired and a development plan approved. He asked Mr. Prueter if he would be willing to provide staff with a summary of other locations where the company developed Walgreen’s stores including photos of other locations which have been completed more recently.

Commissioner Andrews recommended to City Council approval of vacation of the alley known as Prospect Court, based on the following findings and conditions:

- 1) The alley serves three residential uses that will be removed as a condition of alley vacation.
- 2) The alley vacation will not have any adverse impact on traffic patterns.
- 3) The alley vacation will not create conditions encouraging cut-through traffic of burdens on other adjoining streets.

4) Final approval of vacation shall be conditioned on demolition of existing homes on Prospect Court, removal of all utilities and utility of other easements, and combination of all three Prospect Court properties.

The motion was supported by B. McClemens. A roll call vote was taken and carried unanimously.

2. Charter Township of Superior Amendment to Growth Management Plan

N. Voght stated that a couple of years ago, the State amended their planning enabling legislation, which stated that any time we have a Master Plan Amendment, we have to send that amendment to the County as well as surrounding communities for their feedback and then hold a public hearing. The idea is to have coordinated planning. N. Voght gave an update on the changes by Superior Township on their Master Plan which was submitted to the City for comments. These changes are in response to the recent attempt by a developer to seek approval of a private sewage treatment plant through MEDQ to serve a proposed large, dense residential development outside of the urban Service Area designated for Urban Residential Development and Employment Center south of Geddes Road.

Commissioner Johnson recommended that the Planning Commission authorize N. Voght to write a letter in support of the amendment and welcoming the opportunity to comment. Commissioner Lenart added that their proposed changes are compatible with the City of Ypsilanti Master Plan.

3. City Council Resolution 2006-38A. Cross Street Area Alternative Zoning Plan

Commissioner Johnson stated that this has been an on-going issue for some time. City Council adopted various zoning ordinance map and text amendments in March with minor exceptions. At the same time, Council directed the Planning Commission to address a new concept called Accessory Dwellings, which allowed an owner of a home to live there as well as rent out a portion of same. We do not have any such zoning currently in our Ordinance.

Voght stated that we are at a point now where we have reviewed what is being asked and may need more feedback from City Council. There was consensus among the Planning Commission that we need to do a target Master Plan Amendment to provide a basis for any zoning changes, i.e. accessory dwelling units, rebuild provisions, new zoning district, R1A. Voght spoke with Kent Anderson and David Scurto from Hamilton-Anderson Associates, who were involved in the initial Cross Street Improvement plan. They have suggested an effective planning process would be to meet with each stakeholder group from the study area to establish individual goals and then convene all groups to try to build a consensus of common goals. A minimum of 3 or 4 public meetings would be required and the consultants have provided a preliminary estimate of \$15,000 to hold the necessary meetings and develop text for a Master Plan target area. Our budgeted amount is \$5,000.

The Commission discussed the fact that City Council has given the board some tasks to complete, however, the City does not have staff or money to accomplish their directive. Commissioner Clark added that we need to be fiscally responsible, especially because of the financial situation of the City right now, and if it means not doing it at this time because we cannot afford it, either in house or by hiring someone, then it should not be done.

A number of concerns were voiced by Commissioner Zuellig including allowing rebuilding of units in case of fire. It is her opinion that this should be a city-wide privilege, not an overlay. As a resident, she is also concerned that we have gone through a three year process, got something adopted, but are still discussing the possibility of adding two new zoning districts in a community where we already have six different zoning districts. She is also concerned with what she views as inequities in zoning. Commissioner Clark responded that it is the nature of zoning and planning that people will have different rights.

Commissioner Johnson advised the Commission that City Council did pass the Rebuild Amendment and it is now effective City-wide in the R1, R2 and R3. The intention was for this to be in the mid-town area only, however.

Ms. Hart added that there does not seem to be unanimity among Council even though they passed a resolution on what they would like the Planning Commission to do but this resolution had a set of priorities by virtue of the time frames. She is sensing that there seems to be a difference in interpretation of priorities, which complicates staff in trying to help the City implement their desire as listed in the resolution.

After much input and discussion by board members, especially since there have many changes since this issue started, i.e. budget decrease, less planning staff, etc., it was suggested that we may have to re-visit the issue by having another meeting with Planning and City Council.

Ms. Hart asked the board if they would be comfortable with her writing a brief report to Council informing them of the status of this issue and requesting further discussion with the Planning Commission since the Master Plan does not address all of the issues. The board agreed that Ms. Hart should go ahead with her suggestion.

VII. ADJOURNMENT

Since there was no further business, Commissioner Clark moved to adjourn the meeting (Support: C. Zuellig) and the motion carried unanimously. The meeting adjourned at 9:53 p.m.