

**Approved Meeting Minutes
Planning Commission
Wednesday, March 16, 2022 – 7:00 P.M.**

**City Hall- Council Chambers
1 S Huron St, Ypsilanti, MI 48197**

I. Call to Order

II. Roll Call

Matt Dunwoodie, Chair	P
Michael Simmons, Vice-Chair	P
Marc Arthur	P
Eric Bettis	P
Mike Davis Jr.	P
Jessica Donnelly	P
Phil Hollifield	P
Carl Schier	P

Motion to approve the Agenda.

Offered By: Donnelly; Seconded By: Hollifield

Approved: Yes – 8; No – 0

III. Approval of Minutes

- February 2022 Meeting
 - Motion to approve the February 2022 meeting minutes.
 - Offered By: Davis Jr; Seconded By: Bettis**
 - Approved: Yes – 8; No – 0**

IV. Audience Participation

*Open for general public comment to Planning Commission on items for which a public hearing is not scheduled.
Please limit to three minutes.*

Motion to open audience participation.

Offered By: Bettis; Seconded By: Hollifield

Approved: Yes – 8; No – 0

Motion to close audience participation.

Offered By: Donnelly; Seconded By: Davis Jr

Approved: Yes – 8; No – 0

V. Committee Reports

- Non-motorized Advisory Committee
 - Commissioner Davis Jr. provide the committee update.
 - 2021 Annual Report
 - March Meeting Minutes

VI. Presentations and Public Hearing Items

- Special Use Permit and Site Plan Review: Marijuana Growing/Processing Facility and Safety Compliance Facility at 12 E Forest Ave

Staff presentation by the City Planner.

Candice Briere, Steve Dumont and Ted Hirsch were present to answer questions about the project. According to the applicant, the easement issue is being worked on. They need to follow security requirements set by the State, which are very stringent. The site will not have dumpsters. Odors will not permeate on the site itself. There will be seven suites within the building. The applicants also discussed plans for gutters and their water retention system.

- *Public Hearing*

Motion to open the public hearing.

Offered By: Hollifield; Seconded By: Donnelly

Approved: Yes – 8; No – 0

- A letter from Gregory Elliott was read to the Commission. He had concerns about the easement to access his property.
- A letter from Karen Gnagi was read to the commission. This comment expressed concerns over parking proximity to the train tracks, noise, traffic, and theft.
- An email from Peter Thompson was read to the commission. This email addressed water drainage issues at the north end of the building.
- Emily on Zoom asked what the hours of operation will be, and expressed concerns over speeding and traffic especially with the addition of the cannabis facility at the 2-4 W. Forest Ave.
- James Oyler on Zoom would like more information and has concerns with the northeast corner of the property where there is no fence.
- Olivia Alman on Zoom reiterated the concerns with the northeast corner, but would also like to see more screening at Forest and Norris. There are people crossing from the property and looking through windows. It is also an eyesore.

Motion to close the public hearing.

Offered By: Donnelly; Seconded By: Bettis

Approved: Yes – 8; No – 0

The applicant addressed the hours of operation. It will depend on the tenants, but it will follow state regulation. There will be low noise. The applicant is happy to figure out fencing. The applicant also discussed parking and sidewalk clarifications.

Motion to approve the Special Use Permit for marijuana growing/processing and marijuana safety compliance uses at 12 E Forest Ave with the following findings and conditions:

Finding:

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

Conditions:

1. Special use approval shall be subject to approval of site plan.
2. Different marijuana uses shall be separated into separate suites and shall comply with MRTMA and MRA's administrative rules.
3. Odors shall not cross the site's property lines.

Offered By: Donnelly; Seconded By: Hollifield

Approved: Yes – 7; No – 1 (Schier)

Commission Schier's reason for opposition- does not approve special use permit in relation to the site plan and that a postponement would be preferred.

Motion to approve the Site Plan for 12 E Forest Ave with the following findings, waivers, and conditions:

Findings:

1. The site plans substantially comply with §122-311 and the zoning ordinance.
2. The approval of the site plans does not constitute MDOT approval to encroach within the rail right-of-way.

Waivers:

1. Due to the natural slopes and the thick brush, Planning Commission waives the screening requirement of 122-634 for the northern half of the site where the steep slopes are located, in accordance with 122-641.

Conditions:

1. Applicant shall ensure no downspouts or drainage flow onto the Forest Ave sidewalk.
2. Applicant shall replace and extend fencing that includes a locked access gate from the northeast corner of the building to the northeast property line in accordance with the Historic District Commission requirements.
3. Site plans shall undergo detailed engineering review.
4. Applicant shall obtain MDOT approval for permission to encroach into MDOT rail right-of-way for site improvements including but not limited to parking lot, fencing or screening, and landscaping. If permission is not granted, in part or in whole, then applicant shall resubmit a new site plan for Planning Commission review.
5. Applicant shall obtain easement holders' permission for work within easement as presented in the site plans, or applicant and easement holders shall agree upon and record a revised easement that widens the extent of the easement for continued access to 609 and 611 Norris.
6. Applicant shall detail site's trash/refuse plan.
7. Applicant shall confirm lighting fixtures are dark sky compliant.
8. Applicant install sidewalk along full frontage of Norris St, and provide crosswalk across Norris St to connect to the rest of the sidewalks in the area.
9. Truck turning details or template shall be provided on site plans.
10. Landscaping near curb-cut shall not affect required traffic visibility requirements in §122-675.
11. Wheel stops or curbing shall be provided to prevent vehicles from encroaching into the private sidewalk.
12. Applicant shall designate the 7 parking spaces against the private sidewalk near the building (east side of northern portion of lot) as small car parking spaces.
13. Applicant provide a solid concrete or masonry wall 6' in height be added to screen the loading space at the southeast portion of building.
14. Applicant shall provide fencing or 80% opaque landscaping screen along the entirety of the western property line.
15. Applicant shall provide 13 street trees, or provide fee-in-lieu.
16. Landscape plan's species list shall be approved administratively to ensure no plantings are invasive species and are hardy to Washtenaw County.

Offered By: Donnelly; Secoded By: Bettis

Approved: Yes – 6; No – 2 (Hollifield, Schier)

Commissioner Hollifield's reason for opposition- Too many conditions for the site plan to be approved that he would have supported postponement to give the applicant time to work out the MDOT encroachment and the easement with the neighbors.

Commissioner Schier's reason for opposition- Concurred with Commissioner Hollifield's reasons and would have preferred a postponement.

- Special Use Permit and Limited Site Plan Review: Marijuana Retailer at 539 S Huron St

Staff presented request for the curbside use extension which was also extended at the December 2021 meeting. Staff believes that this is no longer a temporary use.

Jeffrey Schroeder represented the applicant.

- *Public Hearing*

Motion to open the public hearing.

Offered By: Donnelly; Seconded By: Hollifield

Approved: Yes – 8; No – 0

Staff read a letter on behalf of the Planning Department from Ypsilanti Township. The Township has received numerous complaints about traffic safety stemming from back-ups caused by the Patient Station.

Motion to close the public hearing.

Offered By: Hollifield; Seconded By: Donnelly

Approved: Yes – 8; No – 0

Commissioner Dunwoodie agreed that another extension is no longer temporary. The traffic circulation plan is contributing to car stacking on S Huron. The current design is partially the reason for backup. No drive throughs are allowed in the city, except as special uses in GC. Commissioner Hollifield said he leans towards greater good vs. ordinance.

Commissioner Arthur pointed out that there are plenty other places for people to get cannabis in the city. He doesn't want to hurt the business, but it's not worth impacting traffic.

Commissioner Donnelly stated that she just saw 10-15 cars stacked up on the way to this meeting. It is a daily issue. There has to be a better solution.

Commissioner Davis Jr. stated that mask mandates are lowering, weather is nicer, people can park, walk or drive to the location.

Commissioner Simmons acknowledged the applicant stated they will not be opening their new building for months and this extension is for 90 days. Wondered about the next 90 days, and the next. At some point the Commission needs to follow the ordinance.

Commissioner Donnelly wondered if they could table this request until the next meeting.

Commissioner Dunwoodie responded that the applicant's ability to continue this expires tonight. Staff has given many chances. This is no longer temporary. There have been multiple 90 day warnings, and the applicant has not come up with an alternate solution in the meantime.

Motion to approve the denial of the Special Use Permit expansion for the Patient Station at 539 S Huron with the following findings:

1. Curbside service was approved as a temporary use in September 2021 and December 2021; renewing such temporary use is not within the intent of the Zoning Ordinance Section 122-335.
2. The continuance of the special land use in this manner presents unreasonable adverse impacts on the transportation system per Section 122-324(b)(4) and poses safety issues with backups onto S Huron St.

Offered By: Davis Jr; Seconded By: Bettis

Approved: Yes – 6; No – 2 (Hollifield, Simmons)

Motion to approve the denial of the amended site plan for the Patient Station at 539 S Huron with the following findings:

1. The curbside area is beyond temporary, and application's corresponding special use permit application is not consistent with the intent of the Zoning Ordinance Section 122-335.
2. The application does not substantially comply with §122-311.
3. The size of the curbside service may provide issues for access to the parking spaces, including the barrier-free space.

Offered By: Davis Jr; Seconded By: Bettis

Approved: Yes – 6; No – 2 (Hollifield, Simmons)

VII. Old Business

VIII. New Business

- Huron River Drive Reconstruction Plan
Presentation by Bonnie Wessler
- Capital Improvement Plan 2022 Draft
Presentation by Bonnie Wessler

RESOLVED BY THE PLANNING COMMISSION:

WHEREAS, the Charter of the City of Ypsilanti requires that Council adopt a Capital Improvements program on an annual basis; and

WHEREAS, the Planning Enabling Act requires that Council adopt a Capital Improvements program on an annual basis after Planning Commission review; and

WHEREAS, this Commission has duly completed its review; and

NOW THEREFORE BE IT RESOLVED THAT the Planning Commission hereby recommends that the City Council adopt the Capital Improvement Plan for FY2022/2023 through FY2028/2029.

Offered By: Simmons; Seconded By: Donnelly

Approved: Yes – 8; No – 0

IX. Future Business Discussion / Updates

Commissioner Arthur would like a staff presentation on PUD's in general.

X. Adjournment

Motion to adjourn.

Offered By: Donnelly; Seconded By: Arthur

Approved: Yes – 8; No – 0