

**PLANNING COMMISSION
MEETING MINUTES
April 16, 2008
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. McClemens, B. Lenart, J. Schultz, K. Smith, R. Andrews

Absent: C. Zuellig, D. Lautenbach

Staff: Richard Murphy City Planner,
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES – MARCH 19, 2008

Commissioner Smith moved to approve the minutes of March 19, 2008 with changes as noted (Support: G. Clark) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. OLD BUSINESS

1. 201 N. Park

Commissioner Clark moved to remove this item from the table (Support: J. Schultz) and the motion carried unanimously.

Since there was no project representative present, a motion was made by Commissioner Schultz to move this item after "New Business" (Support: K. Smith) and the motion carried unanimously.

VI. NEW BUSINESS

1. 484-490 Harriet – Rezoning from B1, Neighborhood Business District to B2, Community Business District.

The City Planner, Richard Murphy, presented his staff report stating that this is a request from Hope Medical Clinic for rezoning of a parcel from B1 Local Business District to B2 Community Business District for the purpose of combining it with the adjacent property that they already own, which is currently zoned B2, and expanding the structure on that site. Hope Clinic has a variety of facilities in Ypsilanti including a dental clinic, medical clinic and food bank/kitchen at other locations throughout the City and they hope to expand this facility in order to consolidate the services at this location for ease of access by the community and for administration coordination.

They have purchased the property adjacent to their existing property and have filed for a combination of the two properties and have submitted a Site Plan Review and Special Use Permit which will be on next month's agenda.

The expanded facility has a number of uses that are identified in the Zoning Ordinance for their existing services and additionally will be locating the barber shop currently located on the subject property in to their building so that it may continue to operate. All uses are permitted both in the B1 and B2 Zoning District except for government and community service buildings, which are a Special Use within the B2 District and now permitted within the B1, this includes their food bank, emergency counseling and kitchen which they hope to run at the site.

Mr. Murphy reviewed the land uses and zoning of surrounding areas. He also reviewed the generally accepted rezoning standards with his comments as follows:

- 1) Is the proposed change consistent with the goals, policies and future land use map of the City of Ypsilanti Master Plan?

Yes. The proposed change, in the context of an expansion of Hope Clinic's existing facility, is consistent with the Master Plan's Harriet Street target area, and a reasonable fit for the future land use map.

- 2) Is there evidence that the owner cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning?

No. As discussed above, the uses proposed for the larger facility could be partitioned and arranged on the two sites under the existing zoning, but this would be administratively difficult for both the applicant and City staff.

- 3) Are the uses permitted in the proposed zoning district compatible with existing surrounding land uses?

Yes. The B2 district includes a number of permitted uses that are special uses or not permitted in the B1 district, but most of these can be considered innocuous or even desirable for the neighborhood. The B2 district does list some special uses that would not be appropriate for the location, but these would be prevented by the scrutiny of the special use process. The only permitted uses in the B2 that might be inappropriate would be "Bars/lounges" (though restaurants serving alcohol are also permitted in the B1) and "Inns, hotels or motels". The circumstances of the application make it unlikely that these uses will ever be proposed for the site.

- 4) Are city utilities and services sufficient to accommodate the uses permitted in the proposed zoning designation?

Yes. Existing city utilities and services are sufficient to accommodate any use in the B2 zoning district.

- 5) Can the existing street system safely and efficiently accommodate the expected traffic generated by uses permitted in the proposed zoning district?

Yes. Harriet Street is classified as an urban arterial street, and is easily accessible from Hamilton and Huron Streets, which are classified as principal arterial streets. The nature of the particular use proposed will involve many visitors arriving by foot, bicycle, or bus, including many residents of the immediate neighborhood, but transportation facilities are generally adequate for any permitted use in the B2 district.

- 6) Is there apparent demand for the types of uses permitted in the proposed zoning district compared to the amount of land in the City currently zoned and available to accommodate the demand?

No. The purpose of the rezoning is not due to a lack of land for their desired uses but because of the circumstances of the site that it is adjacent to their existing property, which is zoned B2 and it is an expansion of a use, which is permitted in the B2 but not the B1.

- 7) The boundaries of the requested rezoning district are reasonable in relationship and development of the site will be able to meet the dimensional regulations for the proposed zoning district.

Yes. The commercial area has natural boundaries to north, south, and west. Rezoning of properties to the east may at some point be reasonable, however, the owner of property directly to the east of the site has indicated to staff that he is not interested in rezoning at this point.

- 8) If the rezoning is appropriate, is the proposed designation the most appropriate considering all other districts, from the City's perspective?

Yes. For the combination of uses proposed, the only alternative zoning districts are the significantly more intense B3 and B4 districts, or the R/C,

Residential/Commercial district. The R/C could be an appropriate alternative, but would require rezoning Hope's existing parcel as well.

9) If the rezoning request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?

Yes. While "Government and community service buildings" could reasonably be added to the B1 district as a Special Use, the specific use by Hope Clinic would also require removing the floor area limitations of the B1 district. While this might also be reasonable, it would require further consideration of the various B1 districts around the City.

10) Will the requested rezoning create an isolated and unplanned "spot zone"?

No. The requested zoning could be considered for adjacent commercial properties as well, and considered generally consistent with the Master Plan target area. In the absence of specific applications for adjacent properties, however, staff and Planning Commission do not have the resources to proactively consider a broader, more comprehensive look at the zoning in this area.

Staff commented that the factors prompting the rezoning are not unique to Hope Clinic or to this site with further comments noted in the staff report of 4-3-08. Staff recommended approval of the rezoning to City Council.

Commissioner Andrews asked staff how he reached his conclusion with regard to #3 of the rezoning standards relating to the compatibility of permitted uses with existing surrounding land uses and Mr. Murphy responded that based on the fact that it is an institutional user, and the property is being combined with the adjacent site, if it were a commercial development of some kind looking for a use that is not available in the B1 and could be expected to change to another use in a few years, it would be a reason to not rezone, but within the context of the applicant and their circumstances, it is not a reason to not rezone the property.

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

Kathy Garner – resident, stated that it is her opinion that it would be beneficial to expand services for those who are struggling financially and have issues with not having transportation to go to the medical clinic. It would be helpful to have everything in one central location. The area is oppressed and there are many clients who use Hope's services.

Kathy Robinson, Executive Director of Hope Clinic – reiterated that it would be beneficial to the community to have all services in one location. They plan to add enough space, approximately 10,000 sq. ft. to bring their medical and dental clinics in from other parts of the City to the Harriet Street property. They also plan on converting the front part of the existing building to a barbershop and use as a rental property. In the future, they hope to convert part of the facility adding a commercial kitchen and community dining and meeting room. It makes sense to consolidate all of their services.

Commissioner Johnson asked if they anticipate more parking and Ms. Robinson responded that she believes they have enough parking for the uses. There will be a request later for the overlapping parking when the dining and kitchen areas will be in use. Commissioner Johnson asked the hours of operation, to which Ms. Robinson stated they expect some expanded hours since they are currently open M-F and Saturday morning. They will be open on Wednesday evening at the Medical Clinic. They expect to have expanded hours for Sat/Sun evening once the kitchen is available. Commissioner Clark asked about the property currently in use behind the library and Ms. Robinson responded that they plan to sell it.

Stephanie Holmes – has lived in the community for 25 years and served as a volunteer and board member. She stated that Hope Clinic is vital for the community and would be more effective to have everything on one site.

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

Commissioner Schultz moved to recommend approval of the rezoning to City Council of a .34 acre lot, with address 484 Harriet Street and with tax code identification number 11-11-39-426-017, from B1, Neighborhood Business, to B2 Community Business, based on the following findings:

1. The rezoning is consistent with the goals of the 1998 Master Plan, and the Harriet Street Target Area of that plan.
2. That the current zoning of the site does not allow for a reasonable expansion of the applicant, which is an existing property. The nature of the applicant requires that it expand in this area, rather than an area already zoned B2.
3. The Permitted and Special uses in the B2 district are generally consistent with the surrounding land uses, and the applicant's function makes it a stable enough user of the property that potentially inappropriate uses of the property are unlikely.
4. Existing surrounding streets and public utilities will be able to accommodate any uses in the B2 district.
5. The proposed boundary for the rezoning is appropriate, based on the existing and potential uses for the site and for adjacent properties. Properties to the east could be considered for future rezoning.
6. The requested B2 designation is the most appropriate for this property, when considering the types of uses permitted and physical development standards for alternative districts.
7. The rezoning will not result in an unplanned and isolated spot-zone.

The motion was supported by Commissioner McClemens. A roll call vote was taken and carried unanimously. Chairman Johnson asked that the staff comment be included in the recommendation to City Council.

Staff Comment: The factors prompting the rezoning are not unique to Hope Clinic or to this site. Within the immediate area, Washtenaw County faced similar floor area and use restrictions in considering additional offices attached to their existing uses in the 300 block of Harriet Street. Due to the administrative nature of those offices, and their ability to operate generally independently of the other, existing community service uses in that building, the County was able to avoid rezoning. This required, however, inconvenient and artificial separations of uses within the building. The character of this portion of Harriet Street, and the pattern of existing uses, merits a broader look at whether the B1 district is most appropriate, or whether a wider rezoning would be justified. Modifications to the B1 district text may also be appropriate, as the floor area restrictions were recently found to be problematic for a property on Washtenaw Avenue as well. Absent specific applications or a directive from the Planning Commission, however, a broader look at either this neighborhood commercial area or the B1 district is a low priority.

2. 431 Hawkins – Site Plan and Special Use Review

R. Murphy, City Planner, presented his staff report stating that this is a request to construct an 8 space parking lot on the south side of an existing church, which requires Site Plan and Special Use Review. The area proposed for parking is currently a gravel area which has been used in the past for parking and would be paved, the curb cut widened and some screening provided. No changes are proposed for the building at this time or for the church's programming. The site did undergo Site Plan Approval in 2004 so for the most part, staff will focus on the site plan standards for the additional parking lot.

Mr. Murphy reviewed the surrounding land uses and zoning adding they the area is zoned R2, One and Two Family. Section 122-165 provides **additional** standards for reviewing special use requests:

"Approval of a special land use permit shall be based on the determination that the proposed use will comply with all the requirements of this chapter, including all site plan review criteria (section 122-127) and the applicable site development standards for the specific use."

Mr. Murphy reviewed the standards as follows with his comments:

- 1) The location, scale and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land.

COMMENTS: While an additional parking lot in a residential neighborhood will by nature have a visual impact, the church property is sufficiently large that the impact of the parking lot will be small – it would cover less than 4% of the 1.76 acre lot, and be 120 feet away from any residentially used property. While additional parking capacity does allow for more intense use of the property, the intent of the proposed parking is to improve the accessibility of the site and building, rather than the capacity or intensity of the use.

- 2) The proposed use shall promote the use of land in a socially and economically desirable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare.

COMMENT: The church has traditionally functioned without conflict to neighboring uses. Provided adequate screening to mitigate impacts of vehicle traffic, the church can be expected to continue to serve as a neighborhood asset, rather than detriment.

- 3) The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.

COMMENTS: Some modifications may be necessary to ensure compatibility with surrounding uses. While an earth berm and landscape plantings are proposed for screening the parking lot from the street and to the south, the site's existing screening from adjacent uses is inadequate: no screening exists or is proposed to the rear of the site, where only chain link fencing separates the subject site from the back yards of homes on Burton Court.

While a note on the site plan indicates that the parking lot will only receive daytime use, previous descriptions of the church's services and activities have stated that the church hosts evening events almost daily. For half of the year, vehicle traffic can be expected during the dusk or dark hours after 6 p.m. Screening should therefore be provided to prevent headlight glare into adjacent yards. While the entire site is currently out of compliance with screening requirements, some screening was waived during 2004 site plan review to maintain visibility from the street into the existing parking lot, to mitigate safety concerns.

Staff suggests providing a screening fence along the rear lot line of the subject property to mitigate some of these concerns, based on the fact that cars entering or leaving the parking lot would be potentially shining head lights into the backyards of the houses. Also, if a six foot screening fence on the south side of the parking lot is too much screening, at least some sort of landscaping to raise the level of the visual screening on that side of the parking is recommended.

- 4) The proposed special land use shall not present unreasonable adverse impacts on traffic circulation. Consideration shall be given to the estimated traffic generated by such use, proximity to major thoroughfares; proximity to intersections, required vehicular turning movements, and provisions for pedestrian traffic.

COMMENTS: The small size and limited nature of the parking lot are not likely to increase traffic volume to the site. Adding a curb cut (or renewing use of an old curb cut) across from another church, but offset from that use's curb cuts, has the

potential to degrade traffic. Again, however, the low traffic volume anticipated and the very limited peak traffic generation hours minimize this impact.

- 5) The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

COMMENTS: As the church's activity patterns are not expected to change or increase substantially, no additional requirements for public services are anticipated.

- 6) The location of the proposed use shall not result in a small residential area being substantially surrounded by nonresidential development, or a small nonresidential area being substantially surrounded by incompatible uses.

COMMENTS: The proposed land use will not change the existing dynamic of residential and non-residential uses.

Mr. Murphy stated that the proposed parking lot will not substantially change the character of the site, or its impact on adjacent properties, due to its limited size and access. However, the addition of parking will exacerbate existing screening deficiencies for the overall site. Staff recommends the addition of a screening fence along the rear property line of the entire site and additional screening atop the landscape berm both to complete the screening of the new parking and also to improve the screening of the overall site.

On the landscaping, there are a few items that need to be addressed in a revised plan to show compliance with the ordinance. The general composition of landscaping as well as details, i.e. ground cover, notes on the installations of plantings, are things that are required by the ordinance and not provided on the site plan at this time. Screening between land uses and parking lot screening has already been addressed. Mr. Murphy stated that he would recommend providing a screening fence along the rear property line to screen the adjacent properties as well as landscaping on top of the landscaped berm. The standards for foundation landscaping are appropriate. Parking lot landscaping trees are provided but the size and type are not noted on the plan. Lighting should be provided sufficient to meet the ordinance.

While staff has found that several landscaping and lighting uses need to be addressed prior to final approval of the site plan, the overall project is small enough that staff is comfortable handling final review, given Planning Commission's approval of the Special Use expansion and guidance on final landscaping. Staff believes that application of the new parking lot complies with the standards for Special Uses and recommends approval with conditions. Mr. Murphy also recommended that the site plan be approval conditional upon various items being addressed in a revised site plan and submitted to staff for administrative review.

Commissioner Lenart asked for clarification on screening at the rear property line which staff provided. Commissioner Schultz asked if a condition could be included on lighting, i.e. timer, motion detector and staff responded that a condition could be generalized. Commissioner Clark moved to open the public portion of the hearing (Support: B. Lenart) and the motion carried unanimously.

Brian Bagnett, Hobbs & Black, Architects – would like the Planning Commission to focus on the scope of the project and the intent. In 2004, they came before the board to install an elevator, which was located on the south side of the building and helps to serve the elderly population. They are asking to take eight handicap parking spaces and put them on the south side of the building to utilize the elevator. They would like the Planning Commission to reconsider the screening. The rear property line is approximately 400' long and to put a 6 ft high fence would be very expensive and exceed the price of putting in the 8 parking spaces. The rear yard of the residential area is over 100 ft away. They are willing to put in a berm but questioned the landscaping on top of the berm or would be willing to put in some trees. He also referred to the irrigation adding that the congregation has been taking care of it in the past and will continue to do so; therefore, it is his opinion that there is no need for underground irrigation.

Commissioner Johnson asked about the lighting issue and Mr. Bagnett responded that there are two existing light fixtures and they are proposing to leave one pole in place then do a photometric study to see if that would be enough. Commissioner Lenart stated that the ordinance does not give the board the flexibility to eliminate the screening, only the flexibility to modify where it is located and asked staff what his opinion would be to some sort of screening adjacent to the property line as opposed to the full property line and Mr. Murphy responded that this could be a reasonable alternative.

Pastor S.L. Roberson – stated they want to comply with the ordinance. All they are asking for is to make it easier for elderly to park.

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

Commissioner Andrews stated that the church is expanding and there will probably be more activity going in and out; therefore, it is her opinion that it requires the screening for the homes to the south. Commissioner McClemens stated that the yards are quite shallow and to put a barrier fence along there would not be visually aesthetic. It is his thought that there could be some middle ground to block the houses but not a wall. Commissioner Clark thinks a berm would be fine. Commissioner Andrews reiterated that the statute requires screening. Commissioner Johnson agrees that the berm would be more acceptable. Commissioner Lenart stated again that we cannot waive the requirement for screening but could provide flexibility in how it is provided. Commissioner Smith referred to Page 163 Sec 122-33 (11E) of the Zoning Ordinance regarding screening of parking lots, which Mr. Murphy explained the requirements in detail.

After further discussion by the board on a screening solution, which Mr. Terry Birdwell of the Metropolitan Church agreed would be acceptable, Chairman Johnson asked for a motion.

Commissioner Schultz moved to approve the Special Use permit for the expansion of the church use at 431 Hawkins with the addition of a parking lot, based on the following findings, and with the following conditions:

Findings:

1. The property is zoned R-2, One- and Two-Family Residential, which allows churches and other religious facilities as a Special Use.
2. The new parking lot is a relatively small addition to the site, and impacts on adjacent properties can be mitigated with proper screening.
3. With the screening changes recommended, the facility will be designed, constructed, and operated to ensure long-term compatibility with the neighborhood.
4. The proposed use will not present unreasonable traffic impacts.
5. No additional public costs will result from the proposed use.
6. The proposed use will not result in a small residential area being surrounded by non-residential uses.

Conditions:

1. Additional screening shall be provided along the rear of the new parking lot (east side) and along the south and a portion of the west side.
2. Any parking area lighting shall have timers or some comparable method installed to prevent overnight lighting which could be disruptive to the adjacent residents.

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

Commissioner Lenart moved to approve the Site Plan with the following conditions to be addressed and a revised site plan to be submitted to staff for administrative review and with three waivers:

1. Landscaping details must be provided to demonstrate compliance with ordinance requirements.
2. Provide screening along all sides of the new parking lot to meet screening compliance requirements of the ordinance, specifically, any combination of berm and landscaping to achieve a 6 ft minimum screening is acceptable subject to being included in the revised plan.
3. Identify relocated tree used to fulfill parking area landscaping.
4. Identify greenbelt shrubs to show compliance with driveway corner visibility.
5. Show drainage patterns for new parking lot. Stormwater must not drain across sidewalk.
6. Provide lighting for new parking lot, and photometric plan showing that lighting meets the requirements of section 122-641.

Waivers:

1. Waiver to allow 3 foot berm plus additional landscaping to serve as the 6 ft screening to adjacent land uses to the southeast and west, specifically, the western portion south of the access drive.
2. Waiver to allow 24"yews provided to serve as parking lot screening or to the west of the parking lot for that portion north of the access drive.
3. Waiver from requirements to provide underground irrigation.

Future steps:

1. Curb cut and sidewalk work in the Hawkins right-of-way must receive ROW permit from the Department of Public Works.
2. Parking surface, drive apron, and stormwater management approach must undergo detail engineering review.

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

3. 100 E. Cross – Site Plan Review

The Planning Commission previously approved a similar site plan for this property in 1998, however, the approval expired as the work was not completed within the allotted two-year time frame. The site plan before the board still needs a number of significant items addressed and it is the recommendation of the City Planner, Mr. Murphy, to table this item but wanted the opportunity to review the Site Plan for board comments since it would require some landscaping waivers. They also have some variances before the Zoning Board of Appeals.

The site plan includes not only the Auto Museum property but a strip of land running along the Norfolk-Southern railroad tracks to the rear, which the museum has leased. The site is zoned Commercial/Industrial. The Historic District Commission approved the proposed site work with a few changes. The work proposed is generally improvements to the parking area to the rear, partly gravel and asphalt, with a fence along the railroad tracks to provide safety. The surrounding land uses are generally commercial. The museum has provided a copy of their lease from the railroad. There is a concern with that regarding the duration of the parking since the lease gives either party the right to terminate with 30 days notice, whereas, the Zoning Ordinance requires parking be on land that is the subject of a permanent easement.

Additionally, there is a piece of land noted on the site plan that is part of the site that we did not have any record on. The museum has since provided a deed from the owner of that property so it can be part of this site. Staff has noted variance items that need to be addressed on parking and loading as well as providing stormwater calculations for addition of gravel area and provide appropriate stormwater treatment. On the site access and circulation, the applicant needs to acquire right-of-way permits from the City and Railroad prior to construction of River Street drive apron. Site Plan must be updated to show location of replacement tree and changed lighting fixtures. Landscaping was reviewed and a waiver is requested for parking landscaping and underground irrigation. A waiver is also requested to allow hardscaped plaza to serve as required site landscaping.

Staff recommends that the Planning Commission table this item after discussion by board to get feedback and a revised site plan submitted by the applicant.

Commissioner Lenart stated that on the parking requirement, generally the city and applicant have been struggling with this property for some time. Specifically, a traditional museum is different than one that has cars taking up floor space and he questions if there may be another calculation that may be more helpful. Murphy responded that this is the standard that is used for libraries, museums and cultural centers. Commissioner Johnson noted that a big sticking

point is that the railroad does not allow paving/landscaping and there is no permanent easement. Mr. Murphy responded that there is no real provision for marking the parking lot. Commissioner Clark questioned if posts or signs could be used. Commissioner Lenart added that parking wheel stops provide some parking delineation. Commissioner Johnson asked about maintenance of gravel and Mr. Murphy responded that the only comment in the Zoning Ordinance is that it be kept in good condition. Commissioner Schultz asked if it would be possible to turn from the curb cut on to an incoming train and Mr. Murphy stated that it is going on to River St but there is a substantial barrier there. Schultz also asked for clarification on the location of the drains for stormwater management which Mr. Murphy stated would have to be addressed.

Ed Kubiske, Architect for the Project and Jack Miller, Curator – were in attendance for questions. Mr. Kubiske stated that the railroad does not want paving because of access to their underground utilities, i.e. cables and lines. This also applies to the landscaping since they do not want any roots getting into the utilities. Regarding water quality, he received a letter from the engineer who is proposing aqua guardians which are catch basins inserts that collect silt from parking lots. On the length of the lease, the museum has been there for approximately 13 years including ad hoc agreements with various railroads. They now have a 25 year lease on the property. They cannot satisfy all the requirements of the ordinance, hence, the request for waivers.

Commissioner Andrews asked about the request for street trees and Mr. Kubiske responded that the two current trees are in bad shape. They would like to fix the sidewalk and replace with one red maple.

Commissioner Lenart asked the applicant and staff if there had been any discussion to rezone this property to B3 which would provide more flexibility and eliminate the need for as many variances, etc. Mr. Murphy responded that this is an option that would remove the requirements for parking. Since the applicant wants to move on the project as quickly as possible, Chairman Johnson agreed that while this could be the best solution, it will not be the most expedient for the applicant at this time.

The board reviewed all the items to be addressed with the applicant who agreed to make the necessary changes as requested and re-submit the site plan to the Planning Commission for approval.

Commissioner Smith moved to table this item (Support: J. Schultz) and the motion carried unanimously.

V. OLD BUSINESS

1. 201 N. Park – Site Plan and Special Use Review

Mr. Murphy stated that this is a Site Plan and Special Use for a major auto repair and office multi-tenant building. He added that he had asked the operator of the paint shop to attend this meeting to ensure that he understood the commission's expectations as well as notifying the applicant. Commissioner Johnson asked the board if they should go ahead with the issue without any input from either of these people. It was the opinion of Mr. Murphy that the board

could go ahead and approve with the conditions included and leave it to staff to ensure that all conditions were completed, adding that the architect involved has been pretty attentive to everything that has been discussed and understands the changes expected of them. They have updated their lease with the paint shop tenant but Mr. Murphy has not seen anything in writing or a revised site plan.

Commissioner Lenart stated that the conditions look pretty enforceable. He confirmed with Mr. Murphy that everything would have to be completed prior to obtaining a Certificate of Occupancy.

Mr. Murphy reviewed the Special Use Criteria with his comments as follows:

Section 122-165 provides standards for reviewing special use requests. The proposed major auto repair use requires Special Use approval in the C/I, Commercial-Industrial Zoning District.

The staff position on these standards has changed significantly since the March, 2008, meeting, based on additional discussion with the applicant and with County regulatory officials and examination of City records.

(b) Approval of a special land use permit shall be based on the determination that the proposed use will comply with all the requirements of this chapter, including all site plan review criteria (section 122-127) and the applicable site development standards for the specific use. In addition, the following standards shall be met:

(1) The location, scale and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land.

COMMENTS: The location and scale of the use are compatible with the zoning and Master Plan designation of the property, both Commercial/Industrial. The use would be adjacent to residential uses to the north and the rear, presenting a potential for conflict; while the closest and most readily impacted residential property is a non-conforming use within its C/I zoning district, it is an existing use.

If the use is truly limited to painting and paint repair – low intensity relative to some “major auto repair” uses – the building and site improvements necessary to meet various code requirements should serve to protect the adjacent properties.

(2) The proposed use shall promote the use of land in a socially and economically desirable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare.

COMMENTS: Concerns were previously raised regarding noise, fumes, and outdoor storage generated by the use. Further investigation has shown that these concerns were likely exaggerated. The only complaint received by any City department in the shop’s 8 years of operation was the July, 2007, complaint that appears to have come from another auto paint shop – the nature of the complaint was not about the impacts of the proposed use per se as with the use’s failure to seek proper approvals.

Outdoor storage is and has been a real concern at the property, but appears to be unrelated to the paint shop use – most of the vehicles and material stored on the site have been claimed by the T.S. Quatro company as belonging to that company's design/build contracting business, rather than being related to the paint shop. Additionally, while wrecked cars awaiting repairs have previously been observed in the alley behind the property, it is unclear whether those were related to this property or to the existing auto repair use at 216 N. Lincoln that shares the alley.

While the use therefore has the potential to create adverse impacts, it is not clear that it has been responsible for problems in the past. The site work proposed, paving and curbing of the alley, Special Use conditions, and application of Fire and Building Safety codes can be expected to reduce the likelihood of nuisance conditions at the site, either from this use or other nearby uses.

- (3) *The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.*

COMMENTS: The screening, paving and landscaping, right-of-way improvements, and building improvements proposed will not only improve long-term compatibility of the use and site with surrounding uses, but can be expected to make the site one of the more physically attractive in the area, and would be a significant contribution to the neighborhood.

However, the proximity of residential uses suggests the need for additional precautions, particularly considering the existing zero lot line construction of the use and minimal (14 foot) separation from the residential structure to the north. The applicant has suggested moving the rooftop exhaust vent for the paint shop from its indicated location, at the northern end of the building, to a location further south, a minimum of 50 feet from the residential use to the north. Limiting hours of operation may also be appropriate, such as between 7am and 10pm.

- (4) *The proposed special land use shall not present unreasonable adverse impacts on traffic circulation. Consideration shall be given to the estimated traffic generated by such use, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian traffic.*

COMMENTS: As described by the shop owner, the use is not a high traffic generator – disabled vehicles are not repaired at the site, and little vehicle storage occurs on site, with most on-site clients provided with 24 hour turnaround. During a March, 2008, site visit, only one vehicle associated with the paint shop use could be found outside the building. This situation may of course change, particularly if the shop prospers or transitions to more on-site work and less dealership-located work.

- (5) *The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

COMMENTS: While the proposed use has the potential to generate vehicle storage in public rights-of-way and adjacent properties, leading to increased enforcement and additional burden on City services, the improvements made to the parking area, alley, and Park Street right-of-way will discourage those same problems – the City's Fire Chief has stated that he is particularly supportive of the work proposed for Park Street as part of the project, as the formalization of parking will help maintain clear fire and general traffic lanes.

With regards to potential nuisances from fumes or odor, the response mechanisms available through the Washtenaw County Environmental Health Department and Michigan DEQ should be sufficient to address complaints.

- (6) *The location of the proposed use shall not result in a small residential area being substantially surrounded by nonresidential development, nor a small nonresidential area being substantially surrounded by incompatible uses.*

COMMENTS: The use is consistent with the historical and planned future uses on adjacent properties. This property, as well as adjacent property to the north and property on two other corners of the Park and North Street intersection are designated for Commercial/Industrial use in the Master Plan. Properties to the rear and on the fourth corner of the intersection are designated for Residential/Commercial use – Master Plan Target Area 2 specifically states that the Residential/Commercial designation is intended to abut (and buffer) industrial uses on North Park, as well as to provide for appropriate expansion of commercial uses. While the properties immediately to the north and west are residential, all properties on the Park and North intersection have a trade commercial or industrial character, as do the properties at 212 and 216 N. Lincoln, to the northwest.

Site Plan required information was reviewed by staff with comments on what must be provided.

- Parking easement required for two apartment parking spaces in the 201 N. Park parking lot to benefit 202 N. Lincoln apartments in perpetuity. Provide draft parking easement language for city Attorney review.
- Utility easement required for private stormwater system under public alley. Provide draft parking easement language for City Attorney to review.
- Contact homeowner at 206 N. Lincoln to discuss treatment of curbing and possible cut for drive or other access from public alley.
- Provide signage and pavement markings for one-way flow through the screened area to prevent drive conflicts.
- Provide draft easement language to reserve the two parking spaces for use by the adjacent apartment building, for review and approval by the City Attorney, prior to recording.
- Proposed on-street parking alterations along N. Park Street require approval by the City's consulting engineer, Traffic Review Committee and City Manager, with confirmation by City Council.

The board discussed the various issues in depth and after more input from staff, it was agreed that a decision could be reached without further comment from the applicant.

Commissioner Lenart moved to approve the Special Use Permit to operate a Major Auto Repair facility at 201 North Park, based on the following findings and conditions:

Findings:

1. The property is zoned C/I, Commercial-Industrial.
2. An existing one and two-story building occupies the property, which is used for professional offices and auto repair.
3. The auto repair facility already occupies the property, and has been at this location for eight years, according to the applicant. It is currently an illegal non-conforming use.
4. The proposed auto repair use is generally compatible with the C/I zoning district and the industrial designation of the area in the Master Plan.
5. The use may generate negative impacts such as noise, fumes, or outdoor storage. However, no specific complaints have been received from neighbors to date related to these impacts.
6. The site improvements proposed and improvements required by relevant building, fire, and health codes will minimize the potential for adverse impacts on adjacent properties.

Conditions:

1. The major auto repair use shall be limited to painting and paint repair of automobiles and parts. No brake servicing, oil change, machining, mechanical repairs, or other major or minor auto repair may be performed.
2. No more than 5 vehicles shall be stored on site awaiting service at any given time, and all vehicles awaiting service must be parked within the designated and screened area.
3. No outdoor storage of materials or vehicles may be located on the site, for his or any other use, beyond the five vehicles permitted in the designated screened area.
4. All painting must be performed in a paint booth that complies with City building and fire safety codes.
5. Paint fumes must be discharged through an appropriate filtration system, and the exhaust vent must be located a minimum of 50 feet from the residence to the north.
6. The use shall provide proof of compliance with Washtenaw County Pollution Prevention standards for registration and storage of paint and similar materials.
7. Hours of operation for the auto repair use shall be limited to between 7 a.m. and 10 p.m.
8. All site and building work, as well as work in the public right-of-way included on the site plan, must be completed within one year, unless an extension is granted by the Planning Commission under Sec. 122-168 of the Zoning Ordinance.

Note: Conditions 1 – 7 are required to be done immediately and in place prior to operation

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

Site Plan

Commissioner Lenart recommends that the Planning Commission approve the Site Plan for 202 N. Lincoln Street with the following six conditions to be addressed in a revised Site Plan submitted for staff review, and the following 2 waivers:

1. Show location of dumpster and enclosure, or add note that no dumpster will be provided.
2. Provide signage and pavement markings for one-way flow through the screened area to prevent drive conflicts.
3. Parking easement required for two apartment parking spaces in the 201 N. Park parking lot to benefit 202 N. Lincoln apartments in perpetuity.
4. Utility easement required for private stormwater system under public alley. Provide draft parking easement language for City Attorney review.
5. Demonstrate thru certified mail or other acceptable documentation that property owner at 206 N. Lincoln has been contacted to discuss treatment of curbing and possible cut for drive or other access from public alley.
6. Proposed on-street parking alterations along North Park Street requires approval by the City's consulting engineer, Traffic Review Committee, City Manager, with confirmation by City Council.

Waivers

1. Planning Commission waiver granted for landscape plantings in place of 3-foot berm.
2. Planning Commission waiver granted for 18-foot-long parking spaces.

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

VI. FUTURE DISCUSSION

Mr. Murphy reviewed the various issues that will be on next month's agenda.

VIII. 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 10:15 p.m.

