

**CHARTER TOWNSHIP OF YPSILANTI
PLANNING COMMISSION MEETING
Tuesday, June 13, 2023
6:30 pm**

COMMISSIONERS PRESENT

Bill Sinkule, Chair
Elizabeth El-Assadi, Vice Chair
Gloria Peterson
Larry Doe
Muddasar Tawakkul

Caleb Copeland

Bianca Tyson

STAFF AND CONSULTANTS

Jason Iacoangeli, Planning Director

i. **CALL TO ORDER/ESTABLISH QUORUM**

MOTION: Mr. Sinkule called the meeting to order at 6:30 pm.

ii. **APPROVAL OF APRIL 25, 2023, REGULAR MEETING MINUTES**

MOTION: Ms. Peterson **MOVED** to approve the April 25, 2023, Meeting Minutes. The **MOTION** was **SECONDED** by Mr. Tawakkul and **PASSED** by unanimous consent.

iii. **APPROVAL OF AGENDA**

MOTION: Mr. Tawakkul **MOVED** to approve the proposed agenda. The **MOTION** was **SECONDED** by Mr. Doe and **PASSED** by unanimous consent.

iv. **PUBLIC HEARINGS**

- a. **Rezoning – 6016 Merritt Road – Parcel K-11-32-200-034** – to consider the rezoning application of Mr. Daniel Jurca to rezone the 10.010-acre parcel located at 6016 Merritt Road – Parcel K-11-32-200-034 from R1, one-family residential, to R-1, one-family residential with an agricultural overlay.

Mr. Iacoangeli addressed the Planning Commission and explained the request to rezone a 10-acre parcel from R-1, One-Family Residential to R-1, One-Family Residential with

an Agricultural Overlay, located at 6016 Merritt Road (K-11-32-200-034). There is currently a single-family home on the property with no agricultural activity.

All the surrounding parcels are zoned R1, and two parcels across the street on Merritt and Stoney Creek are vacant or used as an agricultural lot that is currently active. The parcel at 2840 is occasionally farmed and owned by the County Park System, and all the neighboring properties on Stoney Creek Road are zoned R1. This area of the township has been zoned for Agricultural Preservation. And the request is to permit the agricultural overlay district to include this parcel.

The applicant's request is to establish fruit trees, gardens, honeybees, and animals on the property. Mr. Iacoangeli informed the Commission that some of these pursuits are permitted under the current zoning, including keeping chickens and tilling a portion of the property for household consumption. Based on the current zoning standards, keeping outdoor animals would not be permitted on an R1 property. Properties located on the North and West of the property have overlay zoning and are part of the agricultural preservation area of the township. The category conserves agricultural lands for small, medium, and larger farms. The Agriculture Preservation area is intended to preserve agricultural lands and prime agricultural soils for farming, stabilize the farming economy, and promote economic development.

Mr. Iacoangeli shared with the Commission that it's clearly stated in the zoning ordinance that this overlay zoning district is intended only for existing farm operations. This overlay zoning district is intended only for existing farm operations when adopting this Zoning Ordinance or areas designated for farmland or open space preservation by the Master Plan.

These overlay zoning districts are meant to support existing farms and extend to them rights they don't otherwise have under the zoning ordinance to allow for uses that historically weren't allowed in the township zoning ordinance. Outdoor entertainment, commercial sales, wine-tasting rooms, and wedding barns are considered part of the outdoor or agricultural overlay district. Residents in the township can own chickens if they have an acre of land or more and are not located in a subdivision.

The agricultural overlay district is a toolbox extended to the existing farm operations providing them with opportunities that weren't otherwise afforded under the old ordinance (outdoor entertainment).

Mr. Iacoangeli expressed the planning department's hesitancy regarding the future intent of the farming operation on the property and keeping track of the progress over the years.

Mr. Iacoangeli stated Mr. Carlisle's points for the Planning Commission to consider:

- If the property is rezoned to the Agriculture Overlay, under the Right-to-Farm Act, the applicant would be permitted any farming use as permitted if the use meets the Generally Accepted Agricultural and Management Practices (GAAMPs). If rezoned to the agriculture overlay, the only way to limit the property's future use for farming and animal use is if the applicant were to voluntarily place conditions on the future use of the property.
- The size of the property, 10 acres, does not meet many GAAMP requirements for impactful uses, such as livestock farms.
- Mr. Carlisle has also provided the standards, impacts, and general safety requirements.

Mr. Iacoangeli stated that Merritt Road and Stoney Creek Road is an area with active agricultural pursuits, and changing the zoning wouldn't change that area's fabric too much. The recommendation from Mr. Carlisle is that if the Planning Commission finds that the potential farming and animal use on the property is limited and shall not negatively impact adjacent properties, they would recommend rezoning.

Mr. Tawakkul inquired if there is any agreement/contractual obligation to bind the homeowner; Mr. Iacoangeli stated that rezoning might have conditions, but it would be challenging to condition things with unforeseen nature.

Ms. El-Assadi clarified on the two acres for an orchard with a garden, honeybees, and chickens and the permit for farm animals; Mr. Iacoangeli stated that the issue is of extending a bunch of additional tools that come along with the agricultural overlay for a piece of property that is not active farm. The current permit allows chickens and tilling of the two acres. The garden is not permitted in the front yard (ordinance standards). The other obstacle is having farm animals.

Ms. Peterson inquired if the farm animals would be kept toward Rolling Hills, how many animals are intended, and how many acres that is used for the farming; Mr. Iacoangeli stated that it was up to the homeowner as to how many acres they would want, and the only limitation is with the garden. The township zoning ordinances state a garden cannot be in the front yard, but it is permitted in the rear yard.

The Planning Commission discussed this with Mr. Iacoangeli.

Mr. Jurca (Applicant: 6016 Merritt Road, Ypsilanti, MI 48197) shared with the Commission that he intends on having a couple of goats and chickens, fruit trees in the front, putting up some bees in the back yard, and a little garden on the other side of the house.

Ms. Peterson inquired about the number of goats/chickens and if they would be in a pen. Mr. Jurca stated two goats and about 20 to 30 chickens. The chickens would be kept within a fenced area with a chicken coop, and the goats would be restricted within a fenced area.

The Commission inquired if the produce was for home consumption; Mr. Jurca stated that the plan was also to sell eggs and milk. There is no plan for outer buildings except for the chicken coop and a shelter for the goats. The current plan is not to have a barn.

Ms. Peterson inquired if the number of animals would make a difference in the approval; Mr. Iacoangeli's recommendation is to permit the applicant to start his pursuits, and once the farm is established, the applicant can come back for the protection of the overlay district.

Ms. El-Assadi shared her view that there was nothing for the Commission to vote on since no farm had been established; Mr. Jurca stated that he wanted to keep all paperwork legal for him to have goats/chickens on the property.

Mr. Tawakkul informed Mr. Jurca (applicant) that about 90% of the plans he wanted could be executed except for the goats. Mr. Tawakkul's recommendation to the applicant is to establish the orchards and the chickens, and once it is established, the applicant can return to get the rezoning designation.

Mr. Jurca inquired if he intends to have other farm animals and giving him a permit right away would allow him to; Mr. Iacoangeli stated that it is too early for the Planning Commission to designate a farm operation when there isn't one yet. Ms. El-Assadi stated that according to the zoning, something must be established before granting any additional permit.

PUBLIC HEARING OPENED AT 6:59 PM

Gabe Stephen (6072 Merritt Road) stated that he has been a resident for 23 years, and based on what was stated earlier, the current purpose for the adjacent farmland that is off the applicant's property is there is no faction put into place to see this through without infringing on the adjacent farmland that was purposed for farmland. Mr. Sinkule stated it would be addressed later since it was a public comment session.

Mr. Stephen shared with the Commission that the applicant's semi-trucks on the property create a lot of noise when down the street. The other concern is that the area is not used for a truck stop since it is a residential area.

PUBLIC HEARING CLOSED AT 7:02 PM

Commission inquired if this was permitted, currently or in the future, to become an agriculture overlay, and how it would impact the adjacent properties; Mr. Iacoangeli stated that any farm that existed under the overlay district predominantly would not impact disruption to the neighbors. Merritt Road and Stoney Creek residents are aware of the seasonal need to put up with additional traffic and people in their neighborhood. The agricultural overlay district is meant to protect existing farms. For someone who has a long-standing history of raising farm animals, and when someone builds a subdivision next to it and then two years later, the people who move in there start complaining because it smells like manure, the overlay district, and the Right to Farm Act protect the farmer from nuisance lawsuits because they were there first. The state extends its rights based on that.

Mr. Iacoangeli's recommendation is for Mr. Jurca to come back in the future, once he is established, and to present a case again to extend the protections of the agricultural overlay district.

The Commission inquired about Mr. Jurca's semi-truck; Mr. Jurca stated that he is self-employed and uses his truck for transporting things for establishing the garden, and the area is not used as a truck stop.

The Commission and Mr. Iacoangeli discussed a motion of denial vs. no action. Mr. Iacoangeli stated that the applicant usually takes more than a year to establish the farm.

MOTION: Mr. Tawakkul **MOVED** to deny the rezoning request of a 10-acre parcel from R-1, One-Family Residential, to R-1, One-Family Residential with an Agricultural Overlay, located at 6016 Merritt Road (K-11-32-200-034) for the following reasons:

- Currently, there is no farming operation at this location.
- The applicant can apply after one year unless conditions have changed, or new information is provided to the Planning Department.

The **MOTION** was **SECONDED** by Mr. Doe.

Roll Call Vote: Mr. Tawakkul (Yes), Ms. El-Assadi (Yes), Mr. Doe (Yes), Mr. Sinkule (Yes), Ms. Peterson (Yes), Ms. Tyson (Yes), Mr. Copeland (Yes).

MOTION PASSED.

b. Special land use – Choice Hotels – Comfort Inn & Suites – 800 S. Hewitt

Road – Parcel K-11-18-100-022 – to consider the special land use permit application to permit the construction of a 78-room, 4-story hotel for a 2.7-acre site zoned RC – Regional Corridor with a site type C designation.

Mr. Iacoangeli addressed the Planning Commission and explained the request for a special conditional use application for a new Comfort Inn and Suites located at 800 South Hewitt Avenue. The applicant has a 2.7-acre parcel that is currently vacant. The petition to the Planning Commission is for a special conditional use and site plan approval for a new 78-room, four-story Comfort Inn, and Suites Hotel. The site is currently zoned Regional Corridor with a site type C designation. This site type allows for mixed-use and the use of the property as a hotel.

The Township Engineers and Consultants reviewed the plans with the following reports:

- OHM recommendation approval for this stage of the process.
- YCUA has recommended preliminary site plan approval.
- Ypsilanti Township Fire Department letter dated May 8, 2023, recommends preliminary site plan approval.
- Washtenaw County Road Commission has made no comments since they don't take issue with this project because it has access off a signalized intersection at the corner of Hewitt and US12.

Mr. Iacoangeli shared with the Commission on the special land use:

- The surrounding properties are all zoned RC regional corridor, and it's mixed in with the office and light industrial commercial uses.
- To the east, there is a medical office building.
- To the west, the master plan designation for this area is also a regional corridor, which permits uses such as a Comfort Inn and Suites since it's immediately adjacent to I94.

Site Plan Issues:

- Based on the woodland's summary, there were 54 trees surveyed, and 51 trees will be removed. The total replacement of trees required would be 51.
- No wetlands on the site.
- The building height in stories and feet did not comply with the current setbacks or ordinance requirements. This project requires a variance from the Zoning Board of Appeals for a four-story building that's 46.4 feet tall, above the 38 feet minimum requirement for this zoning district.
- The site is accessed via a shared private drive off S. Hewitt Road. The private drive is shared with the former Ford UAW building (Currently a medical office and Wendy's/ Tim Hortons)

- The applicant would install a pathway for the sidewalk along Michigan Avenue, which the ordinance requires.
- Parking and loading are 86 spaces; the requirement is 85 spaces. The applicant does not provide a loading space on site. The Planning Commission may waive the loading space requirement. A requirement for a hotel, the front vestibule area typically serves as a loading and unloading zone. The loading and zone requirements are for commercial properties like retail or restaurant-type businesses where periodically, a larger truck will make deliveries, and there needs to be an area for that. These types of hotels don't have periodic or daily or weekly large truck deliveries. The requirement for a loading and unloading zone for a hotel is minimal.
- The applicant has addressed the required lighting for the site. They indicate ten proposed parking lot lights on 25-foot poles. The fixed light fixtures will be underneath the canopy, and the photometrics meet all the ordinance requirements.
- All exterior lighting fixtures in non-residential districts shall be turned off between 11:00 p.m. and sunrise, except where used for security purposes or where the use of the property continues after 11:00 p.m. The applicant has added a note to the plans that indicate lights will be turned off after hours or can be dimmed.
- The landscaping requirements have all been met except for the tree mitigation based on the woodlands survey.
- Along the western elevation, 30% transparency is required, and the applicant only provides 11%. The applicant shall either increase transparency or seek a variance from the Zoning Board of Appeals.
- The trash enclosure is screened with a masonry wall.
- Hotel use requires a Special Use Standards for Special Use review as set forth in Section 1003:
 1. Will be harmonious and in accordance with the objectives, intent, and purpose of this ordinance.
 2. Will be compatible with the natural environment and existing and future land uses in the vicinity.
 3. Will be compatible with the Township master plans.
 4. Will be served adequately by essential public facilities and services.
 5. Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare.
 6. Will not create additional requirements at public costs.

Mr. Iacoangeli informed the Commission that Carlisle Wortman had reviewed the items and stated that West Michigan Avenue includes a mix of uses, including commercial and office and institutional uses. This use would be complementary to the surrounding uses, including the budding Wendy's location that is off I94, and is appropriate for this type of use.

Regional mixed-use corridor areas are located along the busiest corridors, supporting a high volume of local and regional traffic. This area may include large national chains, regional retailers, and auto-oriented users that draw customers regionally and locally. Compared to neighborhood mixed-use corridor areas, they are high-intensity and feature the largest scale of commercial development. Provided the site plan issues are addressed, we find that the use complies with the Master Plan. Public utilities, highways, streets, police fire protection, and drainage adequately serve the use. The use is not detrimental or hazardous to the neighbors. And the use will not create additional requirements of the public cost.

Carlisle Wortman's recommendation to the Planning Commission for the approval of the preliminary site plan with the following report:

- Planning Commission to consider loading space waiver.
- Applicants request to pay into the tree fund.

Planning Commission approves the special conditional land use and preliminary site plan with the following conditions:

- Obtain necessary variances from the Zoning Board of Appeals.
- Any additional conditions as discussed by the planning commission, especially the tree replacement.
- The township has a policy now codified for the requirement for cameras and a license reader as part of the special conditional use.

Ms. El-Assadi inquired about the elevation requirements; Mr. Iacoangeli stated that 30% transparency is required along the western elevation, and the applicant only provides 11%. Based on the nature of a hotel, you cannot make all of it glass. There must be a window for each room.

PUBLIC HEARING OPENED AT 7:26 PM

Louis Fries said he supported the project because it would improve the northwest area and bring jobs around the Ypsilanti Township.

Mr. Fries was concerned with his property; Mr. Sinkule stated that it would be addressed separately by the Planning Department.

Tina Steven shared her concern about the road condition. Michigan Avenue is under construction from I94, and with the additional traffic already in the area with an added four-story building with a parking area, the main concern is the traffic that can develop. Mr. Iacoangeli stated that the County Road Commission had reviewed the anticipated traffic pattern for the hotel. The travelers would come off at I94 and use the interchange at US12, and they don't anticipate any traffic.

PUBLIC HEARING CLOSED AT 7:30 PM

Ms. Peterson inquired about the commencement of the project. Mr. Iacoangeli stated that the project had started before COVID. When COVID happened, many of the hotel projects went away. The applicants are the first ones to come back to pursue the project.

Mr. Patel (applicant) shared with the Commission that they plan to have seven to ten employees. Depending on the approval process and the construction documents, the plan is to have the breaking ground by the end of 2023. It would typically take 12 to 18 months to complete depending on any unforeseen circumstances that may happen. If the project starts in October 2023, the plan is to complete it in April 2025.

Mr. Tawakkul inquired about how many hotels are being managed; Mr. Patel said this would be their third hotel. The existing ones are in Hillsdale and Jackson.

The Commission extended its appreciation on behalf of the township for the job opportunities the hotel would bring.

Mr. Patel shared his concern on the transparency variance since the west side is the back house facilities (laundry), and from a practical standpoint, it would be hard to put windows for the laundry rooms.

MOTION: Mr. Tawakkul **MOVED** to approve the special land use permit approval for construction of a 78-room, four-story Comfort Inn and Suites for a site zoned RC – Regional Corridor with a Site Type C Designation, located at 800 S. Hewitt Road, Parcel K-11-18-100-022, with the following conditions:

- 1) The applicant shall obtain required variances from Zoning Board of Appeals.
- 2) Applicant shall address all outstanding comments from reviewing agencies prior to Final Site Plan approval.
- 3) Applicant shall obtain all applicable internal and outside agency permits prior to construction and any other condition based upon Planning Commission discussions.

The **MOTION** was **SECONDED** by Mr. Doe.

Roll Call Vote: Mr. Tawakkul (Yes), Ms. El-Assadi (Yes), Mr. Doe (Yes), Mr. Sinkule (Yes), Ms. Peterson (Yes), Ms. Tyson (Yes), Mr. Copeland (Yes).

MOTION PASSED.

v. **OLD BUSINESS**

None to report.

vi. **NEW BUSINESS**

- a. **Preliminary site plan – Choice Hotels – Comfort Inn & Suites – 800 S. Hewitt Road – Parcel K-11-18-100-022** – to consider the preliminary site plan application to permit the

construction of a 78-room, four-story hotel for a 2.7-acre site zoned RC – Regional Corridor with a site type C designation.

MOTION: Mr. Tawakkul **MOVED** to approve the preliminary site plan approval for construction of a 78-room, four-story Comfort Inn and Suites for a site zoned RC – Regional Corridor with a Site Type C Designation, located at 800 S. Hewitt Road, Parcel K-11-18-100-022, with the following conditions:

- 1) The applicant shall obtain required variances from Zoning Board of Appeals.
- 2) Applicant shall address all outstanding comments from reviewing agencies prior to Final Site Plan approval.
- 3) Applicant shall obtain all applicable internal and outside agency permits prior to construction and any other condition based upon Planning Commission discussions.

The **MOTION** was **SECONDED** by Mr. Doe.

Roll Call Vote: Mr. Tawakkul (Yes), Ms. El-Assadi (Yes), Mr. Doe (Yes), Mr. Sinkule (Yes), Ms. Peterson (Yes), Ms. Tyson (Yes), Mr. Copeland (Yes).

MOTION PASSED.

vii. **OPEN DISCUSSIONS FOR ISSUES NOT ON AGENDA**

A. **Correspondence received.**

None to Report.

B. **Planning Commission members**

None to Report.

C. **Members of the audience**

None to Report.

viii. **TOWNSHIP BOARD REPRESENTATIVE REPORT**

None to Report

ix. **ZONING BOARD OF APPEALS REPRESENTATIVE REPORT**

None to Report

x. **TOWNSHIP ATTORNEY REPORT**

None to Report

xi. PLANNING DEPARTMENT REPORT

Mr. Iacoangeli informed the Planning Commission about the office addition to an apartment complex located on Forest Avenue, which would be presented at the next meeting. The existing home would be torn down and replaced with an office for the apartment complex. Mr. Iacoangeli stated that the ordinance amendments would be back. The plan is to request the Planning Commission to set a public hearing for the second meeting in July.

xii. OTHER BUSINESS

None to Report.

xiii. ADJOURNMENT

MOTION: Ms. El-Assadi **MOVED** to adjourn at 7:41 pm. The **MOTION** was **SECONDED** by Mr. Doe and **PASSED** by unanimous consent.

Respectfully Submitted by: Minutes Services