

CHARTER TOWNSHIP OF YPSILANTI
PLANNING COMMISSION MEETING
Tuesday, March 12, 2023
6:30 pm

COMMISSIONERS PRESENT

Elizabeth El-Assadi
Gloria Peterson
Larry Doe
Bianca Tyson

STAFF AND CONSULTANTS

Fletcher Reyher, Planning and Development Coordinator
Megan Masson Minock, Carlisle Wortman
Dennis McLain, Township Attorney

• **CALL TO ORDER/ESTABLISH QUORUM**

MOTION: Ms. El-Assadi called the meeting to order at 6:31 pm.

• **APPROVAL OF DECEMBER 12, 2023, REGULAR MEETING MINUTES**

MOTION: Mr. Doe **MOVED** to approve the December 12, 2023, regular meeting minutes. The **MOTION** was **SECONDED** by Ms. Peterson and **PASSED** by unanimous consent.

• **APPROVAL OF AGENDA.**

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

• **PUBLIC HEARINGS**

SPECIAL LAND USE – HEWITT PROPERTY, LLC – 617 SOUTH HEWITT ROAD – PARCEL K-11-39-252-007 – TO CONSIDER THE SPECIAL CONDITIONAL USE PERMIT APPLICATION OF HEWITT PROPERTY, LLC TO PERMIT THE CONSTRUCTION OF A GAS STATION CONVENIENCE STORE FOR A 0.773-ACRE SITE ZONED GB, GENERAL BUSINESS.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented to the Commission a special land use application to permit the construction of a 3,987-square-foot gas station and convenience store to be located at 617 South Hewitt Road, Ypsilanti, Michigan. The site is currently zoned general business (GB) and is approximately 0.773 acres. This development would have 12 gas pumps.

Mr. Fletcher Reyher presented the Commission with an aerial view of the property in discussion.

Mr. Fletcher Reyher told the Commission that the site is at the intersection of East Ellsworth Road and South Hewitt Road. To the north of the property, the parcel is vacant (Zone: RM-LD Multiple Residential Family Low Density); South is Single Family Residential (Zone: GB - General Business); East is Single Family Residential (Zone: GB - General Business); West is Retail/Commercial Center (Zone: GB - General Business).

The Master Plan designates this site as a Neighborhood Transition District. Neighborhood Transition Districts are designated for multiple-family housing, commercial and office uses but can also include single-family homes and civic public spaces. Uses are to be compatible with the existing areas and respect adjacent neighborhoods. The district is intended to serve as a transition from Neighborhood Preservation to more intense uses.

Mr. Fletcher Reyher told the Commission that the parcel previously had a single-family home on the property. The home was demolished in January of 2022. The lot has a few mature trees and is currently stabilized with grass.

The Planning Department's Analysis of the special land use is as follows:

- The Planning Department feels that the use of the corner property is too intense of use considering the Master Plan designation of the area as a Neighborhood Transition District.
- This area of the community is designated for a mix of housing and local businesses that cater to the direct needs of the adjacent neighborhoods.
- The Planning Department's opinion is that gas stations are suited to major commercial corridors and interstate interchanges.
- The Washtenaw County Road Commission classifies Hewitt Road as a Minor Arterial. A Minor Arterial is defined as a road that connects Primary arterial and carrier vehicles across a community at a moderate length. Gas Stations are better suited for larger primary arterials such as Michigan Avenue (South) and Washtenaw Avenue (North) of the property.

- Hewitt and Ellsworth have developed as a neighborhood commercial district (across the street, there is a commercial center and Dunkin Donuts). Some commercial users supply the residents of the nearby neighborhoods with goods and services.

As part of the review, the following are the standards from Sec. 1003 - Standards for Special Land Uses:

1. The gas station will be harmonious and in accordance with the objectives, intent, and purpose of this Ordinance: The Planning Department's view is due to the size of the parcel and the location of this property that a Gas Station and C-Store is not harmonious with the intent and purpose of the Ordinance in that a special land use for a Gas Station with a Convenience Store is better suited to major arterial roads and interstate interchanges. Only Ellsworth is designated as a primary arterial. The Washtenaw County Road Commission designates Hewitt as a minor arterial.
2. The development will be compatible with the natural environment and existing and future land uses in the vicinity: The parcel is Master Planned as a Neighborhood Transition District. A Gas Station is too intense to be in an area of the Township designated to be a transition from a commercial corridor to a neighborhoods. The Master Plan calls for transitional uses like multiple-family housing, office space, and neighborhood-scale businesses.
3. The use will be compatible with the Township master plans: The neighborhood transition districts act as a buffer between more intense uses in neighborhoods. Neighborhood Transition District contemplates medium-intensity land uses that separate regional commercial corridors like Michigan and Washtenaw Avenue from Township neighborhoods. The uses stated in the Master plans include Multiple Family Housing, Office, and Neighborhood Business Uses.
4. The project would be adequately served by public utilities and infrastructure based on the location: The project would be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies are responsible for the establishment of the proposed use.
5. Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare: The Planning Department's opinion is that the project would disturb the existing and future neighboring uses as a gas station is a use that does not fit into a transition district. Hewitt Road goes from two lanes to one lane north of Ellsworth Road, and this, in the opinion of the Planning Department, would create a hazardous condition with traffic only being able to exit the gas station. This will create a hazardous condition for vehicles and pedestrians based on the existing road configuration.
6. Will not create additional requirements at public costs for public facilities and services that will be detrimental to the community's economic welfare: The site

does have the potential to increase the calls for service to the property in the case of car crashes and accidents. Currently the site is not developed for the Planning Department to verify.

Megan Masson Minock - Carlisle Wortman Associates shared with the Planning Commission the following:

- The west side of Hewitt has commercial and auto-oriented uses. The east side is noncommercially oriented, which causes a transition.
- One of the challenges is the consideration of the existing land uses on the ground and the review of whether it's appropriate to have a gas station in the proposed location.
- The future land use plan designates the proposed site as a Neighborhood Transition District, which is described as: Neighborhood transition districts are multiple-family housing, commercial and office uses, but can include single-family homes and institutional/civic uses and spaces. Uses shall be compatible with the existing areas and respect adjacent neighborhoods.
- The intended uses for the neighborhood district that are listed in the master plan, a gas station or auto-oriented uses, are not part of the list.
- The listed uses are for convenience, retail and services businesses, single-family residential, general and office medical, public and institutional facilities, public parks and open space and attached residential or multiple families.
- The design considerations for neighborhood transition districts include that new development shall be reviewed on a case-by-case basis to respect the existing scale and character of the surrounding areas.
- If the Planning Commission decides to approve, the following points must be considered: the location of the area and the design that should be on the site to respect the scale and the character of the surrounding area. Ensure that the other design considerations for the appropriate transition of the intensity of uses and scale to adjacent single-family neighborhoods. New single-family development shall mirror design patterns of Neighborhood Preservation areas. Walkability and non-motorized connections within and to Neighborhood Transition Districts are essential to maintaining neighborhood character and access to daily needs and services. Each neighborhood's unique character must be respected and preserved.

Megan Masson Minock - Carlisle Wortman Associates' suggestion to the Planning Commission is to consider if an automobile-oriented use is consistent with the intent of the Neighborhood Transition area. If it is consistent, the Planning Commission should consider if site amenities and/or architectural details could be provided to soften auto-oriented use on adjacent properties.

Floor plans and elevations have been provided. The materials include a mix of brick, metal siding, masonry blocks, storefront glass, and E.I.Fs. The plans were not clear, and the applicant was encouraged to match the material use and architectural style of the development to the west across Hewitt.

Megan Masson Minock asked the Planning Commission to consider the recommendation made by Mr. Fletcher Reyher, Planning and Development Coordinator.

Megan Masson Minock summarized by stating that from a land use and a master plan perspective, there's a division between commercial and auto oriented uses comparing east and west Hewitt. The Planning Commission should consider if auto oriented use is consistent with the intent of that neighborhood transition area.

Ms. Peterson inquired if the applicant responded to the letter regarding the building materials. Mr. Fletcher Reyher stated that the applicant did not respond specifically to that proposed condition in the Carlisle Wortman report.

The Planning Commission and Mr. Fletcher Reyher discussed the location of the site.

The applicant Jay Hammoud (Owner of 617 Hewitt) and Joseph Guido (Project Architect for Jay Hammoud) presented the following. Mr. Guido shared with the Planning Commission that Jay Hammoud had requested him to ask the previous planner (Jason Iacoangeli) to inquire if the property was suitable for the project, and he was encouraged to move forward. Jay Hammoud purchased the property based on the initial contact and reaction from the planning department. During a sit-down meeting with the planning department staff, the suggestion was that it was intense for the site when the applicant considered eliminating the drive-thru. The applicant moved forward, keeping the recommendation in mind without the earlier discussion on the Master Plan or the neighborhood transitional district. The approvals requested by the planning department (water, traffic and stormwater) were completed and submitted. It was during the second review with Ben Carlisle that the issue of the neighborhood transition district was brought up for the first time after all other work was done with the expense exceeding \$100,000.

Jay Hammoud said he proceeded with the purchase (one year and three months) due to the positive direction from the planning department. Mr. Guido shared with the Planning Commission that they completed the pedestrian control at the intersection, marking of driveways and other recommendations made by the planning department.

Mr. Guido requested the Planning to consider the proposed application and the work completed in good faith.

Jay Hammoud said he engaged a third-party company that analyzes business (specialty gas station), and they recommended that it was a good fit for a gas station business.

Mr. Doe inquired if the applicant had considered the property at the corner of Michigan and Hewitt: Jay Hammoud stated that Speedway owns the parcel. Speedway used to have a gas station over there, but they moved to the other side. And they put restrictions on not building any gas station on the corner.

Ms. Peterson inquired if Mr. Guido had the emails from Jason Iacoangeli for moving forward with the project; Mr. Guido stated that he had the emails to support it.

Mr. Doe stated that the master plan has its restrictions, and most developers don't buy a property until they have approval from the Planning Commission for the usage of the property.

Ms. Peterson inquired if the applicant responded to the mail from Carlisle Wortman inquiring about being consistent with the property across the street; Mr. Guido stated that he changed/ revised the drawings and resubmitted the plans to Carlisle Wortman.

Mr. Fletcher Reyher informed the Planning Commission that working with Jay Hammoud and Joseph Guido has been reasonable over the years. The Planning Department and Carlisle Wortman's opinion on the matter still stands the same and is consistent with the view that a gas station at the proposed location is far too intense. The planning department is trying to preserve the character of the neighborhood that's currently there.

Megan Masson Minock - Carlisle Wortman Associates shared with the Planning Commission that the elevation and the architectural plans were dated December 15, and the review letter written and signed by Ben Carlisle was dated December 27. The review letter reflects Ben Carlisle's opinion.

Megan Masson Minock stated that the entrance of the building did not match some of the entrances of the building that are located across the street. Based on the dates, the applicant would have responded to inputs received earlier.

Mr. Guido said he had no issues making further changes to the building as requested by the department.

Mr. Doe brought to the Planning Commission's attention that the preliminary site plan is dependent on what happens with special conditional use. The pending public hearing and the vote on conditional use will help in determining the decision.

PUBLIC HEARING OPENED AT 7:18 PM

- a. Issac Farha, owner of the property at 4 North Hewitt, said the proposed gas station would affect and jeopardize the business conducted on the property. Some of the concerns are; Differences in zoning fuel from gas stations causing cancer to the homes around (senior citizen homes).

- b. Salem Farha, owner of the property at 2060 West Michigan Avenue. The smoke and smell from the gas station would be inconvenient to his family.
- c. Tony Farha, owner of the property at 2005 South Congress Street, a 17-acre property behind the proposed gas station. The gas station would jeopardize his plans for building a senior center that would help in bringing more people into the community. The traffic and the fumes from the station would affect the growth of the community.

PUBLIC HEARING CLOSED AT 7:22 PM

MOTION: Mr. Doe **MOVED** to deny the request for special conditional use for the construction of a 3,987 sq. ft. Gas Station and Convenience Store to be located at 617 S. Hewitt Road, Ypsilanti, MI, Parcel K-11-39-252-007 for the following reasons:

- The master plan, as a Neighborhood Transition District, does not allow gas stations in that district.
- The gas station will cause a hazardous condition based on the existing road configuration at that intersection.
- It would create more requirements for safety and public assistance at the intersection.

The **MOTION** was **SECONDED** by Ms. Peterson

Roll Call Vote: Mr. Doe (Yes); Ms. Peterson (Yes); Ms. El-Assadi (Yes); Mr. Tyson (Yes).

MOTION to DENY was PASSED.

- **OLD BUSINESS**

None to Report

- **NEW BUSINESS**

- a. **PRELIMINARY SITE PLAN – HEWITT PROPERTY, LLC - 617 SOUTH HEWITT ROAD –PARCEL K-11-39-252-007 – TO CONSIDER THE PRELIMINARY SITE PLAN APPLICATION OF HEWITT PROPERTY, LLC TO PERMIT THE CONSTRUCTION OF A GAS STATION CONVENIENCE STORE FOR A 0.773-ACRE SITE ZONED GB, GENERAL BUSINESS:**

The Planning Commission discussed and stated there is no requirement for a Preliminary Site plan since the Special Conditional Use application was denied.

b. NOTICE OF A TERMINATION OF FARMLAND PROTECTION AGREEMENT FOR THE PROPERTY LOCATED AT 8589 MARTZ ROAD – PARCEL K-11-34-100-031 TO RECEIVE COMMENTS FROM THE PLANNING COMMISSION.

Mr. Fletcher Reyher, Planning and Development Coordinator, informed the Commission of the receipt of a letter from Heather Jarrell Roe (Ypsilanti Township Clerk) regarding the Farmland Preservation Act, also known as PA 116, for the property located at 8589 Martz Road. State law requires the Planning Commission to have a comment on this notice of termination.

Ms. Roe shared with the Planning Commission that only one of the PA 116 terminations has been done from the time of being the clerk at the township. The process is for terminating Malik (part of the Malik Family), part of the township for a long time. The request for the partial termination has been zoned as residential, and the applicant wants to keep the property in the family. The process for terminating PA 116 is that it must come before the Planning Commission. Prior notice has been submitted to the Washtenaw County Conservation District Committee. This will then go to the Township Board, where it will formally accept by way of resolution, and then the Malik will be able to submit their whole packet to the state.

Mr. Fletcher Reyher presented the aerial view of the property to the Planning Commission. The property is large, and it has historically been farmed in the township.

Mr. Fletcher Reyher stated that this discussion was mainly for comments; The Planning Commission had none.

c. 2023 PLANNING COMMISSION REPORT TO THE BOARD – TO CONSIDER SUBMITTING TO THE TOWNSHIP BOARD OF TRUSTEES THE PROVIDED 2023 PLANNING COMMISSION REPORT PURSUANT TO SECTION 19(2) OF THE MICHIGAN PLANNING ENABLING ACT, PA 33 OF 2008 AND SECTION 3C OF THE ADOPTED PLANNING COMMISSION BYLAWS:

Mr. Fletcher Reyher, Planning and Development Coordinator, informed the Commission that he is required by the Michigan Planning Enabling Act to provide a Planning Commission Annual report for the previous calendar year (2023). Overall, the Commission held 11 meetings and considered 20 action items in 2023. The report is included in the packet with a breakdown of each meeting by date, applicant, action requested, and action taken. Some of these projects are currently being constructed, and the private road towards the children's healing is almost towards completion. Schneider Electric is operating here in the township.

- **OPEN DISCUSSIONS FOR ISSUES NOT ON AGENDA**

- **Correspondence received**

- None to Report.

- **Planning Commission members**

- None to Report.

- **Members of the audience**

- None to Report.

- **TOWNSHIP BOARD REPRESENTATIVE REPORT**

- None to Report.

- **ZONING BOARD OF APPEALS REPRESENTATIVE REPORT**

- None to Report.

- **TOWNSHIP ATTORNEY REPORT**

- None to Report.

- **PLANNING DEPARTMENT REPORT**

- **OTHER BUSINESS**

- Mr. Fletcher Reyher informed the Planning Commission of the recently appointed Planning Commission member Darryl Kirby.

- Mr. Kirby introduced himself to the Commission. Mr. Kirby had been with the Southfield Planning Commission.

- Mr. Kirby is part of the Parks and Rec Commission and the local Emergency Planning Commission for Washtenaw County.

- **ADJOURNMENT**

MOTION: Mr. Doe **MOVED** to adjourn at 7:35 pm. The **MOTION** was **SECONDED** by Mr. Tyson and **PASSED** by unanimous consent.

Respectively Submitted by Minutes Services.