

**PLANNING COMMISSION  
MEETING MINUTES  
June 20, 2018  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order at 7:01 p.m.

**II. ROLL CALL**

**Present:** H. Jugenitz, M. Dunwoodie, P. Hollifield, C. Madigan, M. Simmons, C. Zuellig,  
T. Dennis, J. Talaga

**Staff:** Bonnie Wessler, City Planner  
Cynthia Kochanek, Preservation Planner  
Nan Schuette, Executive Secretary

**III. APPROVAL OF MINUTES**

Commissioner Hollifield moved to approve the minutes of May 16, 2018 (Support: M. Simmons) and the motion carried unanimously.

**IV. AUDIENCE PARTICIPATION**

None

**V. PRESENTATION AND PUBLIC HEARING ITEMS**

**1. 203 N. Summit – Special Use and Site Plan**

C. Kochanek, Preservation Planner, gave the staff presentation stating that this is a request for approval of a 3 unit multiple family dwelling Special Use and Site Plan. This is a very long but narrow lot and there is an existing 1,570 sq. ft. residential structure on site. The property is zoned CN-Mid Core Neighborhood-Mid, which allows for a multiple family dwelling, maximum of 4 units per building after approval as a special land use. The plans submitted call for the demolition of the existing structure with the construction of a two-story multiple family dwelling consisting of 3 units with parking in the rear.

The plan as proposed doesn't meet private frontages so there is no stoop or front step at the front, only at the side – entrances on north side. Some sliding doors on first and second levels on south side but there are no details as to what these doors open to. There is a gravel lot proposed for rear but also inaccessible parking space at the rear which would need to be paved. The plan is for the driveway to be shared with the property to north so that would require an easement. The gravel surface should be OK as proposed as long as the conditions that the

paved accessible space are satisfied for the engineering concerns. Basically staff is recommending special use and site plan be approved with waivers and conditions as noted in the June 12, staff report.

Commissioner Hollifield asked about the shared driveway agreement to which Ms. Kochanek that this would still be required by the applicant. Commissioner Zuellig asked about the buffer on the west and south side. The driveway on the south side is where the building currently shares that driveway and currently share the gravel driveway on the south side with the property owner to the south and it looks like some of that driveway will have to be on this property – where is the visual barrier by the fence to be located – C Kochanek responded that it is not shown on the plans but she explained in more detail. They would need an agreement with the people to the south.

Commissioner Zuellig moved to open the public portion of the hearing (Support: C. Madigan) and the motion carried unanimously.

**Heath Hart, Midwestern Consulting** – was in attendance on behalf on the client. He stated that the property they plan to share the driveway with is currently owned by the applicant that is why they propose sharing the driveway and dumpster. The driveway on the opposite side they do intend to allow access to the driveway. They will replace the gravel and provide an easement and has no objection to that. Visually it will look like a normal residential house. Asking for a variance providing the opaque barrier on that side. The rear of the house abuts to a vacant alley, which has a lot of growth. They are asking for leniency on providing a visual barrier on that side. As far as front porch and door, they do have a door on the house which faces the street. Provided photo of proposed house similar to that of the one across the street. He explained in more detail why they wanted the doors to the side. On the sliding doors, those doors that are specifically on south side - the intent was to have a railing – just a guard rail. There is a sliding door on the rear of the house and instead of putting on the planned deck, use it as a space for parking to meet requirements. Lighting would meet requirements of ordinance and cut sheet can be provided.

Chair Jugenitz asked about the front entrance facing the street and also along the side if the entrance facing the front be an entrance to the front unit, he responded it would be to the second unit. He provided a photo to explain. She continued by asking about accessibility – adding that we haven't had much new residential development in Ypsilanti. Mr. Hart referred to the door widths stating that the front door would be 3 ft by code enforcement, inside doors would be standard – one of the issues with such a tight space is that all bedrooms are upstairs.

**Sharon Barnes, owner of 201 Summit** directly south. She stated that she is not aware of what has been going on – has had complaints from her renters about trash, etc. Neither her, nor her renters, have been contacted by the owner and has only received the normal notice in the mail sent out by the Planning Department. Parking is very tight there. Chair Jugenitz added the reason they have the meetings is to give the public that would be affected an opportunity to ask questions or concerns they may have regarding the proposed changes. Ms. Barnes asked about the fence on the south side which she felt there is no room for. It was explained in detail by City Planner Bonnie Wessler advising her of the sections of the ordinance that applied to the situation, Sec 122-634 and Sec122-641.

Commissioner Zuellig moved to close the public portion of the hearing (Support: C. Madigan) and the motion carried unanimously.

Commissioner Zuellig noted it is a very tight lot and had serious reservations going to a three unit and feels it triggers additional parking. She thinks there are too many units and doesn't agree with the third unit and does not fit on this parcel. Commissioner Talaga had concerns on width of parking spaces, which the applicant addressed. Planner Wessler added that if the alley was vacated they could possibly have more wiggle room. Commissioner Dunwoodie was concerned about density. Commissioner Hollifield is in favor of the new construction and does not want to be too rigid since it does improve the neighborhood. Commissioner Simmons concerned about snowball effect this could create with landowners that have land that does not meets requirement/conforming properties. Chair Jugenitz excited there is a proposal for new construction – in favor of adding density in this rea – it is a common thing to provide waivers – concerned about # of exceptions – we are trying to fit a large structure into a relatively small space – doesn't know what the compromise would be - she asked for clarification on waiver for back-up requirements, which Ms. Wessler detailed. Commissioner Dennis feels that the new construction is wonderful but wondered if this item should be tabled in order to make some changes. She would like to see a handicap unit.

Chair Jugenitz if tabled until next month does that give the applicant an opportunity for modifications/revisions on parking, etc., to which Ms. Wessler agreed it would give them that opportunity. Commissioner Hollifield asked if the sliding door up front qualifies as an entrance? Ms. Wessler responded that the code states building entrance must face front. The door off to the right could count explained in more detail. Commissioner Zuellig discussed other potential parking that could be considered. Chair Jugenitz also agreed that reducing the # of parking spaces could be an option. Commissioner Hollifield asked if the fence had to be right on the lot to which Ms. Wessler responded in the negative.

After further discussion, Commissioner Talaga moved that the Planning Commission recommend tabling the site plan and special use for the three unit multifamily dwelling at 203 N. Summit (t. Dennis) and the motion carried unanimously on voice vote.

## **2. 539 S. Huron-existing: Special Use and Site Plan**

City Planner Wessler gave a brief presentation stating that this is a marijuana provisioning center, the Patient Station that has been in operation since 2013 and has been licensed and permitted by the city since that time. As a result of a zoning change in 2014 and then later the state licensing and law change 2016, they are seeking a special use permit to bring their current use into conformance. It is for the existing 540 sq. ft. In order to obtain their license from the state, they must be in compliance with all local codes. The conformance is important due to uncertainty at the State level; the State issues licenses, or not, after an extensive review process which may disfavor nonconforming uses. This would bring their license into compliance to be eligible for the State license. The State process is, at this time, unclear.

Commissioner Simmons asked for clarification on compliance. Ms. Wessler responded that currently in the GC zoning code district they need to have a special use permit in order to operate a provisioning center. When they began to be a provisioning center, they were permitted by right, so they don't have a special use so all they need is a special use.

Commissioner Hollifield moved to open the public portion of the hearing (Support: T. Dennis) and the motion carried unanimously.

**Dennis Cowan, Plunkett Cooney, accompanied by James Nemeth, Owner, and Architect Fareed Mojarandi,** were in attendance to represent Mr. Nemeth and respond to any questions the board members may have. Mr. Cowan stated that the owner had operated the business since 2014 and has a lot of support. He gave staff a listing of 200 signatures of Ypsilanti residents to be included in the record, which includes patients in support. Mr. Nemeth has assisted 24 cancer patients, and has met with neighbors including ten residents of Bell Street and some people outside the 300' area requirement. They have no problems with the conditions listed by staff. They are looking for the special use approval in order to be in compliant with the new ordinance. The Patient Station has operated without incident and without major complaints – it is not a burden on city resources or adverse impact on neighboring residential and commercial areas and is compatible with businesses in the area. Mr. Nemeth and his family are very grateful for the support they have received from the city.

**Jerry Lawrence** – stated that he is a cancer patient and is very supportive of this business. Mr. Nemeth is very compassionate and he totally supports this request.

**Larry Simmons** – stated that people live there – the trash and traffic are a huge problem and growth means more traffic.

**Bryan Foley** – complained about traffic behind the facility, people purchasing marijuana and then re-selling their purchase. It is his opinion that we don't know side effects of marijuana – there has been no FDA approval and no oversight.

**Cherissa Lamar, 123 Bell** – long-time resident – too much traffic – does not want expansion. Feels that this is a residential neighborhood and is concerned for children – also complained about trash.

**Felicia Parker, 110 Bell** – grew up on Bell – is supportive of this request – asked about possibility of speed bumps.

**Carter Simmons, 128 Bell** – complained about trash, would like to find a way to direct traffic away of neighborhood.

Commissioner Dennis moved to close the public portion of the hearing (Support: P. Hollifield) and the motion carried unanimously.

Chair Jugenitz discussed both the traffic/trash issue but stated that while she agrees it is a problem, it does not affect approval of the special use request. Commissioner Dunwoodie stated that he has mixed feelings. While he supports the measure, he is concerned about traffic.

Commissioner Dunwoodie moved that the Planning Commission approve the Special Use Permit for the Patient Station Existing Facility at 539 S. Huron with the following findings and conditions:

Findings: The application is substantially in compliance with Sec122-324(b).

Conditions: Special Use approval shall be subject to approve of site plan.

The motion was supported by Commissioner Talaga. A roll call vote was taken and carried with a vote of 7:1. Commissioner Madigan opposed.

Commissioner Dunwoodie moved that the Planning Commission approve the limited Site Plan for the Patient Station Existing Facility at 539 S. Huron with the following findings, waivers and conditions:

Findings:

1. The application substantially complies with Sec122-310.
2. The existing building and site design are nonconforming under Sec122-352.

Conditions:

1. Block all parking in the Kramer drive within one year.
2. Applicant to remedy conflict conditions in the north lot within one year.
3. Applicant to provide at least one barrier-free space.

The motion was supported by Commissioner Talaga. A roll call vote was taken and carried with a vote of 7:1. Commissioner Simmons opposed.

### **3. 539-569 S. Huron-expansion: Special Use and Site Plan**

Staff report was presented by City Planner Wessler. She stated that initially staff had reviewed the wrong set of plans. The amended site plan review was given to all board members and she noted the various changes, which include staff recommendation in parking, the proposed building size so that changes the number of spaces to 48 spaces adjacent to the building, which is already provided. The other recommendation that changed is the larger lot requesting that they apply for a separate special use permit for that lot, which is permissible under GC.

Reviewing the site plan, she noted that the applicant is proposing to build a 9918 sq. ft. new structure, south of the existing building and upon completion, they will demolish the existing structure. They are proposing a new parking lot to the north of the new building as well as to the south of the new building with a loading zone and dumpster to the east of the building. There is about an equal amount of parking to the east and south; the main entrance will be on the northwest corner facing Huron – recessed vestibule. There are two barrier free spaces provided in that lot and 8 bike coops. The design standards for frontages is required to be commercial. The applicant is to apply for the frontage build-out percentage. Private frontage design is out of compliance with private frontage standards. She added that “commercial” frontage was designed for multi-story mixed use buildings. Prior ordinance had all commercial building types’ frontages listed as both “permitted” and “required; the bug-fix process appears to have corrected them all to “required”. This is, effectively, an error in the text for the “single-story” and “large single story” building types. This approval would be contingent on

administrative follow-up with OHM on engineering since the original engineering review by them would no longer be applicable.

Commissioner Dennis asked the location of the entrance to which Wessler responded. Commissioner Zuellig confirmed the number of required spaces; previously required 40 but now changes to 48, which Wessler agreed. Wessler reviewed the proposed parking of one way in and out.

Staff is recommending approval contingent on administrative follow-up and potential other board actions. Suggest applicant apply for variance for frontage build-out percentage– there are three options – the applicant can choose to build to that design standard; the applicant can pursue a variance or the applicant can review a text amendment, it is their decision. Staff also recommends that the northernmost parking lot be removed from this site plan and application; the applicant can apply for a separate special use permit for the separate parking lot. For the southern parking lot, staff requires that the applicant add a landscaped aisle-end to the southern lot's row of parking adjacent to the building and provide additional parking screening from the right-of-way for the southern and northernmost parking lot. Applicant needs to put in trees which requires MDOT approval.

Commissioner Hollifield moved to open the public portion of the hearing (Support: C. Madigan) and the motion carried unanimously.

**Mr. Cowan**, stated that they had originally applied last year but at the time the ordinance was not available to allow them to move forward with a new building; they have now adjusted the plan. The building will be located as far back as possible. It is a modest structure and with the passage of the new law, it gave them the opportunity for a new building. He added that they had conducted a neighborhood meeting to keep residents apprised. They plan to have parking one way in and out with no access to Kramer. Will seek a variance on frontage issue. Will cooperate with staff with any requirements – will sign an agreement not to use Kramer so that Kramer will be obsolete.

**Larry Simmons** – concerned about traffic and safety. These people don't live there.

**Mr. Lawrence** – feels that this is a great opportunity – he understands concerns of people on Kramer. Regarding marijuana – it's been around for 100 years – used to be called "hemp". He supports this request.

**Wm. Simmons** – also agreed that you have to live there to understand the traffic and trash problems. He is not against progress but is concerned about foot traffic and types of people hanging out.

**Brian Foley** – agreed that he is also not against progress but is concerned about traffic and trash.

Commissioner Dennis moved to close the public portion of the hearing (Support: M. Dunwoodie) and the motion carried unanimously.

Commissioner Dennis lives in neighborhood and hasn't been back-up of traffic the others have referred to. She wonders if it would be possible to just close Kramer since there is no reason to go there unless you live on the street. After some discussion by board members, Chair Jugenitz stated that the decision should not be based on potential way-in and out and not something we could discuss tonight. Wessler added that the most recent closures we had were at Park/Grove. We could have a neighborhood meeting and then make recommendations to City Council. Commissioner Dennis asked about funds for street closures and Wessler responded that in this case, the city would have to come up with the funds. After more discussion, Chair Jugenitz reminded the board that we should not predicate our decision making on such an eventual decision as a road closure.

Commissioner Zuellig asked if there was some way we could follow-up in the motion to acknowledge that it would be great to consider ideas for mitigation of traffic and closure of a road.

Commissioner Zuellig moved that the Planning Commission direct staff to do a separate resolution to explore and bring back to Planning Commission ideas for mitigating the traffic impact on the Bell/Kramer neighborhood of increase in commercial activity along the Huron corridor. The motion was supported by Commissioner Dennis and carried unanimously.

Commissioner Dunwoodie moved that the Planning Commission approve the Special Use permit for the Patient Station New Build at 539 S. Huron with the following findings and conditions:

Findings: The application is substantially in compliance with Sec122-324(b).

Conditions: Special Use approval shall be subject to approval of the site plan.

The motion was supported by Commissioner Talaga. A roll call vote was taken and carried with a vote of 5:3. Zuellig, Madigan and Simmons opposed.

Commissioner Dunwoodie moved that the Planning Commission approve the Site Plan for the Patient Station New Build at 539 S. Huron St. with the following finding and conditions:

Finding: The application substantially complies with Sec122-300.

Conditions:

1. Applicant to apply for a variance for the frontage build-out percentage
2. Private frontage design is out of compliance with private frontage standards.  
Note: "commercial frontage was designed for multi-story mixed use buildings. Prior ordinance had all commercial building types' frontages listed as both "permitted" and "required"; the bug-fix process appears to have corrected them all to "required". This is, effectively, an error in the text for the "single-story and "large single story" building types.
3. Remove the northernmost parking lot or apply for a separate special use permit for a separate parking lot.
4. Add a landscaped aisle-end to the southern lot's row of parking adjacent to the building

5. Provide additional parking screening from the right-of-way for the southern and northernmost parking lot.
6. Provide street trees, for administrative review.
7. Provide landscaping maintenance plan, for administrative review.
8. Approval subject to engineering review and approval.

The motion was supported by Commissioner Dennis. A roll call vote was taken and carried on a vote of 5:3. Zuellig, Simmons and Madigan opposed.

## **VI. NEW BUSINESS**

### **1. Firearms Sales Regulations: Local Options**

Planner Wessler stated that this discussion is about where we can zone and where we can sell firearms by transact – we have done so with other things that are highly protected. She stated that this has been done before, i.e free speech issues, which falls under adult regulated uses, as well as signage, etc. We can discuss where businesses buying and selling of firearms can be located. We can discuss if we would like them to be home occupations; we can talk about where would like to permit shooting ranges, indoor and outdoor. Some communities in Michigan do this and some do not. It looks like places that have had real or perceived issues with proliferation of firearms, i.e. Inkster is heavily regulated on where firearms can be sold.

After some discussion by board members, staff was directed to check into all of the above and look at mapping potential locations.

### **2. Resolution in Appreciation of Liz Dahl MacGregor**

Chair Jugenitz read the resolution in appreciation of Liz Dahl MacGregor who recently passed away suddenly. Commissioner Hollifield moved to approve the resolution with a change in the first line be changed to read “distinction and honor” (Support: T. Dennis). The motion carried unanimously.

### **3. Elections**

Commissioner Hollifield moved to elect Commissioner Dunwoodie as Chair of the Planning Commission (support: T. Dennis). The motion carried unanimously.

Commissioner Zuellig moved to elect Commissioner Talaga Vice-Chair of the Planning Commission (Support: T. Dennis). The motion carried unanimously.

Chair Jugenitz asked the City Planner to set up a short orientation for both of the above members on rules, etc. Chris Madigan announced that this will be his last meeting. He has accepted a job in Plano, Tx. Chair Jugenitz wished him well and thanked him for his time served on the board.

**VII. OLD BUSINESS**

**1. Medical Marijuana provisioning Centers: Increase in Buffer**

*Tabled from 3/21/2018 – Recommend continued postponement until State Action.*

**2. 307 N. River: Site Plan Review**

*Tabled from 5/16/2018 – Recommend continued postpone until next month.*

**VIII. FUTURE BUSINESS DISCUSSION/UPDATES**

307 N. River, Zoning Text Amendment, 11 N. Normal, Firearms Public Discussion, GC Marijuana

**IX. COMMITTEE REPORTS**

**1. Master Plan: Housing Affordability and Access subcommittee report**

None

**X. ADJOURNMENT**

Since there was no further business, Commissioner Zuellig moved to adjourn the meeting (Support: T. Dennis) and the motion carried unanimously. The meeting adjourned at 9:55 pm.