

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

I. CALL TO ORDER

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

II. ROLL CALL

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

Absent: None

Staff: K. Hart, Planning Director, N. Voght, City Planner,
N. Schuette, Exec. Secretary

III. APPROVAL OF MINUTES – February 21, 2007

Commissioner McClemens moved to approve the minutes of February 21, 2007 as presented (Support: C. Zuellig) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Rodney Nanney, 40 S. Summit – resident, first heard about this project at the December Council Meeting where he stated he is very much in favor of this rezoning. He is a professional community planner and private consultant and is long acquainted with Walgreen's and Agree Realty. It has been his experience that this is a top-notch organization. He recommends approval by the Planning Commission. While he would prefer parking in back, the submitted plan would be acceptable.

Eric Maurer, 35 S. Summit, owner of the Old Kresge building. He is concerned with egress but feels it could be worked out. Currently, the property is owned by SOS Community Services, which is a non-profit organization and there are no taxes being paid. By approving this project, it would go on the tax rolls. Also, it would show that the City of Ypsilanti is willing to work with businesses. He supports this project.

Gary Bell, Exec. Director, SOS Community Center – stated that they have been providing shelter to homeless for 20+ years. In order to do this, these families need the City to offer economic opportunities and they want to see this happen. They want to sell their property to Walgreen's at a good price in order that they can be even more effective in helping Ypsilanti's most vulnerable citizens. Placing a Walgreen's at that corner will

mean a lot to the City – a new source of jobs and sale of all kinds of goods that residents currently have to leave the City in order to obtain. Neighborhood residents will be able to walk to get pharmacy items, grocery items, etc. The value of all these other properties on Michigan Avenue will increase as other businesses will build on Walgreen's success. Mr. Bell recommended support of this request.

Keith Peters, President, Chamber of Commerce – lives in the Township and is leaving his position at the end of May but will continue to work with many City projects. The Chamber supports this project and feels it will spark other development. This is a good investment for the community and is support of the project.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. 102 N. Hamilton – Ozone House Site Plan Revision

N. Voght, City Planner, presented his staff report giving some background information on this project. Ozone House was granted Special Use and Site Plan approval to operate a youth drop-in center in April and May 2005, respectively. Ozone House has been trying to complete all site improvements and acquire a Certificate of Occupancy. However, there have been complications with regard to installation of all approved landscaping, as well as the approved privacy screening fencing. Ozone House is requesting Planning Commission approval of a revised landscape plan and removal of the 6 ft. high privacy screening along the east and north sides of the property.

Staff recommends that Planning Commission carefully review this request and asked that Ozone House secure written approval from the adjoining single-family home owner supporting the change. Staff also indicated support from the northern neighbor would be beneficial as well. If the Planning Commission agrees to allow the changes, a motion to approve the amended Site Plan with modified landscaping and removal of privacy fencing and revision date of 2/21/07 would be in order.

Katie Doyle, 1113 Westmoreland, was in attendance to represent Ozone House. She felt that N. Voght had pretty much summed up what they are requesting. Their architect had put several trees in the site plan that does not fit the space between the sidewalk and the house. They did add some but the landscaper stated there was no way they could add any more. There are also a few pieces of shrubbery for which there is not enough room. She had a fencing contractor come out to determine if it was feasible to add fencing and they stated that because of the number of trees, it would be very difficult and could require tree removal to add fencing. Her neighbor to the north feels that a fence is not required and that the trees would be sufficient to provide enough screening. She is hoping to receive some written agreement on this but has not at this time.

She has been unable to get any ideas from the neighbor to the east on what they would prefer.

Chairman Johnson confirmed if a fence was installed on the east side of the deck, which is where it should go, there would be two fences within approximately 30" of each other and

Ms. Doyle agreed. He also confirmed that all vegetation that would be installed is completed and Ms. Doyle agreed. He asked if some more had been added that was not on the original plan and she stated in the affirmative. Voght added there was one ornamental tree, seven fewer evergreen shrubs but there are 28 additional deciduous shrubs and 12 additional day lilies.

Further discussion was held and viewpoints by Planning Commission members were stated, i.e. concurrence that there is no room on north side for fence, and support of change in landscaping and screening, and no program activities on deck after 8:00 p.m. Voght listed the conditions that had been in place in 2005.

Commissioner Lenart moved to approve the revised landscape/fence plan for 102 N. Hamilton with revision dated 2/21/07, based on the following findings:

- A. Planning Commission approved a Site Plan for 102 N. Hamilton in May 2005, for a proposed Ozone House Youth Drop-In Center, with associated parking, landscaping and screening.
- B. The Site is zoned R/O, Residential-Office.
- C. Careful consideration was given to outdoor activities associated with the drop-in center, as well as appropriate screening to surrounding single-family and two-family land uses, located to the east and north, respectively.
- D. The applicant has determined that landscape spacing and existing vegetation has prevented installation of all approved plantings from the 2005 Site Plan; and requests approval of the landscaping as installed, as represented by the revised landscape plan.
- E. The applicant has determined that insufficient space exists along the north property line to install a privacy fence, due to numerous existing trees along the property line. The existing vegetation provides sufficient screening to the adjacent property to the north.
- F. The Planning Commission finds these changes to be reasonable and appropriate and waives the privacy screening along the eastern portion of the property required by Section 122-703 accepting the landscaping as installed including the existing tree line along the north property line.
- G. No program activities will be occurring outside on the deck or outside on the property. All activities will occur inside the facility.
- H. The deck and ramp provide screening from the adjacent property to the east where the bulk of activity occurs, i.e. entering and exiting the facility, parking.

The motion was supported by Commissioner Clark. A roll call vote was taken and carried unanimously.

2. Zoning Ordinance Text Amendments – Michigan Zoning Enabling Act of 2006.

N. Voght presented the staff report stated the proposed text amendments were reviewed last month and the board authorized a public hearing for this month. These are "housekeeping" changes to our Zoning Ordinance to ensure that we are consistent with the recently combined enabling legislation with the State of Michigan. They have been noticed in the newspaper and the City Attorney has reviewed them and approved them as being necessary and correct changes to make. Voght reviewed the various changes involved, which included the 15 day minimum legal notice requirements for any public hearing, whether it is a re-

zoning, special use or variance. Previously there were different notice requirements. Use versus Non-Use statements have been clarified to be more up-to-date with case law, a Planning Commission member is now required to sit on the Zoning Board of Appeals, City employee or contractor is no longer allowed to sit on the Planning Commission or Zoning Board of Appeals and some changes related to foster family group homes that are actually a protected residential use in the State Legislation and cannot be zoned any differently than a residential use.

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

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

Commissioner Lenart asked for clarification about Section 122-62 indicating an address on multiple properties was no longer required and Voght responded in the affirmative.

Commissioner Lippens moved that the Planning Commission support recommendation of the zoning changes as presented to City Council (Support: B. Lenart). A roll call vote was taken and the motion carried unanimously.

3. Walgreen's at NW corner of E. Michigan and N. Prospect – Site Plan Review

N. Voght presented the staff report stating that there is no Special Use required on this project, the re-zoning was approved by City Council and Planning Commission and the alley vacation was also approved by City Council.

The applicant proposes to construct a Walgreen's Pharmacy approximately 13,650 s.f. in size with a drive-through. It is on the northwest corner of N. Prospect and E. Michigan Avenue. It is zoned B-4 General Business and is in our Entryway Overlay District. There are access drives proposed from both side streets for the development, two on N. Prospect and one on Michigan Avenue and a drive-through on the north side that is accessed from N. Prospect.

This plan was originally submitted in September 2006 and at that time staff realized that re-zoning would be required. Staff has had an opportunity to review numerous revisions and have been working with the applicant to address some of the issues that have been identified.

Some of the issues include internal circulation on the north and west side of the building, landscaping adjustments, Entryway Overlay compliance, design and width of access drives to the site and pedestrian safety considerations. Another issue that the applicant has been working on is the bridge design. There is a bridge abutment crossing the railroad tracks on N. Prospect and the City owns an easement on the west side of N. Prospect within which there is currently a guardrail that extends all the way to the concrete bridge abutment. That design was built thirty years ago and we have been working with modifying it to the satisfaction of our consulting engineer as well as our City Attorney. We did get a report from OHM, the City consulting engineer, who recommends approval with some additional

information being required at detailed engineering stage. The applicant has satisfied the design issue with regard to the bridge abutment.

Many revisions have addressed most of the compliance Voght discussed. However, a few details still remain which he has stated in his staff report dated March 15, 2007. He referred to the Entryway Overlay District adding that this was adopted in 2000 as a result of the Master Plan which had been adopted two years prior to that date. This applies to overlay zoning standards along the City's entry corridors to improve landscaping, signage, parking, pedestrian access and mobility, and architectural treatments for properties going through the Site Plan Review process. The intent is to enhance the City's image through more attractive, safe, and architecturally appropriate sites, as well as to promote pedestrian-oriented designs by reducing automobile-focused buildings within the entryways to the City. Voght added that most of the applicable standards were stated in his staff report. The Entry Overlay district is intended to create a uniform appearance of the City through common lighting, signage, setback, parking requirements, etc.

The parking location is proposed primarily in the front of the building and this is an issue that we have been working on with the applicant. They have moved one row of spaces to the back of the site but for a variety of reasons, they have not wanted to provide all or most parking in the rear. That remains one of the biggest issues that staff has with their design. Voght referred to Section 122-558 (5) in the Entryway Overlay District. Planning Commission has the authority to allow waivers but not variances.

Voght reviewed the landscaping, site access, lighting, signs and had questions for the applicant regarding all of these issues. He added that the building exterior will be high quality face brick with split face masonry accents. Smooth faced manufactured limestone masonry with standing seam window awnings will highlight the front façade of the building and these are higher quality materials than might normally be seen on some buildings.

Michigan Department of Transportation has jurisdiction over Michigan Avenue and the applicant has been meeting with them over the last few months. Initially, they were not going to allow access off Michigan Avenue because of sight distance. The Project Engineer was able to provide a sight distance analysis and get an access approved but it is currently for "right turn out" only and "right turn in" only. They do have a traffic study submitted to MDOT pending their review that might allow a "left turn in" to the Michigan Avenue drive from east bound Michigan Avenue traffic.

Voght concluded his presentation stating that many issues have been addressed. However, we are not in a position to recommend approval at this point. The largest issue is the large front yard setback and significant amount of parking in the front yard contrary to the requirements of the Entryway Overlay District. Staff is concerned that this design would set a precedent that could undermine future development patterns along any corridor that is subject to the Overlay District.

Commissioner Zuellig clarified the circulation with Voght.

Dave Prueter, Sr. V.P. Agree Realty, Farmington Hills – stated that they will acquire the property, they will build, construct and lease to Walgreen's. Mr. Voght's

review was very thorough. He addressed each of the 14 items listed by Voght, adding that he had no problems in complying with them all with the exception of #1 on the elevations, which would be addressed by his engineer. They actually put together a conceptual site plan for moving the building forward as well as ten bullet points as to why this was not feasible from an engineering and cost standpoint.

Scott Betzold, Midwestern Consulting – is the engineer for this project. They appreciate the intentions of the Entry Overlay District and the benefits it promotes. However, in this specific case, this site is very hilly. He illustrated a visual conception on the challenges they have with grading on this site and in trying to be consistent with the Overlay District. What he shows on the plan is a movement of the building up to the front setbacks of the street, which are 30 ft on both streets. Looking at this site, to get one access off Michigan Avenue and one access of N. Prospect, there would be a slope on Michigan Avenue that drops 12 ft. across the frontage of the site and continues to rise an additional 4 ft. on N. Prospect. There is 16 ft of difference around the corner.

By having the building in the back, they can take advantage of the natural site, turning and twisting. Obviously, the building must be a flat slab on grade. If they try to move the building forward toward the front setbacks, it would require extensive retaining walls. While he understands what the City is trying to do in the Overlay District, this is a very difficult site and they can only work with what they have in this particular case. Mr. Betzold explained in great detail the problems with the topography, grades and slopes that they have been confronted with.

Karen Hart, Planning Director, asked Betzold to talk about the height of the building, since the Walgreen's prototype has some taller elements. The clock tower in front is approximately 28 ft. and steps down in three spots as the building goes towards the back corner. If the building was moved forward, the windows would be almost invisible at the highest retaining wall location from N. Prospect since it would be almost 11 ft. down, which would also mean the possibility of seeing the heating and ventilation equipment on the roof.

There was much discussion and concerns on various aspects of the layout. One board member asked if there was another footprint of Walgreen's stores and Mr. Prueter responded that there was one alternative footprint that was slightly more narrow and deep, but that the configuration didn't provide any additional benefits to this site. Some board members stated that this was a very admirable job. However, they would like to see a drawing of another option moving the building forward with various suggestions on parking, curb cuts, sidewalks and landscaping. Other board members approved of the design as is, especially since handicap parking has to be in front. They would like more landscaping on the Michigan Avenue side. Mr. Prueter stated that they have been working on a design since last August and feels that this is the most functional site plan possible on this site. He also added that he would be willing to go back to Walgreen's to discuss moving the building forward thereby creating the problems he feels it would create from their perception. He believes that despite convincing arguments by board members, it would be very remote that this would happen. It would involve an extension on purchase of the property as well as architectural drawings, etc.

After further discussion both pro and con, Commissioner Andrews moved to approve the site plan for a proposed 13,650 s.f. Walgreen's Pharmacy at the northwest corner of E. Michigan Avenue and N. Prospect subject to variances being approved and based on findings that the applicant has sufficiently justified why placement of the buildings and compliance with the overlay district is not possible because of the various constraints on the ingress/egress, given the size of the lot and the unique topography to make this a desirable site for the business. This approval would be subject to the following conditions from page 15 of the March 15, 2007 staff report:

3. *The proposed arbor vitae screen or buffer should be extended along the northern property boundary of the adjacent single-family home, in front of the proposed retaining wall and parked vehicles.*
4. *Crosswalk pavement markings, raised curbs, and signage should be provided to ensure the proposed pedestrian refuge in the middle of the Michigan Avenue access drive will effectively protect pedestrians.*
5. *Provide written MDOT approvals of Michigan Avenue access drive, and any other aspects of site access.*
6. *City Attorney review will be required for any proposal to remove the existing City's guard rail and modify bridge safety design.*
7. *Proposed bridge abutment/safety design must be approved by City consulting engineer and City Attorney before approval by Planning Commission.*
8. *The screen must be extended to the north property line of the adjacent single-family use, pursuant to 122-558 (1) (b).*
9. *The project engineer should indicate why 2 ft. high landscaped berms, instead of the required 3 ft., are proposed along the front greenbelt.*
10. *Lighting design must be modified to reduce light levels to 0.5 footcandles at all property lines.*
11. *The proposed "exterior façade accent fixtures" to be mounted on canopies will be directed upward, and do not comply with lighting requirements for down-directed fixtures.*
12. *Will the proposed wall sconce lens or diffuser allow the source of the illumination to be visible?*
13. *Proposed LED readerboard ground sign must be programmed to ensure the message does not flash or scroll, and that it does not change so frequently as to confuse or distract passing traffic.*
14. *Sign Permit applications required to be submitted to the Building Department for all signage.*

This is also contingent on the following variances:

- a. ***Variance to not provide the minimum 10 ft. greenbelt along the west property lines, as required by 122-558 (1) of the zoning ordinance.***
- b. ***Variance to allow three (3) drive-through stacking spaces, where section 122-838 requires a minimum of four (4).***
- c. ***Variance to allow two (2) landscaped parking lot islands to be less than the minimum 150 s.f., required by 122-558 (c) (ii) of the Entryway Overlay district.***

And also includes the following waivers:

- a) *Waiver to allow off-street parking to be located in the front yard, where section 122-558 (5) of the Entryway Overlay District requires off-street parking to be located in the rear yard.*
- b) *Waiver to allow a 19% reduction in total number of off-street parking spaces required, from 68 down to 57 total spaces, as required by section 122-836 of the Zoning Ordinance.*
- c) *Waiver to allow 14, 18.5 ft. deep angled parking spaces in the rear, six (6), 18.5 ft deep 90-degree parking spaces along the west side of the site, and 37, 18 ft. deep parking spaces in the front, as allowed under section 122-834 of the Zoning Ordinance.*

- d) *Waiver to allow the Prospect Street access drives to not align with gas station curb-cuts across N. Prospect on the east side, pursuant to 122-835 (3).*
- e) *Waiver to allow no shade trees to be provided within the two smaller parking lot islands at the east and west end of the row of pull-through parking spaces in the front parking lot, pursuant to 122-558 (c) (iii) of the Entryway Overlay District.*
- f) *Waiver to allow no interior parking lot islands and trees at both ends of the row of parking spaces along the west property boundary.*
- g) *Waiver to allow a two (2) ft. high landscaped berm along the front greenbelts, instead of a three (3) ft. high berm, pursuant to 122-704 (c) (2). Additional shrub plantings will be required if this waiver is granted to ensure a minimum 30 in. high screening of the parking lot.*
- h) *Waiver to allow no greenbelt trees within the perimeter greenbelt areas around the entire site where the 10 ft. wide greenbelt cannot be provided, pursuant to 122-558 (1) (a) of the Entryway Overlay District.*
- i) *Waiver to not provide foundation landscaping along the north and west sides of the building, allowed by section 122-706.*

The motion was supported by Commissioner Clark. A roll call vote was taken with a vote of 5:3 and the motion carried. Commissioners Lenart, Zuellig and Lippens were opposed.

- 4. Karen Hart stated that since there are so many new members on both boards, staff would like to have a combined meeting with Zoning Board of Appeals for a training session. Mr. Barr, City Attorney, has agreed to do a presentation on various issues that would be beneficial to both groups. It was agreed that we would move the ZBA meeting to April 18th at 7:00 p.m., take care of ZBA business, and afterwards have the combined meeting.
- 5. Chairman Johnson stated that the next sub-committee meeting for the accessory units will be held on April 9th at 6:00 p.m. at Bombadill's. Commissioner Lippens stated that it was his understanding that the sub-committee would come up with three options to present to the full board and asked for clarification on what their task was. Commissioner Lenart responded that he doesn't necessarily need to see 3 options but that they come back with what they feel is the best option to consider and the reason for the choice they made.

VII. ADJOURNMENT

Since there was no further business, Commissioner Lippens moved to adjourn the meeting (Support: G. Clark) and the motion carried unanimously. The meeting adjourned at 10:48 p.m.