

**PLANNING COMMISSION
MEETING MINUTES
July 18, 2018
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:04 p.m.

II. ROLL CALL

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

Absent: P. Hollifield (excused)

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

III. APPROVAL OF MINUTES

Commissioner Dennis moved to approve the minutes of June 20, 2018 (Support: J. Talaga) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATION AND PUBLIC HEARING ITEMS

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

Staff report was presented by C. Kochanek, Preservation Planner, who stated that this is a request for approval of a three unit multiple family dwelling. It was tabled from the last meeting because of some concerns. Some new plans have been received which addresses these concerns; paving the lot, wheel stops, curbing on the southern end and not northern and better access for ADA spot. Still to be addressed are private frontages, as well as access to the barrier free space; they added a curbed island with a tree but doesn't quite meet what is required, needs to be closer to 160 sq. ft. Might be easier to put a tree somewhere else on the lot. There is still an issue with conflicting land use to the south; Staff would like to see some changes in fencing on the southern lot but if they are not receptive to that, they would require a variance. They are going to do a large picture window instead of a sliding door. Chair Dunwoodie asked staff to clarify the previous engineering review vs new engineering review, which Ms. Kochanek addressed adding that the engineer had approved the updated design with

some recommendations. Staff is recommending site plan approval subject to special use approval with findings, waiver and conditions.

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

Steve Hart, Midwestern Consulting – was in attendance to represent the applicant. He stated that a number of changes had been made including parking. The property is not habitable right now but it is a prime piece of property. They are proposing a 3 unit building. They made some changes as requested; parking, etc. which has shrunk the size of the home and that is why they are proposing a shared driveway. The applicant has no problem making into 3' walkway or reduce the width of the access aisle. The tree in the back is dictated on getting handicapped parking space. They could locate the tree to another part of the property but could be a conflict. In conjunction with that area, they are looking at providing an opaque barrier, maybe an evergreen. They do plan to use asphalt, which was an oversight on the legend. Lighting plan will meet ordinance requirements.

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

Commissioner Zuellig stated that this is a request for a special use and the reason for this is because they are requesting the third unit. It is her feeling that we should be scrutinizing the impact of the extra unit and making sure the site plan is meeting the requirements of our ordinance. On the right lot she would be supportive but everything she has heard shows every reason it could not be met is because the lot is too small or the number of units is too many. They could put in three smaller units but she is seeing a building that the new façade will actually be closer to the road than the adjacent building. This one is not lined up and while it meets the code, it would be noticeable on the street. She also questions the parking and feels that this does not meet the intent of a special use.

Chair Dunwoodie stated that a small lot does create a lot of logistical struggles but that being said, a lot of conditions would help. He is not concerned with the waiver. He added that if these conditions can logistically be met, he feels it can work in some fashion. Commissioner Jugenitz asked if we are proposing the same number of parking spaces as was discussed at last month's meeting, which was six, and Ms. Kochanek responded that the parking lot is driving a lot of the constraints adding that we asked for a waiver for one space because of the constraints. Commissioner Jugenitz stated that taking one space doesn't make much difference to buildable area but taking away two does make a difference. Commissioner Zuellig stated that if you only have five spaces back there you wouldn't have to pave the backyard. Commissioner Jugenitz said that this is one area where she would like to see more creativity exercised and try to bring it more in line with other standards we have. Ms. Wessler stated that the porch needs to conform to frontage requirements and she also added that parking setbacks could not be waived. Commissioner Jugenitz stated that she would like to have the applicant state if they did look at potentially limiting the number of spaces to five, moving the structure back, thereby avoiding any issues with it being out of accordance with street issues. Commissioner Dennis asked if we are waiving the porch requirement and Chair Dunwoodie responded that we are not.

Steve Hart, Midwestern Consulting, stated that on the front setbacks, three other houses to the south and one to the north would be in front of where they are proposing to put this house. He also added that they looked at several options on parking trying to make it work but could not get it to work. What they are proposing is the most compact plan they could come up with as far as parking is concerned, which he elaborated in more detail.

Commissioner Jugenitz stated that while she is supportive of adding density where we can, she is comforted that this won't be setting a new standard on how close it is to the right-of-way and there are other homes that project further. In an ideal world, this building wouldn't consume as much of the lot as it does, but is inclined to support based on the changes that the applicant has agreed to make in light of our comments last month.

After further discussion, Commissioner Jugenitz moved the Planning Commission approve the Special Use Permit for the three unit multifamily dwelling at 203 N. Summit 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 Dennis. A roll call vote was taken with a vote of 6:1 in support. Commissioner Zuellig opposed.

Commissioner Jugenitz moved that the Planning Commission approve the site plan for the three unit multifamily dwelling at 203 N. Summit with the following finding, waivers and conditions:

Finding:

1. The applicant substantially complies with Sec122-311.

Waivers

1. A waiver is permitted from Sec122-683(d), parking setback from adjacent lot, for the parking lot at a 0' setback, with a finding that such waiver shall be subject to staff review of storm water and landscaping proposed improvements and a finding of sufficiency

Conditions:

1. Applicant to place a front porch or stoop on the house, or extend the side porch around to the front to provide a front "joint entrance," and meet the private frontage requirements.
2. Applicant to provide architectural plans that satisfy all concerns regarding the front porch and sliding doors for staff review.
3. Applicant to provide a dedicated access for pedestrians and bikes to and from the back of the property.
4. Applicant to provide a front entrance to the structure or to apply for a variance to permit the door locations to remain as proposed on the side of the house.
5. Applicant to provide an executed easement for the shared access drive to the north and the south of site for staff.

6. Applicant to increase the size of the curbed island with the tree or to move the tree elsewhere internal to the site.
7. Applicant to provide curbing for aisle-ends and corners on the north end of the lot.
8. Applicant to provide staff with a lighting plan and cut sheets for lights for staff review.
9. Applicant to provide more details on the dumpster enclosure for engineering review and an executed shared use agreement for access.
10. Applicant to provide a visual buffer of at least 80% opacity and 6' height on the south side of the parking lot that meets the existing fence on the west or apply for a variance.
11. Applicant to address all engineering concerns as listed in the engineering review.

The motion was supported by Commissioner Talaga. A roll call vote was taken and carried with a vote of 6:1 in support. Commissioner Zuellig opposed.

2. Private Frontage Design – Text Amendment

Ms. Wessler, City Planner, gave a brief presentation. We have recently begun requiring private frontage design of our commercial single story buildings. The two commercial single story buildings that have come before us both have ended up seeking variances, which is not a good way to start off that requirement. So, looking at them and other buildings that are of a friendlier design in these particular zoning districts the GC and NC districts, staff is looking at a more commercial frontage for these two districts. Staff is recommending allowing the distance between openings be raised to 5' (a 3' difference); minimum ground floor transparency be reduced to 50% (reduction of 10%); and that the maximum height to bottom window be increased to 3' (from 2.5'). Not huge changes but would have been enough to avoid one of the variances that one of the applicants was asking for. Giving more ease and flexibility without totally opening things up. Commercial frontage design was designed with a downtown in mind, very pedestrian oriented. We do want the new construction to conform to some new frontage standard. It does have concessions in case it's a particularly hostile street to pedestrians; on frontages with more than 15,000 vehicles per day by latest count, on frontages with speed limits set at 35mph or more; all must be met. Planning Commission may choose to waive those requirements as they see fit to promote the health, safety, and welfare of the community, both its residents and its visitors.

This is just a first pass at this so would be happy to accept feedback.

Commissioner Jugenitz asked if there was something driving the 5' proposal and Ms. Wessler felt that it was an adequate distance for openings without feeling hostile. It can be very subjective. Commissioner Jugenitz feels very strongly about "eyes on the street" but the character of the general corridors in Ypsilanti are noticeably different than the feel of the center and is generally supportive of adopting the standards. Chair Dunwoodie asked for clarification on requirements before coming before the commission, which Ms. Wessler clarified. Standards for proposed amendments were noted in the staff report dated July 2018 and Ms. Wessler also gave some examples of traffic reports. Chair Dunwoodie was inclined to support this text amendment from staff but asked for further input from the board.

Since there was no further input, Commissioner Talaga moved that the Planning Commission recommend to City Council approval of the text amendment regarding private frontage design and the creation of a new private frontage design with the following findings:

1. The amendment is consistent with the guiding values of the Master Plan.
2. The amendment is consistent with the description and purpose of the districts.
3. The proposed amendment is consistent with the description and purpose of the districts.
4. The proposed amendment will enhance the functionality and character of the future development in the city.
5. The proposed amendment will help preserve the historic nature of the City.
6. The proposed amendment not negatively affect the City's natural features nor its environmental sustainability.
7. The proposed amendment will protect the health, safety, and general welfare of the public.
8. The proposed amendment corrects an oversight in the original text.
9. The proposed amendment will address a community need in development practices.
10. The proposed amendment will not result in the creation of significant nonconformities.

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

VI. NEW BUSINESS

1. Community Discussion – Traffic in the Bell-Kramer Neighborhood

City Planner Wessler stated that at the last Planning Commission meeting, we discussed the Special Use application for new commercial activity on S. Huron. A lot of the residents of the Bell/Kramer neighborhood were concerned about the increase in traffic in their neighborhood and increase in traffic at the gas station so they wanted ways to address. A couple of ideas that were discussed was to block Kramer St from S. Huron St to make the portion of Kramer St one way. Other things that were discussed was putting a sign saying "no right turns" from the Medical Marijuana or no left turns from the gas station. This was done at other locations and surprisingly seemed to work. Long term solutions could be speed bumps and as well as wait and see about their construction applications.

Chair Dunwoodie stated that since this is an item for community discussion, we should open the floor to the public. Commissioner Dennis moved to open the public portion of the hearing (Support: M. Simmons) and the motion carried unanimously. Since there was no input from the public, Commissioner Dennis moved to close the public portion of the hearing (Support: H. Jugenitz) and the motion carried unanimously.

Commissioner Jugenitz stated there is a lot of interest from the neighborhood and agreed with Ms. Wessler that we should monitor the situation while the construction is going on and see if there is any positive changes in traffic patterns, and if not, explore what the options are. Commissioner Jugenitz added that we should have community discussion at future meetings since there is a lot of interest from the neighborhood and would be good to monitor while the addition is under construction. People are concerned about this issue. Commissioner Dennis supports rescheduling. Ms. Wessler stated it was not noticed in the paper but neighborhood was notified and suggested we should be table until next meeting.

Chair Dunwoodie was concerned if next month would be adequate notification and asked about traffic data. Commissioner Dennis Toi asked about if a traffic study had been done and Ms. Wessler responded in the negative. She is not in agreement of blocking off the street but is in agreement with the one way. After further discussion it was agreed that we should revisit this in July 2019, which allows more time to see how it's going with construction. Commissioner Simmons added that we should not make a decision without the neighborhood input.

After further discussion, it was agreed unanimously to revisit this in July 2019 which would give us more opportunity to see how the construction is affecting traffic.

2. Firearms Sales Regulations – Local Options discussion

Ms. Wessler stated that at the latest Planning Commission meeting, staff was directed to assemble potential draft language restricting firearms sales in a manner similar to adult regulated uses; to restrict firearms sales as a home occupation; to map potentially permissible locations for such businesses; and similar legislation as fit. Any proposed legislation must also be reviewed by City Counsel, as there are many State and Federal laws that affect the field as well as case law that may impact draft legislation.

Two memos are included in the packets stating what other locations in Michigan do; non-zoning and zoning. The first one contains a potential regulation so some things for discussion are definitions of firearms sales and places for firearms establishments. Staff thinks Special Use in GC and Special Use in adjacent to residential and PMD with certain conditions would be reasonable. Firearms ranges could be located as a special use within the PMD district with different location restrictions and firearm sales and firearm ranges could be co-located and disallow home occupation of any use involving the distribution of firearms.

Most of that is based on the code of other communities as well as what we do for adult regulated uses and uses which the community has deemed problematic and that is mapped out in the first memo. There are not many locations in the city that are open for adult regulated use so staff had considered just including firearm sales as an adult regulated use because that was the limit – we could have one more, potentially two more, adult regulated uses.

Chair Dunwoodie asked about the differences between other adult regulated uses, etc. which Ms. Wessler provided in detail.

Staff is recommending that the item "any use involving the distribution of firearms or the storage of firearms intended for sale or distribution" as determined by legal counsel, be added to the list of Home Occupations. Staff also recommends Indoor Firearms Ranges be permissible as a Special Use within the PMD district, when not within 500' of public parks, daycare centers, grade schools, Eastern Michigan University, and the Center District, as well as 500' away from a store less than 15,000 sq. ft with sales of alcohol or a bar/lounge. Staff recommends 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; 500' away from pawn stores or secondhand goods dealers; 500' from a store less than 15,000 sq. ft with sales of alcohol, or a bar/lounge. Staff has not mapped these distances, and simply presents these for discussion.

Staff noted that Inkster has also produced a definition of “firearms sales establishment,” this excludes stores that sell firearms as only a portion of their overall business (ex. Meijer, Cabela, some ranges, etc). Staff believes that this definition would be sufficient for use in Ypsilanti upon review and acceptance by legal counsel.

Staff recommends that Chapter 82 be reviewed and potentially altered to limit the acceptance of firearms by secondhand goods establishments within the City.

Ms. Wessler stated that she was not directed to do an actual text amendment today but if the board wants to move to do that for the next meeting she could do that. Board members would like to include libraries and movies in the restrictions.

VII. OLD BUSINESS

1. 307 N. River – Site Plan Review

Commissioner Dennis moved to remove this item from the table (Support: M. Simmons) and carried unanimously.

Ms. Wessler stated that this is a site application for Cultivate Coffee. They are proposing formalizing an arrangement on the site which was constructed without permits. It’s been in operation for two years. Staff is recommending conditional approval with findings, waivers and conditions. Staff is also recommending fee in lieu of sidewalk along Photo – they either build a sidewalk or pay a fee in lieu of. Also want cut sheets for lighting – all outdoor areas shall be screened at all times.

Mark Wright, Bowers + Associates, representing Cultivate – the fifty feet provision is the most difficult one to address since parking on Photo is limited. The lighting is no problem and screening is no issue either.

Commissioner Jugenitz is well acquainted with this area and is strongly in favor of Option 1 because of the traffic patterns in that area. She is also concerned of the fire lane. She is also concerned about people parking into the right-of-way and should paint a line or do something to stop people parking. Chair Dunwoodie stated that he is in favor of Option 2. Many clarifications were asked by board members of staff who responded in detail. Chair Dunwoodie stated that we have a site plan in front of us that doesn’t have an option presented that meets all the requirements and any motion we make would have to include conditions that might not be logistically possible without a waiver or haven’t been logistically executed without a variance from ZBA, and as far as approving a site plan, would we have to pick one of the three? Ms. Wessler responded that any of the three would be contingent on engineering review and variances from ZBA. We generally don’t permit people to construct anything but sidewalks or street trees in the right-of-way so the parking islands extending into Photo would have to be discussed with DPS. Commissioner Jugenitz added more comments on parking and the three residences in the areas and still prefers Option 1. Commissioner Zuellig added that it would be helpful to have engineering weigh in on the option that has the driveway right across from Ninde.

After further discussion and comments by commissioners and review by staff on requirements for outdoor beer gardens, Commissioner Jugenitz moved to table this item for further review taking into consideration all of the comments and concerns by board members and staff (M. Simmons) and he motion carried unanimously.

2. Medical Marijuana Provisioning Centers: Increase in Buffer

No action – will continue to table.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

1. 539 S. Huron, 11 N. Normal, 2 N. Normal

IX. COMMITTEE REPORTS

1. Non-motorized Committee Report

Commissioner Talaga stated that they are updating the non-motorized plan and that they are looking for another member and asked if anyone else on the board would be willing to commit. Wessler added that it is a sub-committee and voluntary. Currently the plans are broken down into five categories and they are trying to combine them into three.

2. Master Plan – Housing Affordability/Access subcommittee report

Ms. Wessler stated that the Housing Subcommittee met last week. Heard presentations about backgrounds from two groups – they are scheduling their next meeting which would include how to proceed and what they want the end product to look like. Commissioner Dennis is behind on her summary reports but will start working on that. Commissioner Zuellig asked if the committee information is being posted on the website to which Ms. Wessler confirmed it is and how people can find on the website.

X. ADJOURNMENT

Since there was no further business, Commissioner McGadney moved to adjourn the meeting (Support: M. Simmons) and the motion carried unanimously. The meeting adjourned at 9:26 pm.