

**PLANNING COMMISSION
MEETING MINUTES
February 20, 2019
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. ROLL CALL

Present: M. Dunwoodie, J. Talaga, H. Jugenitz, J. Donnelly, P. Hollifield, T. Dennis
J. McGadney (late)

Absent: M. Simmons (excused)

Staff: Bonnie Wessler, City Planner
Sarah Stachnik, Planning Intern

III. APPROVAL OF MINUTES

Commissioner Hollifield moved to approve the minutes of December 19, 2018 (Support: Jugenitz) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. 307 N River – Site Plan Review

Commissioner Jugenitz recused herself from 307 N River discussion as she owns property adjacent to the site. She left the room for the staff review, public comment, and deliberation.

Planner Wessler noted that this is an item that has come to Planning Commission in April and then in October. It is a request for site plan approval of improvements already made. The unusual layout of the site present challenges for parking placement, landscaping, buffer, and sidewalk requirements. Photo is not a typical street presenting challenges. There are currently many parking issues on the lot. Staff noted that there is room for improvement with the existing layout and asked about the rational for the existing layout with parking on the north side. Staff recommended denial based on the number of variances and conditions needed.

Chair Dunwoodie asked for clarification about the building type. Staff clarified that it building type is dictated by lot size and not the type of building. Dunwoodie asked about the possibility of variances and staff read out conditions of variance approval.

Mark Wright, Architect – noted that they did not want the parking to dictate site layout. If there was not a big need for parking, he would not be pursuing additional parking. He wanted clarification about what waivers they are likely to get from planning commission in terms of sidewalk, parking, and dumpster requirements.

Ryan Wallace, Applicant – wanted to be on record talking about parking in Depot Town. Parking is a massive issue in Depot Town with the economic development happening in the area. There was a parking issue before Cultivate moved in. He observed that non-Cultivate patrons also use their parking lot. They have seen little action from the city and there is a greater concern from the community about the lack of parking. He is shocked that new businesses coming in are not required to have parking. He would prefer to expand the beer garden rather than provide parking, but believes that having parking is offering something to the town and that the area needs more parking in the long term.

Commissioner Hollifield moved to open the public portion of the hearing (Support: J. Talaga) and the motion carries unanimously.

Janel Sterling – Photo St – owns property adjacent to the lot. She asked for clarification of the process because Cultivate did not present site plan before opening. The changes have impacted everyone. She voiced a number of concerns about the parking, noise, and dumpster location. She has noted that people park in front of her house and fire hydrant, idle, and removed the no parking sign. There is no separation between parking and the street. There are lots of noisy, outdoor performances. She does not know when else she and other residents will be able to voice their concerns and comment on the site plan. She recognized that they have site challenges, but they do not want to get pushed out of their home. *Also noted there is street parking on Photo Street right now, contrary to the site plan.*

Douglas and Rita Allen – 301 River, south of Cultivate – was really concerned about the noise. He lives right next door and does not want to be pushed out from the noise pollution. The decibel is constantly above the allowed level. They have called the police, but the next night there is the same problem. The events are happening more frequently and they are losing renters because of the noise. He thinks all amplified performances should stay inside. They also find Cultivate patrons parking in their tenants' parking lot.

Wylie – 229 N River – wanted to address parking issue. He was concerned about where the tenants and patrons of the Thompson building are going to park, if there is already a parking issue. His tenants already have to park on the street. Parking is really bad in the area and the City needs to do something. He agreed that amplified entertainment should be inside and acknowledged that residential and commercial uses are always an issue.

Commissioner Hollifield moved to close the public comment (Support T. Dennis) and the motion carried unanimously.

Chair Dunwoodie asked about the parking requirement for the district. There is no parking required. His biggest concern is that the parking is done safely. Applicants handed out updated site plans. Staff has not reviewed the new site plan and thus proposed conditions have not been updated.

Planner Wessler responded to the public comment about the process. In the Center District, a site plan review is not required for a change of use, but is needed for the beer garden.

Commissioners discussed challenges of parking, dumpster location, and sidewalks. Chair Dunwoodie asked why staff recommended denial rather than tabling. This was to move it to the table to discussion. If the Commission does deny the site plan there is no restriction for when they can reapply.

Commissioner Talaga motion to deny will the following findings:

1. The development proposal does not conform to all the provisions and requirements, nor the spirit and intent, of the Zoning Ordinance and the Master Plan, per §122-311(b).
2. The elements of the site are not harmoniously and efficiently organized per §122-311(c). The layout of parking relative to Photo Street and the entrances promotes vehicle and pedestrian conflict, and encourages illegal on-street parking while making adequate signage difficult to place and enforce and impeding the transit of emergency vehicles. The placement of the outdoor assembly area adjacent to multifamily residential and the Historic Corridor district to the south, rather than to the north of the building adjacent to a commercial parking area and far fewer residents, zoned Center, promotes conflict.

The motion was supported by Commissioner Hollifield. A roll call vote carried unanimously.

Commissioner Jugenitz returned to the Chambers.

Commissioner Dennis asked about the noise issue. Staff noted that the noise ordinance should be sufficient and the enforcement seems to be the issue. A vegetative barrier and site reconfiguration are two options to reduce the noise pollution. A solid wall would be limited to six feet and would be seen by the Historic District Commission. Residents expressed concern that nothing would change in the short term and want to know what their options are, and what is required of the applicants. As long as the applicants are moving towards compliance, it remains an enforcement issue.

2. Commercial Sales and Commercial Recreational Use of Firearms

Planner Wessler stated that this is a follow-up from last meeting. Staff mapped the proposed distances and started to remove elements to make sure the uses were not "zoned out."

Staff recommended Option 4, allowing Firearms Sales Establishments as a Special Use in GC and S/Res (special use when adjacent to residential, otherwise permitted) in PMD, with the following locational restrictions:

- 500' away from public parks, daycare centers, grade schools, Eastern Michigan University, and the Center District;
 - 300' away from pawn stores or secondhand goods dealers;
 - 300' away from a store less than 15,000 square feet with sales of alcohol, or a bar/lounge.
- Thoughts about adding language.

Staff further recommended that the Planning Commission evaluate whether a buffer distance from other firearms sales establishments of 300', 500', or 1,000' might be desirable. Staff

recommends 1,000', as this distance generally permits one establishment per available neighborhood, preventing an overconcentration of uses.

Commissioner Jugenitz asked about the rationale between differentiating between uses for buffering. The difference is between outdoor assembly (500') and distances between recreational intoxicants and uses that could become firearms sales like pawn stores. The buffers go from lot line to lot line and only allow one establishment per parcel. Other cities either don't regulate firearms at all or have 1000' buffer which would be difficult in such a small city.

Chair Dunwoodie proposes that they add an additional 1,000' buffer between firearms sales and ranges- between all facilities. Commissioner Jugenitz is okay with option 3 with that addendum. Commissioner Dennis is in favor of the most restrictive option and is concerned that the only locations for gun ranges are on the south side.

Commissioner Jugenitz made a motion that Planning Commission recommend that City Council approval of the Text Amendment: Firearms Amendment Option 4 with an additional a 1000' buffer between firearms establishments, with the following findings.

1. The amendments are consistent with the guiding values of the Master Plan.
2. The amendments are consistent with the intent of the zoning ordinance.
3. The proposed amendment will enhance the functionality and character of the future development in the City.
4. The proposed amendment will protect the health, safety, and general welfare of the public.
5. The proposed amendment will not result in the creation of nonconformities.

Further, staff recommends that Planning Commission recommend that City Council direct staff to review Chapter 82 and provide recommendations regarding limiting the acceptance of firearms by secondhand goods establishments within the City.

The motion was supported by Commissioner Hollifield. A roll call vote was taken and passed 5-2. (T. Dennis and J. McGadney oppose).

3. 708 Peal – Site Plan Review

Planner Wessler noted that this is a resubmittal of a previously approved and expired site plan. Staff is recommending approval.

Todd Ballou, Architect – 3300 Berry Road – noted that in the last site plan they did not have a sidewalk. That has been accommodated. He also noted that because there is not barrier free unit, there is not a requirement for a barrier free space per the building code. They have the space, it is just a striping issue. Commissioner Jugenitz explained that there has been an effort by planning commission to accommodate barrier free parking where possible.

Commissioner Talaga moved to open the public hearing (Support: H. Jugenitz) and carried unanimously. Seeing none, Commissioner H. Jugenitz moved to close the public hearing (Support: J. Talaga) and carried unanimously.

Chair Dunwoodie noted that he was happy to see the sidewalk. No other thoughts or concerns.

Commissioner Dennis moved to approve the Site Plan for the Pearl Street Fourplex at 708 Pearl St with the following finding, waiver, and conditions:

Finding

1. The application substantially complies with §122-310.

Waiver

1. A waiver from one street tree due to the location of the utility pole.
2. A 20% parking reduction to allow applicant to provide 1 barrier free parking space.

Conditions

1. Applicant to provide one barrier free space in the parking lot.
2. Site plan approval is subject to engineering conditions.
3. Any new and existing landscaping is to be maintained in good condition by the owner.

Motion was supported by Commissioner Talaga. Roll call vote was taken and carried unanimously.

VII. NEW BUSINESS

1. Conflict of interest

Due to some recent developments, there has been a growing desire to clarify the conflict of interest boundary for Commission members residing in proximity to projects seen by planning commission. The bylaws lack specificity. Staff has seen other communities use the noticing boundary (300') as determined by the state.

Commissioner Jugenitz has seen some language that specifies the effect on property value. This would mean that Commission members would not have to recuse themselves for smaller projects, like 708 Pearl. Staff will look into language to amend the bylaws.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

Conditional rezoning for 9 Casler.

IX. COMMITTEE REPORTS

1. Non-motorized Committee Report

Committee Member Bob Krzewinski provided an update about their input on the shared mobility ordinance. There is a necessity to have an ordinance to deal with bike sharing and scooters. The proposed ordinance did not have any Committee input and was focused on these larger companies that need to be regulated. The Commission created a one page sheet of recommendations that was distributed. They include: cash payment system to not exclude people without smart phones, consider local businesses that do bike share, create ways to have permit fee revenue to fund non-motorized efforts, and prepare for the completion of the Border to Border trail which will likely increase ridership. The Committee wanted to forward their

feedback to Council and Mr. Barr, the Attorney. There is still a question about who initiated the ordinance.

2. Master Plan – Housing Affordability/Access subcommittee report

Commissioner Jugenitz noted that they are still analyzing survey data. They have had 600 total responses and are still trying to get some more electronic surveys to Ypsilanti Community School list serve. There is an underrepresentation from males, African American and black respondents, and renters. Jugenitz also noted that there are a few public input sessions coming up. They will be “World Cafes” with accessibility and affordability themes. Small groups will go around and work through five problem statements and provide feedback on potential strategies and solutions. One event will be on Monday, March 18th at the Riverside Arts Center Gallery. Another event will be on Tuesday, March 12th, locating TBD. Third event will be an open forum in early April. They are finalizing promotional material within the next week.

VIII. Other

Staff handed out letters about 220 N Park, physical copies of an email sent out.

Commissioner Jugenitz asked for a refresher regarding enforcement of special use applications. Staff explained that typically a violator is notified and given a timeline. Performance bonds are sometimes issued if a project is nearly finished so they can get a certificate of occupancy. If the applicant is not working towards compliance they can be issued a daily fine of \$500. Commissioner Jugenitz noted frustration about not being able to people an answer because issues about enforcement are not under their purview.

Commissioner Talaga proposed adding a recommendation that Planning Commission to give further information to applicants when a project is tabled or denied. Staff noted that generally speaking, the findings in a motion to deny and the discussion around tabling provide information to the applicant.

X. ADJOURNMENT

Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: J. Talaga) and the motion carried unanimously. The meeting adjourned at 9:16 pm.