

**CITY OF YPSILANTI
PLANNING COMMISSION
MEETING MINUTES
AUGUST 15, 2007
7:30 P.M.
COUNCIL CHAMBERS**

I. CALL TO ORDER

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

II. ROLL CALL

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

Staff: K. Hart, Director of Planning
N. Voght, City Planner

III. APPROVAL OF MINUTES – July 18, 2007

Commissioner Lenart moved to approve the minutes of July 18, 2007
(Support: D. Lautenbach) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Motion by B. McClemens to open audience participation (Support: C.
Zuellig) and the motion passed unanimously

There was no audience participation.

Motion by B. McClemens (Support: B. Lenart) to close audience
participation and the motion passed unanimously.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. 1512-1514 Washtenaw – Request for additional 1,000 s.f. of floor area.

Staff report was presented by N. Voght, City Planner, who stated that the owner of 1512-1514 Washtenaw requests Planning Commission approval to expand her business from 3,000 s.f. to 4,000 s.f. in floor area, as allowed by the purpose and intent of the B-1, Neighborhood Business District. N. Voght reviewed the staff report and recommended that the Planning Commission approve the request, based on various findings, as outlined in the report.

G. Clark asked if the applicant was present and had any comments.

Chundra Johnson, 3228 Hawks Avenue, Ann Arbor – her intention was to bring a proposed floor plan of the 4,000 s.f. and 680 s.f. spaces. However, after talking to the building official, Charles Boulard, it appeared that splitting the building in this way would make it difficult to meet building codes. She had asked Mr. Boulard about options and about the dividing wall between former tenant spaces, to which he had responded the wall had never been legal and neither space had met building code requirements for egress, bathrooms, etc.

B. Lenart asked about the floor plans provided by the applicant, to which N. Voght confirmed the plan included in the packet was the original floor plan submitted with the Certificate of Occupancy application in June. N. Voght indicated he had talked to Mr. Bouldard, too, and explained the history of tenants and how certain work was not approved. However, it is immaterial because the current owner is asking to reconfigure the space, so it needs to meet all current codes. This includes bathrooms, separate electrical service, egress, etc.

B. Lenart asked about whether the space was still non-conforming because the wall was not permitted properly, to which N. Voght indicated the new tenant space for POWER Inc. and the construction company was inspected and approved by the Building Department, so the building complied as of that moment. B. Lenart further indicated that it would be difficult for him to take action without having an actual floor plan.

Commissioner K. Smith arrived.

The Commission further discussed the submitted floor plan and the confusion of the layout shown. P. Lippens asked the applicant whether she would like more time to consider her options, perhaps going directly to the Zoning Board of Appeals to utilize the entire floor area

of 4,680 s.f. However, she said she would like the Commission's advice about how to proceed.

N. Voght suggested that the application be tabled but that the applicant provide a proposed floor plan to the Planning Commission for review. Then, if the Planning Commission approved the additional 1,000 s.f., the ZBA could consider the remaining 680 s.f., thereby reducing the amount of variance requested. N. Voght asked R. Andrews, the ZBA liaison to the Planning Commission, how she believed the applicant should proceed, to which she responded she was unsure.

C. Zuellig stated that she thought the floor plan should show the entire space. K. Hart stated the Planning Commission may want to see what the layout looks like complying with the ordinance first, because the variance may not be granted, and she would be back to 3,000 s.f. N. Voght agreed and said you should see the 4,000 s.f. layout as well and assume she will not get a variance.

Further discussion ensued on which floor plan should be presented.

C. Zuellig was interested to know the viability of the remaining 680 s.f. If this were a separate tenant space, would it work?

B. Lenart had no problem tabling the application and allowing the applicant to proceed to ZBA, to which G. Clark agreed. N. Voght indicated the next ZBA deadline would allow her to get on the meeting in October. N. Voght reiterated that it would be his recommendation to come back to Planning Commission first, then to the ZBA. There would be a Planning Commission meeting before the next ZBA meeting.

C. Zuellig agreed with staff that the smaller the variance request, the better. If the Planning Commission has the authority to grant an additional 1,000 s.f., then it makes sense for the Commission to decide that issue first, then let the ZBA decide on 680 s.f.

B. Lenart made a motion to table the application for requesting an additional 1,000 s.f. for a business tenant in the B-1 zoning district as a suitable floor plan that demonstrates the proposed square footage is necessary to take action (Support: D. Lautenback) and the motion carried unanimously.

B. Lenart asked N. Voght whether Mr. Boulard reviewed this request. Would it have been possible to flag the building code issues before this came to Planning Commission? N. Voght responded that staff was aware of the potential for building code issues, but the applicant did

not talk to the Building Official until today, so specific code issues were not known until today.

2. 617 N. Prospect – Request to Amend Approved Site Plan

N. Voght presented the staff report for a request to amend a previously-approved Site Plan for the Prospect Party Store at 617 N. Prospect. The specific requests are to remove a 30 inch high wood obscuring fence around the perimeter of the off-street parking lot, relocate a dumpster to another part of the site, and eliminate part of a 6 ft. high wood screening fence along the western property boundary.

Staff reviewed the history of the site and the 1996 Site Plan approval to expand the existing store with another tenant space. Staff inspected the site recently, after a liquor license transfer request was made with the City Clerk, to determine if the site was in compliance with Zoning Ordinance requirements and the approved Site Plan. It was determined that there were various compliance issues, some of which have been addressed. However, the applicant is requesting some changes to the approved Site Plan from the Planning Commission. N. Voght further reviewed each request in detail and indicated staff support for two of them, but expressed concerns regarding removing the obscuring fence around the parking lot and reducing conflicting land use fence screening along the west property line.

N. Voght pointed out that the Planning Commission has some authority to waive or alter dumpster enclosure and conflicting land use screening type, however, parking lot perimeter screening is not waivable. A motion at the bottom of page 5 of the staff report was recommended for Planning Commission consideration.

C. Zuellig asked staff about the parking lot screening requirements. Was there previously a landscape greenbelt requirement in 1996 where the fence would be installed? N. Voght indicated that there was only a 10 ft. setback requirement for parking lots, but no greenspace requirement in 1996. There was an obscuring fence, wall or greenbelt around the perimeter requirement. C. Zuellig continued by asking about the wheel blocks to prevent damage to the fence, and she did not notice the wheel stops at the site. N. Voght explained that the owner had provided a performance guarantee for this improvement and others, in return for approval of the liquor license transfer. B. McClemens asked about the fence setback to the sidewalk, to which N. Voght responded that the fence would be about 6 inches to 1 foot inside the sidewalk.

G. Clark indicated if there were any more questions of staff. G. Clark then invited the applicant to come forward to speak.

Don MacMullan, Architect, - 308 N. River – The applicant's architect said that Mr. Voght had covered the situation very well. Salwa Furah, the owner, was present and was concerned about the perimeter fence because of "cowboys in pick-ups" that utilize the site. Mr. MacMullan continued to discuss other improvements the City is requiring, including drive approaches and the proposed location of the dumpster, noting that staff agreed with the relocation.

Salwa Farwa – 532 Wendt, Ypsi, MI – The owner did not think the fence was necessary because it will be too close to the cars and their bumpers. She believed cars will run through the fence; they have replaced the fence along the west property line many times. N. Voght stated that he had previously suggested bollards in key places to protect the fence. Salwa indicated that her customers will complain that the bollards damaged their cars. She does not mind plants, but it was her opinion that a fence is not good.

B. Lenart asked about why she never installed the fence in 1996, to which Salwa Farwa responded she never knew the fence was required. N. Voght indicated that an idea would be to move the parking lot row slightly south to cut in a landscape bed for shrubs, instead of an obscuring fence.

D. MacMullan agreed that there could be grass where the car overhangs. The car overhang can be 2 ft., but a pick-up truck has more overhang. B. McClemens pointed out that most of the customers have trucks. N. Voght indicated the bushes could be planted 2.5 ft on center. C. Zuellig stated that hedges are very difficult to keep alive and there is no irrigation.

D. MacMullan stated the fence frontage would be about 70 ft. long along Forest and 20 ft. along Prospect. B. Lenart asked for more clarification of the reduction in length of parking lot stall length to 18 ft. and whether this is permitted, to which N. Voght clarified that the ordinance allows this and the wheel stops would be located at 16 ft., with 2 ft. of overhang included in the 2 ft. C. Zuellig indicated the wheel stops could be located 4 ft. from the fence to ensure the fence is not damaged.

B. McClemens asked staff to confirm the Historic District Commission will need to approve the fence, to which N. Voght responded in the affirmative.

B. Lenart thought some screening along the parking lot would be appropriate, and preferred the fence. The best solution may be a

narrow cut of asphalt to install the fence. He agreed with the recommendation for the dumpster, and also agreed that the western fence should be extended back to where originally approved to buffer the house. He said he was inclined to approve the recommendations in the staff report.

C. Zuellig indicated there is a shared drive approach on Forest, which has led to cutting through the parking lot. There should be a safe setback for the fence, and, as on other sites, small bollards should be placed on either side. N. Voght asked the applicant to confirm she has never had bollards, to which she responded in the affirmative. D. MacMullan indicated he has seen bollards on other sites.

D. Lautenbach asked about the new tree in the 1996 plan, to which the owner and N. Voght confirmed it was installed and exists. G. Clark asked if there were any more comments or would a motion be in order?

Motion to approve a Site Plan revision for 617 N. Prospect to allow the dumpster to be relocated to the southeast corner of the building, accessible from N. Prospect Street, to re-affirm the 1996 Site Plan requiring a 30 inch high wood obscuring fence along the perimeter of the off-street parking lot, and to re-affirm the 1996 Site Plan requiring the 6 ft. high screening fence along the west property line in the location approved in the 1996 site plan, which is approximately 20 ft. back from the E. Forest right-of-way line, based on the following findings and conditions:

Findings:

1. The property is zoned B-1, Neighborhood Business.
2. Single-family residential uses adjoin the property on the west and south.
3. The proposed dumpster location is not located in a front or street side yard, but will be located in a side yard.
4. The proposed dumpster screening will be equally effective as a solid masonry enclosure.
5. For effective snow removal, there is no alternate location other than in the formerly approved location for the dumpster.
6. The required obscuring fence buffers the appearance of the off-street parking lot from the adjoining streets and enhances the appearance of the site in general.
7. The required fence provides additional safety to the adjacent public sidewalk by protecting pedestrians from vehicles within the parking lot.
8. To approve removal of the 30 inch high fence would be contrary to section 122-835 (11) b., which would require a variance from the Zoning Board of Appeals.

9. The approved 30 inch high obscuring fence is required, at a minimum, as the current zoning ordinance requires even more screening of off-street parking lots, including landscaping or a solid wall.
10. The proposed setback of 60 ft. for the conflicting land use fence does not adequately screen the adjacent single-family use to the west from activity within the off-street parking lot.
11. The requested change regarding the fence would be contrary to sections 122-703 and 122-835 (11) a. of the Zoning Ordinance, which require a conflicting land use screen along the entire west property line.

Conditions:

1. Historic District Commission (HDC) approval required of the dumpster swing gate, which shall be a minimum 80% opacity and a minimum of one (1) foot higher than height of dumpster.
2. HDC approval required for 30 inch high wood obscuring fence, which shall be minimum 50% opaque.
3. HDC approval required for new conflicting land use fencing along west property line, which shall match style and color of existing fencing.
4. The drive approach and public sidewalk to the new dumpster location shall be replaced/upgraded to commercial standards, as determined by the City Department of Public Works or Building Department.
5. A bollard or other protective measure will be placed at the north end of the extended screening fence along the west property line to protect the fencing from vehicular damage.
6. Upon consultation with the City Planner, the bumper blocks for the row of parking spaces along the north property line will either be left in their current location or shifted up to 2 ft. south to provide additional overhang for parked cars and protect the required 30 in. high fence.

The motion was supported by D. Lautenbach. A roll call vote was taken and the motion passed unanimously.

3. Discussion on proposed regulations for consignment / antique retail stores.

N. Voght reviewed why this is being discussed, and that the Planning Commission asked staff to research possible regulations that could apply to resale, consignment, and antique shops. Last month, the Planning Commission recommended a zoning ordinance text amendment to City Council to add antique, consignment, and resale shops to the B-1, Neighborhood zoning district. However, there were

a few concerns related to outdoor storage at these types of uses, and retail goods being dropped off outside any time of day.

N. Voght explained staff research indicated most communities do not specially regulate these uses. Planning Commission could recommend restrictions on outdoor retail storage or drop-off for all commercial districts, or just regulations pertaining to antique, consignment and resale stores.

K. Hart, Planning Director, discussed that many of the concerns about outdoor storage are already in place, in that any use that already don't have special regulations, it is already illegal to drop off things, because it would be considered trash/littering. It may not hurt to add specifics as it may clarify restrictions for this particular use. Based on her discussions, there was at least one council person who favored adding some restrictions, and maybe even treat resale shops separately from other uses.

G. Clark indicated he was not present last month when this was discussed, and wanted to know what the concerns were. P. Lippens indicated that they were concerned about potential unintended consequences by allowing the use in the B-1. They asked staff to look into it and report back. His opinion after looking at this research would be to not make any recommendations for drop-off restrictions because it's already not allowed. R. Andrews and C. Zuellig both agreed.

B. McClemens asked staff regarding sidewalk sales/displays in B-1, to which N. Voght responded it is not permitted. He further asked about sandwich boards/signs. N. Voght indicated they are allowed, but they need a sign permit and to be on private property. However, the problem is with A frame signs in the public right-of-way.

G. Clark asked whether some conclusion is required, to which K. Hart indicated it would be helpful to know whether Planning Commission wanted staff to (1) prepare a text amendment (2) do further research, or (3) not do anything more.

B. McClemens asked staff whether all received goods must be taken indoors for any retail business and not outside except for a reasonable time. N. Voght said a Site Plan should address this, indicating location of loading zones, delivery areas, etc. He further indicated the issue is really one of enforcement.

G. Clark asked whether a motion is required, to which K. Hart indicated the minutes should clearly reflect the wishes of the Planning Commission. He said perhaps a voice vote should be taken, and asked the question to all Planning Commissioners whether they are in favor

of leaving the Zoning Ordinance as it is pertaining to this use, and all Planning Commissioners verbally responded in the affirmative. G. Clark indicated it appears clear that no further action is recommended.

4. Review of Resolution to City Council

G. Clark discussed the proposed resolution by City staff regarding the Mid-town area saying that the Planning Commission needed to determine if the draft resolution reflected the Commission's ideas expressed at its previous meeting in the language desired. He wanted to be sure that the resolution provided a clear, accurate message to council. He indicated he was not present at the last meeting, so this was the first time he had seen the language.

K. Hart stated there was a lot of discussion at the last meeting, and the resolution reflected the most common themes expressed.

P. Lippens thought that the Chairperson, R. Johnson, should be a part of this discussion and G. Clark agreed. G. Clark asked if there was a deadline; staff responded that Council's desired deadlines were long past.

B. Lenart indicated he seemed to remember stronger language the Commission wanted to include regarding both the 2002 and 2006 resolutions, as well as the non-conforming rebuild language. Staff pointed out that it is mentioned in the "whereas" clauses of the resolution. B. Lenart said he preferred more action language in the "resolved" clauses.

B. Lenart asked whether the Commission needed to advise City Council of what the Commission would be doing next, or should the Commission just do it and make its recommendations afterward?

K. Hart stated there also was no language included regarding design standards. Her sense from the discussion at the last meeting was that the Planning Commission didn't want to ask permission from Council about what to do, but rather wanted to tell them what has been done based on the direction Council gave. A report could describe the process used by the Commission, conclusions about ADUs, and recommendations about the next step (the Master Plan and needed resources). If Council should choose a different next step, that is acceptable as well.

B. Lenart wanted to include actions related to reviewing the non-conforming rebuild clauses and perhaps design standards, and he asked the rest of the Commission what it is the Commission wants to communicate.

Further discussion ensued about the overlay zoning districts suggested by City Council. B. Lenart thought the ADU part of the proposed resolution was the most important to communicate to City Council.

D. Lautenbach thought the resolution should address more of what Council asked. K. Hart said a "resolved" clause could be added to acknowledge these other items, indicating they will be addressed within a certain time-frame.

C. Zuellig asked what sections about the Council resolutions had been addressed. Discussion ensued about ADUs, overlays, etc.

R. Andrews did not have a problem with saying a Master Plan amendment was needed, including adequate funding; however, she was uncomfortable saying that the Commission reached the conclusion that the R1-a zoning will not help the neighborhood. She would be happy to say that without a Master Plan review, it cannot be said whether R1-a would be good. She understood that others may not agree, but what she, herself, was not comfortable with was saying ADUs would "not be an effective tool." She would rather say, "Without a complete review of the Master Plan, we are unable to determine if ADUs would be an effective tool."

B. McClemens stated he had a different approach: that several members believed that an R1-a designation for the neighborhood would not be helpful unless it was recognized by outside agencies as "R1."

C. Zuellig believed it would be helpful for the Commission to clearly identify and respond to, in the resolution, each item in the Council resolution.

P. Lippens asked about item #3. N. Voght clarified that Council adopted general rebuilding language for R1, R2, and R3 that allows rebuilding of any non-conforming use of a structure, with certain conditions like Special Use approval, conversion of roominghouses to apartments, and others. He further explained that a local architect, Liz Knibbe, drafted the language in the Council resolution for the R3-u from the standpoint of an architect who has represented and worked for many of the landlords and from her understanding of rebuild issues. She proposed language to address use of attics and allowing rebuilding within the building "envelope." This was intended by Council to be the next step or phase in the rebuilding language.

P. Lippens said he asked the question because the Commission has discussed asking Council to revisit the rebuild issue, so it may not make sense to draft additional resolution language or a text amendment. He said the Commission needs to explain why it has not

addressed some of these issues yet, suggesting a “resolved” clause, instead of a “whereas” clause.

C. Zuellig asked staff to confirm that Council’s resolution contains direction to create new zoning districts with their own rebuild clauses, where the Planning Commission has focused on the zoning amendment already passed related to rebuilding non-conforming uses of structures that applies to R1, R2, and R3 areas in the entire city. It would not be advisable to go into this level of detail by creating new zoning districts without first resolving the rebuild clause already adopted. She further asked if staff could make changes to the format of this resolution.

G. Clark stated that it could be tabled it until next month.

B. Lenart asked whether there was a difference between Council’s proposed R3-u and R1-a, to which N. Voght responded there was no difference. He further asked staff if they knew why the districts were split. Staff believed they may have been split to be able to call the lower-density Midtown area “R1-a,” and the higher-density rental area closer to campus and east of Normal Street “R3-u.”

C. Zuellig asks if the overlay would have the same label as the underlying zoning. Staff commented that Midtown would have a new underlying zoning “R1-a” and also an overlay designation of “R1-overlay” which would include a non-conforming rebuild provision.

K. Hart expressed concern with too many zoning districts and overlays in the City creating confusion for applicants and administrative issues for staff. There also is a matter of practical difficulty to show them on the zoning map.

B. Lenart suggested that this resolution would not preclude the Commission accomplishing other tasks set out by Council. Rather, this resolution would just go back to Council to address #1 in their resolution.

K. Hart believed the resolution may invite questions about where the Commission is with all the other tasks. A report should be provided or more information in the resolution.

G. Clark said the tone of the resolution should be cooperative and should indicate the Commission is working with Council as a team.

R. Andrews asked whether the subcommittee should review the resolution to determine what changes should be made. G. Clark agreed that the subcommittee should review this to provide direction about what the Commission wants to communicate.

P. Lippens disagreed. He said that if the Commission were able to look at the additional resolved clauses discussed tonight and were to act on them next month, that would be good.

B. McClemens was concerned that this resolution may come back to Planning Commission with many questions, and that more of the issues need to be addressed, particularly in the third section. He thought staff could work on revising the language to address more thoroughly section #3.

K. Hart indicated they could, but asked that each Planning Commissioner think about what they want to include. She said it was important to be able to speak with one voice as much as possible.

G. Clark said more specific language was needed regarding #3. The matter could be tabled.

B. Lenart suggested that no motion be made, but rather the Commission should reconsider a draft resolution next month that more directly equates "resolved" statements to the three points specifically in the Council resolution. Adoption date of Council's resolution should be clarified to be in 2006, not 2005.

G. Clark asked if Commissioners agreed with what B. Lenart generally said. It was noted that everyone agreed with B. Lenart's suggestion with head nods.

VII. FUTURE BUSINESS DISCUSSION

Commissioner Lenart stated that in his other position with Washtenaw County he was trying to get email lists of all Planning Commissioners in the County to improve communication. Any interested Planning Commissioners who were comfortable with giving their email, were asked to tell B. Lenart. Commissioners McClemens and Clark preferred not to provide emails addresses.

P. Lippens mentioned that he learned from Peter Reinhart from Bombadill's that the DDA received the downtown Blueprints grant, which is essentially a downtown redevelopment plan. The DDA may want the Planning Commission's input. Brian Vosburg, DDA Director, is the main contact for this effort.

K. Hart indicated the Blueprints process will start in October. She also reminded all Planning Commissioners that MSU Extension offers online planning modules, and the city had budgeted money for this training.

K. Smith asked whether the budget could be put towards books, instead of training. K. Hart indicated perhaps a book could be acquired as a common resource. B. McClemens commented that people he knows love the online citizen planner modules.

K. Hart also mentioned that we have money in the budget for onsite training by MAP or some other organization.

VIII. ADJOURNMENT

Since there was no further business, B. McClemens moved to adjourn the meeting (Support: D. Lautenbach) and the motion carried unanimously. The meeting adjourned at 9:40 p.m.