

**PLANNING COMMISSION
MEETING MINUTES
AUGUST 15, 2018
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: M. Dunwoodie, J. Talaga, P. Hollifield, H. Jugenitz, J. McGadney, M. Simmons

Absent: T. Dennis (excused)

Staff: Bonnie Wessler, City Planner
Cynthia Kochanek, Preservation Planner

III. APPROVAL OF MINUTES

Commissioner Hollifield moved to approve the minutes of July 18, 2018 (Support: J. Talaga) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. 11 N Normal – Special Use and Site Plan

Staff report was presented by B. Wessler, City Planner, who stated that this is a request for approval of a five unit dwelling. In 1971, property became 4 "student rooms," 3 efficiency apartments, one 1-bedroom apartment; this was accepted as legal nonconforming in the 1980s. In 2017 an inspection based on a tenant complaint showed four dwelling units: three apartments and one seven-bedroom roominghouse. The current owner is seeking a Special Use Permit to bring the building into compliance with a five dwelling units: 3 efficiency and 1 four bedroom.

Because this is a converted house, it does not meet the requirement for 8 parking spaces. With the use of discounts, only 4 are required. We are asking the Commission to grant waiver for 1 space. Due to the location, there is no value added by requiring all 8 spaces. Staff recommended Planning Commission approve the special use permit with finding, waiver, and conditions.

Chair Dunwoodie pointed out that the numbering is off in the conditions on the staff review.

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

Roberta Wojik-Andrews, 7 N Normal– 11 N Normal has been a continuing issue since she moved in in 2000. She does not have confidence in the new owners. Her main concern is the condition of the exterior and brought photos of the property. The property has been neglected since 2000; the roof is in bad condition. It is a great neighborhood and could be a great house. She wants to see the roof repaired, but is concerned that the building department cannot do anything if they do not see a leak. She is concerned that the building still received a certificate of compliance with the roof in that condition. The building also does not have gutters.

Regarding the upstairs unit, she requested that the 4 bedroom be limited to a 3 bedroom to allow for a living room. Otherwise it is effectively a roominghouse. There is a serious problem with the front porch because it acts as a “living room” because the residents do not have space inside. Front porches amplifies the sound. There is a large picture window that is part of an efficiency apartment and it is the only window for the apartment. This was the only unit that was not in very poor condition. She stated that she knew a former tenant of the room; the tenant felt trapped like she could not open her window or blinds because there were always strangers on the porch. She suggested having a trellis or something else to prevent them from congregating on the porch. She hopes that it will be fixed, taken care of, and painted not just primed. She has mostly just seen people with hand tools working on the house. She also noted that the house was owned by Charles Kettles who received a Medal of Honor and it deserves respect.

Ian Greenlee – spoke on behalf of the applicant. He has a four man crew and has 250 apartments in the area. They have a list of things to get done to bring it up to rental status. They have started painting, and plan for a new roof, new flashing, new fixtures, new interior paint, and new carpet. Inspection coming up soon.

Commissioner Simmons moved to close the public portion of the hearing (Support: J. McGadney) and the motion carried unanimously.

Commissioner Jugenitz asked staff if the four bedroom could be used as a roominghouse. Staff stated it would have to be rented not as a roominghouse. Jugenitz asked if there are tools that the city could use to ensure against an improper use. Staff responded that rental inspections and neighbor complaints are the main ways; a living room could be required as part of the special use conditions. Chair Dunwoodie noted that many of these complaints are more for the building department. Staff noted the building department is involved in the process and will deal with some of the concerns brought up by the neighbor, but not all. The commission discussed the possibility of requiring a living room as part of the conditions for a special use as well as definitions of a roominghouse and family. A living room could be a bedroom by definition. The commission also discussed the possibility of an alternative outdoor space. The commission did not have a problem with waiving the parking requirement. Commissioner Hollifield asked for clarification about the apartment layout. Staff passed around a delineated copy of the sketch floor plan.

After further discussion, Commissioner Jugenitz moved the Planning Commission conditionally approve the Special Use Permit for the SS Minnow Johnson at 11 N. Normal with the following finding and conditions:

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

Conditions:

1. Special use approval shall be subject to approval of the site plan. Applicant will acquire a full rental Certificate of Compliance within 6 months; this deadline may be extended once for up to six months by the Building Official if good cause shown.
2. Living quarters (shared living room) will be provided in the upper apartment.

The motion was not supported. Motion failed.

Commission McGadney moved that the Planning Commission conditionally approve the Special Use Permit for the SS Minnow Johnson at 11 N. Normal with the following findings and conditions:

Findings: The application is substantially in compliance with Sec. 122-324(b).

Conditions: Special use approval shall be subject to approval of the site plan. Applicant to acquire a full rental Certificate of Compliance within 6 months; this deadline may be extended once for up to six months by the Building Official for good cause shown.

The motion was supported by Commissioner Talaga. A roll call vote was taken with a vote of 3:3. Commissioners Dunwoodie, Jugenitz, and Simmons opposed. Motion failed.

Commissioner McGadney asked Commissioner Simmons why he opposed. Commissioner Simmons had concerns about the 4 bed unit effectively becoming a roominghouse.

Motion for a revote by Commissioner Hollifield (Support: J. Talaga). Commissioners Dunwoodie, Jugenitz, Simmons opposed. Motion failed again.

The commission discussed further about a shared living space with the possibility of having an exterior gathering area. Commissioner Jugenitz stated that a living room is a reasonable accommodation to get a Special Use Permit. Chair Dunwoodie thought this special use permit will add value to the neighborhood and the building.

Commission Talaga moved that the Planning Commission conditionally approve the Special Use Permit for the SS Minnow Johnson at 11 N. Normal with the following findings and conditions:

Findings: The application is substantially in compliance with Sec. 122-324(b).

Conditions: Special use approval shall be subject to approval of the site plan. Applicant to acquire a full rental Certificate of Compliance within 6 months; this deadline may

be extended once for up to six months by the Building Official for good cause shown.

The motion was supported by Commissioner Hollifield. A roll call vote was taken with a vote of 4:2. Commissioners Jugenitz, Simmons opposed. Motion carried.

Commissioner Talaga moved that the Planning Commission approve the site plan for SS Minnow Johnson at 11 N Normal with the following finding, waiver and conditions:

Finding: The applicant substantially complies with Sec. 122-310.

Waiver: Applicant is requesting a waiver from Sec. 122-691 for 20% of the parking requirement under Sec. 122-692 due to the location of the site in a walkable neighborhood near transit, with access to on-street parking.

Conditions:

1. Applicant to submit parking plan, including:
 - a. Clear and durable delineation of graveled parking area from remainder of lawn
 - b. Barrier free space
 - c. Location of mirror allowing incoming and outgoing traffic visibility, due to narrowness of drive
 - d. Bicycle parking
 - e. Proposed clear, paved, path of travel for pedestrians from sidewalk to each entrance.
2. Provide screening to the west.
3. Repair sidewalk and driveway apron.
4. Submit lighting cut sheets and lighting plan for staff review.
5. Build an enclosure for refuse area and submit a refuse removal plan.
6. Plant two street trees.

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

2. 2 N Normal – Special Use and Site Plan.

B. Wessler, City Planner, gave a brief presentation about the existing three unit, legal nonconforming. There was a fire on the property earlier in the year causing extensive damage. The owners are interested in expanding the second story by 200 sq. ft. over an existing first story addition. Since nonconformities cannot be expanded, they are seeking a special use permit for the expansion. Staff reviewed the sketch plan and recommended approval of the special use conditional to approval of the site plan with findings, conditions, and variances. Applicant also to seek a variance for the one parking space, as the property is required to have five.

Vincent Zhang, 800 Cliffs Dr - owner of building. He stated that the letter that was sent out stated that the building would be expanded to 4 units, but it is going to stay 3 units. Before the fire he spent \$60,000 renovating the two upstairs units and main floor. The balcony has been persistent issue because it was mainly used as trash storage and for smoking. Investigators

think the April fire was possibly caused from smoking. Owner wants to enclose the balcony, expanding the living space by 200 sq. ft. and combine the kitchen and living space into one area. He is not increasing bedrooms and plans to keep the same tenants that have lived there for ten years and is not adding any additional people. He is just trying to improve the space.

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

Roberta Wojik-Andrews—7 N Normal. She thinks the new owners have improved the building and are taking good care of it. She supported the project.

Staff noted that there is a letter enclosed on the topic. There was also a letter with 11 N Normal.

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

Chair Dunwoodie noted that since they are not introducing any additional units and are taking a shared outdoor space and insulating it from the neighbors, making it quieter, safer, and less messy he is inclined to approve with staff conditions. Given the location, parking does not seem to be a great concern.

Commission Talaga moved that the Planning Commission approve the Special Use Permit for the 3 units as shown for the 2 N Normal 2nd floor expansion project with the following finding and condition:

Findings: The application is substantially in compliance with §122-324(b).

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

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

Commissioner Jugenitz moved that the Planning Commission approve the site plan for the 3 units as shown for the 2 N Normal 2nd floor expansion project with the following finding, and conditions:

Finding: The application is substantially in compliance with §122-310.

Conditions:

1. Applicant to construct a trash can corral to contain and screen trash cans from the ROW.
2. Provide one bike parking hoop.
3. Update lighting and provide cut sheets for staff approval.
4. Add one small tree to the Congress frontage.
5. Remedy the weedy growth and keep the landscaping in a well-maintained condition.
6. Review adjoining sidewalks; repair any broken, heavily spalled, or heaved sections.
7. Seek a variance for parking.

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

3. 539-569 S Huron — Special Use and Site Plan

Staff report was presented by C. Kochanek, Preservation Planner, about the special use and site plan request for a parking lot as the principal use of a parcel. In June, planning commission conditionally approved a special use for the existing site plan and expansion for the medical marijuana dispensary. The applicant was advised by staff during the previous meeting to seek a special use for a parking lot as a principal use to the northeast of the new building, in the "parcel 1" area of the site. The applicant argues that the additional parking is needed for the larger building in order to accommodate the additional customers and employees and to be a "good neighbor". Staff is recommending conditional approval for the special use and site plan with conditions.

Commissioner Talaga asked if these parking spaces are taken into account in terms of the other parking. Staff advised that they treated the parking lot as a primary, separate use with additional requirements triggered. Commissioner Simmons asked about a buffer on the east side. Staff advised that there is a required setback, but the adjacent property to the east is the same zoning. They could require conflicting land use screening because the adjacent lot is vacant.

Dennis Cowan, Plunkett Cooney, on behalf of applicant, also present—the original site plan only allowed 120% (48 spaces) of required parking. They are seeking a special use because it is a very active business and they will require additional parking. There is a lot of traffic and not enough parking. They are anticipating have 15-25 employees on sight to deal with administrative documentation, taxes, and record keeping. They accept all 11 conditions and are proposing these additional spaces to be good neighbors and prevent people from parking in the neighborhood. They plan to minimize the look of a parking lot. It is an odd shaped lot so it is unlikely that it will look like a sea of parking.

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

Larry Simmons, 128 Bell – has a few concerns. There is no fencing around an existing hole on site creating a safety hazard. Traffic is still a concern: visibility, speed, volume, and parking. There is also an odor coming from the site, especially after it rains. He is concerned about the lack of oversight during the construction process. They need speed bumps and a way to prevent customers from entering the neighborhood.

Bryan Foley, 425 Ainsworth – There is a large hole that needs fencing and adequate lighting. With traffic coming off of I-94, there is a need to reduce high speeds. There is an issue with closing streets for emergency vehicles and school busses. There are lots of vehicles that park up and down Bell Street to go to the Patient Station. He asked the planning commission to walk around the neighborhood and talk to the neighborhood.

Cherissa Lamarr, 123 Bell—had a lot of concerns since before the last special use was approved. She anticipated many of these issues. Bell Kramer is a small, delicate neighborhood

and every change greatly impacts the area. Both entrances to the neighborhood are needed. There are already issues getting out of the neighborhood in winter due to the snow. Buses, emergency vehicles, and public transportation all need to use these entrances. Although this business does bring in a few jobs, and helps reputable people who need these services, it also attracts negative visitation. She lives in the middle of the neighborhood and does not feel safe going to her home and it has affected her peace of mind. The area is not well lit and the activity is constant. They feel like they have to fight for everything and that these things should have been considered before this. They are not opposed to speed bumps. There are bushes obstructing traffic visibility that have not been addressed for a long time.

William Simmons- stated that he is not against progress but requested that Planning Commission go to the neighborhood. People are being negatively affected. He stated that things are changing in the neighborhood.

Jay- Program Manager of Metro General Contractors – spoke to address some of the residents' concerns. The soil is not hazardous soil and he can forward test results. There is fencing around the job site and additional fencing can be added. There is soil erosion, sediment controls in process. They are taking measures to make the construction site safe.

Larry Simmons- Stated that there is no proper fencing on the area.

Jay - showed cell phone image of the fencing. They can add more fencing on the other side of the site.

Commissioner McGadney asked Jay if they talked to the residents. They spoke at a town hall meeting in the beginning of June. Residents wanted to put in speed bumps and that still has to be addressed.

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

Chair Dunwoodie asked to project the site plan. He also asked staff about the level of engineering oversight for active construction projects within the city. Staff responded that for site clearance all that is needed is the soil erosion permit. No furtherance of the site plan should happen before the approvals are final. During active construction, OHM provides construction oversight for excavation, storm, concrete, paving, etc. If site work is being completed beyond site clearing that is not permitted.

Chair Dunwoodie asked to project lighting plan and that plans was discussed. Commissioner Simmons pointed out that the residents are concerned about current lighting during construction. Dunwoodie asked staff about construction lighting requirements. These are unknown. Commissioner Simmons said there is no fencing between the neighborhood and the site.

The applicant clarified that the new road is only for construction. The rest of the fence could not be put up while they were putting in the road; the fence will be put up before the weekend. Stated that there is no construction happening, they had to remove dirt and the trees on site. There is also 24/7 security on site including the construction site.

The commission discussed traffic and access concerns as well and enforcement of the final site plan. Commissioner Hollifield wanted screening to the south along the back of the proposed building; however, that is out of this review. Commissioner Simmons proposed adding a condition to provide screening to the east of the proposed northern lot.

Chair Dunwoodie stated that this is a lot more parking than they would normally approve, but is okay with it if it will alleviate some of the parking and neighborhood issues. Chair Dunwoodie thanked the public for their willingness and patience to help figure out a solution that works for everyone. Commissioner McGadney added that they don't want people upset and that he wants to ensure that communication remains open.

Commissioner Simmons moved that the Planning Commission conditionally approve the Special Use Permit for the Patient Station New Building-Parking Lot at 539-569 S Huron with the following finding and conditions:

Finding: The application is substantially in compliance with §122-324(b).

Conditions:

1. Special use approval shall be subject to approval of site plan.
2. The applicant to provide a back-up plan for use of the extra parking if it ends up underutilized for staff review.

Commissioner Jugenitz supported the motion. A roll call vote was taken and motion carried unanimously.

Commissioner Simmons moved that the Planning Commission conditionally approve the Site Plan for the Patient Station New Build-Parking Lot at 539-569 S. Huron St. with the following finding and conditions:

Finding: The application substantially complies with §122-300.

Conditions:

1. Applicant to provide 5 additional bike spaces in the northern lot, half of which must be provided year-round.
2. Applicant to provide 4 barrier-free spaces in the northern lot.
3. Applicant to provide 9' x 18' parking spaces or move the landscaping on the north side of the lot 5' or more from the curb.
4. Applicant to provide a 5' walkway from parking lot to the sidewalk and a raised/marked crosswalks within parking lot for access to building and parking lot to the south.
5. Applicant to reduce the internal access point to the northern lot to 30' or less.
6. Applicant to increase the setback from the adjacent easterly lot to the required 10'.
7. Applicant to provide an additional tree internal to the parking lot.
8. Applicant to provide a curbed island at the east end of the internal parking spaces.
9. Applicant to install a 3'-4' screen of 80% opacity where the parking lot is visible from ROW.
10. Applicant to provide a sidewalk along the northern property line.

11. Applicant to adjust the lighting foot-candles in the north lot to meet the zoning requirements and resubmit lighting plan for staff review.
12. Applicant to provide street trees, for administrative review
13. Applicant to provide landscaping maintenance plan, for administrative review.
14. Applicant to provide visual buffer of at least 80% opacity and 6' height on property line to the east.

Commissioner Talaga supported the motion. A roll call vote was taken and the motion carried unanimously.

VI. OLD BUSINESS

1. 307 N River – Site Plan Review.

No action – will continue to table.

2. Medical Marijuana Provisioning Centers: Increase in buffer

No action – will continue to table.

VII. NEW BUSINESS- none

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

1. 445 S. Huron
2. Parking requirements
3. Additional materials received during meeting – staff to urge applicants and public commenters to submit all materials prior to the meeting to allow other audience members to view them.

IX. COMMITTEE REPORTS

1. Non-motorized Committee Report

Did not meet in July. Commissioner Talaga stated that they are updating the non-motorized plan. They plan to have a draft before September. They are looking for another member and asked if anyone else on the board would be willing to commit.

2. Master Plan – Housing Affordability/Access subcommittee report

Commissioner Talaga expressed interest to be on the Housing Affordability Committee. Next meeting is on Tuesday, August 21.

X. ADJOURNMENT

Since there was no further business, Commissioner Hollifield moved to adjourn the meeting (Support: M. Simmons) and the motion carried unanimously. The meeting adjourned at 9:17 pm.