

CITY OF ITHACA
PLANNING COMMISSION
SPECIAL MEETING MINUTES
Monday, February 24, 2014
7:00pm

The special meeting of the Ithaca Planning Commission was held on February 24, 2014 at 7:00p.m. for the purpose to review amending the City of Ithaca Zoning Ordinance, Article 15 PIP Planned Industrial Park District to remove the area on the eastern part of the city, approximately 425 acres and located near the southwest corner of Washington Road and Bagley Road, more commonly known as the Ithaca Agriculture Industrial Park, from the district.

Present were Chair John Wilson and Members Mark Barrows, Kelvin Grant, James Gruesbeck, Wilbur Rykert and Jerry Timmons. City Staff present were City Manager Craig Zins and Building Inspector Dale Sherman.

Absent were Members Tim Palmer, Neville Pitcher and Doug Wright.

Public in attendance was Don Schurr.

City Manager Zins addressed the Commissioners on amending the Zoning Ordinance Article 15, PIP Planned Industrial Park District to remove from the district the Ithaca Ag Industrial Park land, which is the 425 acres of the former ethanol plant site. He further reviewed the draft version of the proposed amendment for commission consideration.

Commissioners and others present, discussed the draft.

After discussion, it was decided to move forward with the public hearing and process on the amending of Zoning Ordinance Article 15, PIP Planned Industrial Park District at the next regular meeting.

The next regular meeting of the Planning Commission is March 11, 2014 at 7:00 pm.

The meeting concluded at 7:48pm.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, March 11, 2014
7:00pm

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, James Gruesbeck, Tim Palmer, Wilbur Rykert and Jerry Timmons. City Staff present were City Manager Craig Zins and Building Inspector Dale Sherman.

Absent were Members Neville Pitcher, Kelvin Grant and Doug Wright.

Public in attendance were Mike Thompson, Claire Wilson, Kasey Zehner, Don Schurr, Rick Becker, Cecil Becker, Denny Smith and LD Hollenbeck.

Moved by Gruesbeck, second by Barrows to approve the minutes of the meeting held September 10, 2013. Motion carried.

Moved by Rykert, second by Barrows to discard the minutes of the Special meeting held on February 24, 2014 as they are inaccurate. Motion carried.

Chair Wilson asked for Public Comments.

Mike Thompson stated he was in attendance for the public hearing and wondered what was going onto the property or who purchased it. Chair Wilson asked Don Schurr to respond. Mr. Schurr stated to his knowledge it does not have a new owner. Chair Wilson informed Mr. Thompson that it is rumored it has been sold, however no information has been told to the City at this point. This meeting is to look at rezoning it to make it adaptable of the new owner and asked Mr. Schurr to expand. Mr. Schurr explained that the original perspective buyer was working on the development of an Ag Industrial Park concept with the State with the desire of the tenants to have a more definitive approval from the City of what would be allowed or disallowed. The PIP standards were written to be very flexible and the time frame that they had they needed to know what would be allowed, so the simple changing of the PIP to a more classic zoning standard is more in line with what the city felt was appropriate.

Chair Wilson stated that they are reviewing the rezoning to make it a more friendly Agriculture Park. Mr. Schurr added that rezoning would develop, in general, standards that are more in line with the city, much like what is done with others.

Mr. Thompson asked what the difference in the current zoning and the change would be. Chair Wilson stated the current zoning was passed to fit the ethanol plant. Mr. Schurr explained the difference between the two standards of zoning structure. It defines the categories allowed and disallowed. The South Industrial Park is a PIP, the other is a classic industrial park. What has been discovered through the process is the developers what to know up front what is allowed before purchasing the property. Chair Wilson added that the change would make this friendlier and Mr. Schurr added that if the company's business falls in the categories then the City can be receptive to receiving plans and working with the developer.

Commissioner Barrows clarified to Mr. Thompson, some of the current listed items are in Article 15 and explained that the property would be removed from 15 and fall into a new Article 16 and read the listed allowed and not allowed businesses. Mr. Barrows added that the commission is concerned with the residents, property access and utility services. Mr. Thompson shared concerns regarding increased traffic in the area.

Mr. Schurr added that biofuels should be added to the Article 16 and reminded members that whoever purchases the property will have to provide a plan to the commission for review.

Public Hearing

Moved by Palmer, second by Rykert to open the public hearing on amending Zoning Ordinance Article 15. Motion carried.

Chair Wilson opened the public hearing for the amending of the zoning ordinance at 7:22pm.

City Manager Zins reviewed the proposed changes to Article 15 and draft of Article 16. Don Schurr added that Article 15 will not be eliminated as it is still required for the South Industrial Park.

Mr. Thompson asked if copies of the changes could be sent to the public. Commissioners explained the process of the hearing. Mr. Thompson asked if their land was being included in the 425 Agreement. Chair Wilson and Palmer stated no, the 425 does not change.

Moved by Rykert, second by Timmons to close the public hearing.

Chair Wilson closed the public hearing at 7:27pm.

Moved by Rykert, second by Barrows to strike the wording in Article 15 as presented; Section 15.01 paragraph one "approximately 425 acres and located near the southwest corner of Washington Road and Bagley Road and Section 15.04 "and no more than one access each from Washington Road". Motion carried.

Moved by Rykert, second by Palmer to report to City Council the development of Article 16 and refer to the suggested name of Agricultural, Industrial and Intermodal Transportation Park. Commissioner Palmer asked if biofuels should be added to the motion and Commissioner Rykert stated that would come in the next step. Chair Wilson called for the vote. Motion carried.

Moved by Rykert, second by Barrows to fully develop Article 16 beyond what is presented in the draft for the Agricultural, Industrial and Intermodal Transportation Park. Rykert stated the document that was presented was taken verbatim from Article 15 and feels it needs a lot more explanation of what the items mean and editing. Barrows asked if Rykert feels it's too broad, Rykert agreed. Chair Wilson asked Mr. Schurr his opinion. Mr. Schurr stated it is a draft, however some of the concerns Rykert has are governed by State law. Broad statements are made and if you describe it down to much, you may be coming back to change it again.

Moved by Rykert, second by Timmons to add Biofuels to Section 16.03 permitted uses. Motion carried.

New and Old Business

Barrows raised concern over Shaw's Auto Body property. Palmer responded it is already prepared to take that to City Council.

Chair Wilson asked to receive public comments. None were offered.

Chair Wilson asked if there was any further business to come before the Planning Commission.

Moved by Timmons, second by Rykert to adjourn. Motion carried.

Meeting adjourned at 7:50pm.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, April 8, 2014
7:00pm

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, James Gruesbeck, Tim Palmer, Wilbur Rykert, Kelvin Grant, Neville Pitcher, Doug Wright and Jerry Timmons. City Staff present were City Manager Craig Zins, Clerk-Treasurer Barb Fandell and Library Director Vicki Root.

Absent were Members Neville Pitcher, Kelvin Grant and Doug Wright.

Public in attendance were Roger Silverthorn, Roger & Barb Litwiller, Guy Fidler, Gwendell Boyer, Scott Merchant, Doug Schaffer, Cecille Bowen, Dale & Donna Adolph, Patrice Hornak, Heather Kesselring, Mary Humm, Scott Adkins, LD Hollenbeck, John Thomas and Don Schurr.

Moved by Palmer, second by Timmons to approve the minutes of the meeting held February 24, 2014 and the minutes of the meeting held March 11, 2014. Motion carried.

Chair Wilson asked for Public Comments.

Resident Scott Adkins stated that he went to the Animal Shelter for a kennel license and was told he had to have approval from the City on the zoning before they could proceed with issuing a kennel license; and is attending tonight's meeting for that reason. Mayor Palmer explained that the formality of the Planning Commission is for him to get on the agenda and have a plan submitted for review. Commissioner Wright advised Mr. Adkins to see the City Manager the next day for direction on having a plan drawn up to present at the next meeting and to provide papers that identify him as a State Certified dog handler.

Chair Wilson asked for any further public comment. None given.

Special Use Permit

Chair Wilson presented the request by Dale Adolph, at 124 N Jeffery Ave, to build a roof over a poured cement patio. Mr. Adolph stated that the 10' x 36' roof would cover the existing patio, and be attached to his current out building. Chair Wilson stated that he did not feel that this requires a special use permit and ask for a motion. Moved by Palmer, seconded by Pitcher, to approve the request without further action of a special use permit. Motion carried.

Mr. Adolph inquired if he would need a document to provide the County Permits office in order to receive a permit to proceed. Chair Wilson stated that he has the approval from the Planning Commission to proceed with the project and acquire the permit for the County.

Site Plan Review

Chair Wilson presented the site plan review for the Thompson Home Public Library. Commissioner Barrows stated that he had concerns about only having a lift and not a ramp for safety reasons. He questioned how would a handicap person be removed from the basement of the library should there be a power outage or a fire that would make the lift inoperable. He understands that code doesn't require a ramp but only a lift to be legal; however suggesting that this safety issue should be reviewed. City Manager Zins stated that if they build the ramp in the back it would not meet fire code because access must be provide from front and back of the building; which an existing indoor staircase on the backside is already accessible. In this proposal the lift and staircase are on the front of the building which would then meet fire code and A.D.A. requirements. The Library Board met with the architect and chose this

proposal which provides access to the basement on both the front and backside of the building meeting all requirements. Chair Wilson ask what the provisions were for a situation where loss of electricity occurred. Manager Zins replied that the elevator would have a manual override as stated in the documents provided. Commissioner Wright inquired who the insurance was through and Manager Zins stated it was with the MML.

Moved by Grant, seconded by Timmons to approve the site plan for the Library as submitted. Motion carried.

Special Use Permit

Chair Wilson presented the request by Ithaca United Methodist Church for a possible accusation of land to build an Extension Campus. Scott Merchant spoke on behalf of the Church stating that they would like to purchase the vacant land off of Seaver Street & Union Street to construct a community center with gymnasium and in the future build a sanctuary on the property. He stated that the Church will be signing a purchase agreement on the land contingent upon the approval from the board. Chair Wilson stated that by looking at the sketch he is determining that the majority of the land will be covered by buildings and parking lot. Mr. Merchant replied, eventually yes. Chair Wilson ask if a retention pond had been considered as a possible requirement. Mr. Merchant stated that he is aware that there may be a need for storm water retention. Does it meet zoning requirements? Manager Zins stated that the request is for a special use permit which is required under the current zoning of R-1. This would meet step one of the requirements for the Church to move forward with getting to a site plan review.

Manager Zins informed the Commission that the City has concerns for the use of Seaver Street as an entrance for the Church. Currently Seaver Street is not in the best condition for a residential street with all the extra traffic that this project would bring; preferring the use of Union Street or Barber as an entrance. Discussion was held.

Commissioner Barrows asked if approved when it would be built. Mr. Merchant stated within 2 -3 years. Commissioner Grant stated that at this point all we need to consider is if a church can be in R-1 under special use. Chair Wilson agreed the next step would be to approve to set a public hearing.

Moved made by Palmer, seconded by Timmons to set a special use permit public hearing for May 13, 2014 at 7:15pm. Motion carried.

New and Old Business

Chair Wilson asked to receive public comments.

Commissioner Grant questioned if it was R1 as previously stated, as he thought it was R2 or R4. Manager Zins stated the map shows it as R1.

Chair Wilson asked if there was any further business to come before the Planning Commission. There was none.

Moved by Pitcher, second by Palmer to adjourn. Motion carried.

Meeting adjourned at 7:35pm.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, May 14, 2014
7:00pm

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, James Gruesbeck, Tim Palmer, Wilbur Rykert, Neville Pitcher, Doug Wright and Jerry Timmons. City Staff present were City Manager Craig Zins.

Public in attendance were Marlene Foster, Steve Foster, Scott Adkins, Cecille Bowen, Doug Schaffer, Claire Wilson, Sam Price, Roger Silverthorn, Guy Fidler, Roger & Barb Litwiller, Cheryl Graham, Gwendell Boyer, Scott Merchant, Donn & Pat Gates, Kathy Doran, Allison Doran, L.D. Hollenbeck and Hugh Sova.

Moved by Palmer, second by Timmons to amend the minutes of the meeting held April 9, 2014 to show the correct zoning for the location of vacant land parcel referenced by Ithaca United Methodist as R4; and approve minutes with this correction. Motion carried.

Chair Wilson asked for Public Comments. None were given.

Special Use Permit

City Manager Zins presented the special use permit request by Scott Adkins for a kennel license. Mr. Adkins stated that he would like to construct an enclosed privacy fenced area with dog kennels inside the enclosure. Chair Wilson inquired on the size of the lot. Mr. Adkins stated the lot is 82.65 x 104. Chair Wilson replied that code 22.1-6 the minimum lot has to be one acre and kennel be 50' from any dwelling. Commissioner Barrows stated that the papers submitted to Commission show .39 acres on empty lot; but by combining lot with house and vacant lot would not still meet the one acre requirement. Mayor Palmer stated that he is against dog kennels within the city limits. Chair Wilson stated that the Special Use Permit application would be required for a June 10th public meeting; with a cost of \$200 and additional cost for the zoning and building permit from the county to build the kennels. Mr. Adkins responded that the cost was too much and that he would not proceed any further.

Special Use Permit/Public Hearing

Chair Wilson stated that it was time to go into the public hearing for the Ithaca United Methodist Church. Moved by Mayor Palmer, seconded by Commissioner Gruesbeck to go into the public hearing for a Special Use Permit for the Ithaca United Methodist Church. Motion carried. Chair Wilson ask for public comment.

Scott Merchant spoke on behalf of the Church stating that they would like to purchase the vacant land off of Seaver Street & Union Street to construct a community center with gymnasium and in the future build a sanctuary on the property. Chair Wilson stated the zoning is R4 with section 22.01-10 allowing the special use permit for Churches but doesn't reference a recreation/community center and is that an issue. Commissioner Barrows inquired if the community center would also be used as a church sometimes. Mr. Merchant replied yes. Roger & Barb Litwiller addressed the commission; stating that the lot is directly behind their property. They are concerned over the view from the back yard being this 35' plus building and all the activity and noise that it will bring to the neighborhood. Chair Wilson ask if the building location could be moved as to not obstructed the view and close proximity of those neighbors on the north side of the vacant lot. Mr. Merchant replied yes it could be moved based on the elevation of the land for natural storm drainage. Mr. Litwiller inquired if sidewalks would be installed for the safety of children walking to the center for activities. Mayor Palmer stated that the City is aware that Seaver Street has to be addressed

and walking paths from the High School and North School to this location need to be considered. Discussion was held on the parking lot for Clover Industries and their employees parking on the street; and how that would have to be changed in order for open street for traffic flow on Seaver Street off Union Street.

Mayor Palmer explained that the Special Use Permit gives the approval for the land to be used as a Church and that the next step would be for the Site Plan Review with sealed prints; which would answer many of the other questions as to the location and size of the buildings to be constructed. Dr. Rykert stated that the process of approving a Special Use Permit for an individual that does not own the land can't be done.

Chair Wilson ask for any additional public comments. Commissioner Wright commented that behind his house the Latter Day Saints Church built a nice looking church and the property is kept up very nice and doesn't present any problems. At this point he is in favor of a special use permit, but not the site plan sketches that have been submitted as a concept because of the location of the buildings and asphalt with run off and car parking. Commissioner Wright stated that a motion can be made contingent upon the sale of the land to the Ithaca United Methodist Church. Written correspondence was received and reviewed.

Chair Wilson made a motion to close the public hearing. Moved by Mayor Palmer, seconded by Commissioner Timmons to close the public hearing. Motion carried.

Moved by Commissioner Wright, seconded by Commissioner Timmons to approve the Special Use Permit contingent upon a finalized sale of the land to the Ithaca United Methodist Church.

Special Use Permit

Chair Wilson presented the special use permit request made by Samuel Price of 880 Whispering Pines. Chair Wilson stated that the request is to combine three parcels owned by Mr. Price and put up a pole barn on the property and that in the future they cannot be divide due to city ordinance stating that no out building can be on its own parcel; it must be with the house dwelling. Mr. Price replied that he understood that and explained that the pole barn would be used for recreational storage. Chair Wilson stated that first Mr. Price must get with the City Assessor to combine the properties prior to a public hearing next month. Mr. Price stated that he has already applied for the combination.

Moved by Chair Wilson, seconded by Commissioner Rykert to set a public hearing and site plan review for June 10, 2014.

Site Plan Review

Chair Wilson presented the site plan review for the Farmers Market. City Manager Zins stated that the market would be placed close to the sidewalk on Pine River. The color selected for the steel roof is a burgundy. City Manager Zins stated that having a farmers market with crafters during a weekday would generate more buyers in addition to the Saturday morning schedule.

Moved by Commission Barrows, seconded by Commission Timmons to accept the site plan as submitted. Motion carried.

New and Old Business

Chair Wilson asked to receive public comments. None were given.

Moved by Palmer, second by Wright to adjourn. Motion carried.

Meeting adjourned at 8:20pm.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, December 9, 2014
7:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, James Gruesbeck, Tim Palmer, Doug Wright, Dr. Wilbur Rykert, and Dr. Kelvin Grant.

Public in attendance were David Trentadue, Frank Fairbanks and John Thomas.

Moved by Dr. Grant, second by Palmer to approve the minutes of the regular meeting held November 11, 2014. Motion carried.

Moved by Dr. Grant, second by Palmer to approve the minutes of the special meeting held November 25, 2014. Motion carried.

Chair Wilson asked for Public Comments. None were given.

Moved by Wright, second by Dr. Grant to approve the dates as submitted for Planning Commission meetings to be held in 2015. Motion carried.

Public Comments

Chair Wilson asked to receive public comments. None were given.

Zoning Ordinance Compliance

Manager Cousins updated the committee members on the progress of compliance for BinRax. Manager Cousins informed members that he met with Mr. Fairbank on November 24, to discuss

Public Comments

Chair Wilson asked to receive public comments. None were given.

Moved by Palmer, second by Dr. Grant to adjourn. Motion carried.
Meeting adjourned at 7:25 p.m.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION SPECIAL MEETING MINUTES
MONDAY JUNE 30, 2014
7:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, James Gruesbeck, Tim Palmer, Neville Pitcher, Jerry Timmons and City Manager Bill Cousins.

Public in attendance were Steve Wilte, John Whitmore, and Don Schurr.

Chair Wilson asked for Public Comments. None were given.

Chair Wilson stated that it was time for the Public Hearing. Moved by Palmer, seconded by Timmons to open the Public Hearing at 7:00 p.m. Motion carried.

Chair Wilson opened the public hearing.

Public Hearing for Rezoning

Steve Wilte from Nederveld spoke on the project and is working with DMK Development on the development of a Tractor Supply Company retail store. The property is located within a 425 Agreement between the City of Ithaca and Emerson Township. The property is currently being used as agriculture, with the request to change the zoning to C-2; General Commercial District. Mr. Wilte stated that the purchased 4.07 acres of property by DMK Development to build a 19,097 square foot building for Tractor Supply Company. There will also be outdoor displays and sales areas distinguished as: permanent trailer and equipment display for trailers located in front of the building; permanent sidewalk display for lawn tractors located between the building and sidewalk area; fenced outdoor sales area for fencing, gates and larger equipment located on the side of the building. The parking lot will have 69 spaces for customers. The city will be running water main out to this location however sanitary sewer is not available. Mr. Wilte stated that the County Health Department has approved the location on the west side of the building for sanitary sewer and will receive a permit from the Health Department for this utility. Storm water will drain into the county drain already onsite and have been working with the County Drain Commissioner for this purpose. Mr. Wilte thanked the commission for holding this special meeting in order to meet their deadlines for development this fall.

John Whitmore stated that there is a low spot on the property adjacent to his farm land and inquired about the rain water. Mr. Wilte informed him that the grading of the property and the use of a storm drain nearby will accommodate the rain water.

Mr. Wilte informed the commission that for security purposes Tractor Supply Company requires an 8 foot fence around the building and requested approval for this tonight.

Chair Wilson closed the public hearing.

Moved by Pitcher, seconded by Palmer to recommend City Council to approve the rezoning of the Tractor Supply Development property to a C-2; General Commercial District:

(The property is described as parcel number 29-52-032-009-40 and a portion of parcel number 29-52-032-011-00 described as the Southeast ¼ of Section 32, Town 11 North, Range 2 West, EXCEPT the South 20 rods thereof, Emerson Township, Gratiot County, Michigan; and EXCEPT beginning North 00 degrees 10'35" East 330 feet from the South ¼ corner of Section 32, Town 11 North, Range 2 West, Emerson Township, Gratiot County, Michigan; thence North 00 degrees 10'35" East 189 feet; thence North 89 degrees 58'14" East 173.75 feet; thence South 00

degrees 10°34" West 189 feet; thence South 89 degrees 58;14" West 173.75 feet, more or less, to the place of beginning. And the property described as beginning at the South ¼ Corner of Section 32, T11N, R2W, Emerson Township, Gratiot County, Michigan; thence East 330 feet along the North-South ¼ line of said Section 32; thence East 173.75 feet; thence West 330 feet; thence West 173.75 feet along the South line of said Section 32 to the Point of Beginning, containing 1.32 acres of land, more or less, being subject to the rights of the public over the Southerly 33 feet as occupied by East Washington Rd. (66 feet wide), and being subject to any easements, conditions, or restrictions of record, if any.

Approve the site plan with authorizing the use of an 8 foot fence around the building for security purposes. Motion carried.

Moved by Palmer, seconded by Timmons to close the public hearing. Motion carried.

New and Old Business

Chair Wilson asked to receive public comments. None were given.

Moved by Timmons, second by Palmer to adjourn. Motion carried.

Meeting adjourned at 7:20 p.m.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, September 9, 2014
7:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, Tim Palmer, Doug Wright, Dr. Wilbur Rykert, Neville Pitcher, and Jerry Timmons. Present by Skype was City Manager Bill Cousins.

Absent were Members Jim Gruesbeck and Dr. Kelvin Grant.

Public in attendance were Scott & Shari Nevins, Dave Weber, Larry Trexler and Nathan Bootz.

Moved by Palmer, second by Timmons to approve the minutes of the regular meeting held June 10, 2014. Motion carried.

Moved by Palmer, second by Timmons to approve the minutes of the special meeting held June 30, 2014. Motion carried.

Chair Wilson asked for Public Comments. None were given.

Special Use Permit

Chair Wilson presented the request for a Special Use Permit for Downtown Auto. Member Barrows inquired on the door heights. Scoot Nevins, owner of Downtown Auto stated the overhead doors on the west side would be 10' for loading and unloading and another 14' overhead door would be installed on the south side of Newark Street. Mr. Nevins stated that all vehicles in repair would be stored inside the building. City Manager Cousins informed the committee that he reviewed the request and that all provisions of zoning are met and a special use permit would be required under C1 district; with a public hearing to be scheduled. Member Rykert inquired that the access to the building would be off the public parking lot and would not require new curb cuts. Mr. Nevins stated that access would be made from the public parking area without any curb cutting.

Moved by Timmons, seconded by Wright to set a public hearing for the Special Use Permit on October 14, 2014 at 7:05 p.m. Motion carried.

Variance/Site Plan Review

Chair Wilson presented the Site Plan Review for Hub Tire. Member Barrows inquired about a plan for water retention. Dave Weber, owner of Hub Tire stated that he had plenty of gravel onsite to accommodate the water in the same manner it is now. City Manager Cousins informed the committee that Mr. Weber would need to get approval from the Drain Commissioner regarding water retention. Member Barrows inquired on the request for variance for the new building to set 3' from the south property line instead of 25', and if it would be possible to move the new building closer to the existing building to avoid the proximity to the south parcel. Mr. Weber stated that the building would have siding so it would be appealing by neighboring house and discussed installing a 6' fence as another option. Discussion was held on installing a 10' fence around the tires that are stored outside. Chair Wilson inquired if there was a plan for outdoor lighting. Mr. Weber replied that he didn't have it in the plans but would have lighting installed if that is what the committee and city agreed was necessary.

Moved by Timmons, seconded by Palmer to set a public hearing for Variance approval on October 14, 2014 at 7:15 p.m.; of site plan subject to approval from the Drain Commission regarding water retention and committee/city recommendations on fence and outdoor lighting. Motion carried.

Special Use Permit

Chair Wilson presented the request for a Special Use Permit for Ithaca South Elementary. Superintendent Bootz informed the committee that the request is for a lane wide enough for the school busses to enter the new parking area by going south on Saint Johns Street and turning right as this will avoid any cross interference with other traffic. The busses will continue to a new loading and unloading area and then exit onto Webster Street. This would help separate the buss traffic from the parent parking area located on the west side of the building. Member Barrows expressed his concern on the route in that direction would be a safety hazard for the children because they would have to get on and off the bus and walk in front of the bus to get to the school building. Mr. Barrows inquired if the route could be reversed so that the busses were entering off Webster and exiting onto Saint Johns Street. Superintendent Bootz stated that the one way route was designed so the busses would not exit on Saint Johns Street and have to cross lane and avoid the north traffic coming over the hill right there. Mayor Palmer stated that there would have to be additional signage in place for the project. Mayor Palmer inquired if it should be designated a school zone in order to change the speed limit on Saint Johns Street. Member Sherriff Wright stated he would check into that with MSP and MDOT. Member Sherriff Wright expressed his concern over the signage being in place and if the users of the parking lot would still use Saint Johns Street as an exit because it was so close, instead of going the one way and exiting on Webster; and that this situation would be another good reason for having the one way start on Webster and exit on Saint Johns.

Moved by Wright, Seconded by Palmer to set a public hearing for Special Use Permit on October 14, 2014 at 7:25 p.m.. Motion carried.

Public Comments

Mayor Palmer announced that free CPR training is available on September 25 for all City employees and committee members. There will be two sessions, one during the day and one in the evening; times yet to be determined.

Superintendent Boots inquired who he should address a request for additional cross walks to be painted on the streets. City Manager Cousins replied that he would be the one to talk with.

Moved by Timmons, seconded by Wright to adjourn. Motion carried.
Meeting adjourned at 7:30 p.m.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, October 14, 2014
7:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, Doug Wright, Dr. Wilbur Rykert, Neville Pitcher, Jim Gruesbeck, Jerry Timmons, Dr. Kelvin Grant, City Manager Bill Cousins and Mayor Tim Palmer.

Public in attendance were Scott & Shari Nevins, Dave Weber, Richard Heathcock, Ken & Nola Owen, Tony & Lois Leiter, Marci Browne, Kim Hodge, Scott & Carol Merchant.

Moved by Pitcher, second by Timmons to approve minutes of the regular meeting held September 9, 2014. Motion carried.

Public Comments

Chair Wilson asked for Public Comments. None were given.

Chair Wilson stated that it was time for the Public Hearing. Moved by Wright, second Grant to open the Public Hearing at 7:05 p.m. Motion carried.

Chair Wilson opened the public hearing.

Public Hearing for Special Use Permit

Discussion was held for a special use permit requested by Scott Nevins, owner of Downtown Auto Service, Inc for construction of an addition to his business located at 110 W Newark Street.

Member Rykert inquired how much of the parking lot was going to be used for the addition. Mr. Nevins stated none, he is only building on his own property for the addition; parking spaces would not be lost.

Moved by Grant, second by Wright to close the Public Hearing at 7:07 p.m. Motion carried.

Chair Wilson closed the public hearing.

Moved by Rykert, second by Timmons to approve a Special Use Permit for the construction of an addition as presented for Downtown Auto Service. Motion carried.

Chair Wilson stated that it was time for the Public Hearing. Moved by Grant, second Wright to open the Public Hearing at 7:15 p.m. Motion carried.

Chair Wilson opened the public hearing.

Public Hearing for Variance

Discussion was held for a variance requested by Dave Weber, owner of Hub Tire Service, for construction of an addition to his business located at 500 E Center Street.

Scott Merchant stated that as neighbors of the business, he and his wife were supportive of the addition as presented and think it will look very nice. Mr. Merchant informed the committee that they were not opposed to the building been so close to the property line, requiring the variance to be issued by ordinance.

Moved by Grant, second by Timmons to close the Public Hearing at 7:17. Motion carried.

Chair Wilson closed the public hearing.

Moved by Timmons, second by Wright to approve the Variance request for construction of an addition as presented for Hub Tire Service. Motion carried.

Chair Wilson stated that it was time for the Public Hearing. Moved by Timmons, second Grant to open the Public Hearing at 7:25 p.m. Motion carried.

Chair Wilson opened the public hearing.

Public Hearing for Special Use Permit

Discussion was held for a Special Use Permit requested by Nathan Bootz, Superintendent of Ithaca Public Schools, for construction of a new parking lot and buss lane located at Ithaca South Elementary. Neighbors of the School in attendance opposed this idea of having a parking area and buss lane developed on the east side of the school building abutting their property lines. Superintendent Bootz was not in attendance at the meeting to answer questions for these neighbors. Neighboring property owner Ms. Hodge was in favor of selling part of her property for the development.

Member Wright stated that the committee should table this request until the School owns the property, verifying that South Saint Johns Street is or is not a State trunk line whether State approval is needed. Further information is needed for the requirement of painted safety line and proper signage.

Moved by Grant, second by Timmons to close the Public Hearing at 7:39 p.m. Motion carried.

Chair Wilson close the public hearing.

Moved by Wright, second by Grant to table this Special Use Permit pending more information required for review at the November meeting to be followed by another Public Hearing to be scheduled. Motion carried.

Public Comments

Chair Wilson ask for public comments. None were given.

Moved by Grant, seconded by Timmons to adjourn. Motion carried.
Meeting adjourned at 7:45 p.m.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, November 11, 2014
7:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, Doug Wright, Dr. Wilbur Rykert, Neville Pitcher, Jim Gruesbeck, Jerry Timmons, Dr. Kelvin Grant and City Manager Bill Cousins.

Public in attendance were Frank Fairbanks, Larry Trexler, David Trentadue, Richard Heathcock and John Thomas.

Moved by Grant, second by Timmons to approve minutes of the regular meeting held October 14, 2014. Motion carried.

Public Comments

Chair Wilson asked for Public Comments. City Manager Cousins informed the commissioners the he has still not received the proper paper work from the South School regarding their special use permit; therefore it was not on the agenda.

Show Cause Hearing

Chair Wilson stated that a show because hearing for Frank Fairbanks owner of BinRax; located at 165 N Industrial Parkway was on the agenda for discussion on the failure to comply with City of Ithaca Zoning Ordinance. Manager Cousins informed commissioners on the process that the City has taken to inform Mr. Fairbanks on the zoning violations that are present at his business. The City first visited the site on July 8th to investigate the numerous complaints about the activities on the property. Raw materials and partially completed racks stored outdoors and vehicles parking on the grass. After the visit, a letter was sent to Mr. Fairbanks to resolve these issues. The site was visited again in mid-August; with no changes. On October 2nd the site was visited by the City and no changes were made and workers were assembling and painting the racks outside of the building. A certified letter was sent to Mr. Fairbanks ordering him to bring the property into compliance by October 13th. Manager Cousins received a call from Mr. David Trentadue, attorney for BinRax; to discuss the property and the process for obtaining a zoning variance. Manager Cousins advised Mr. Trentadue that the uses of the property could not be waived; only the location of the storage and fencing requirements could be part of a zoning variance. No variance request has been submitted to the City. A visit to the site on October 13th found the property to be in the same condition in violation of the City Zoning Ordinance. A certified letter was sent to Mr. Fairbanks on October 20th directing him to appear at a "Show Cause" hearing before the Planning Commission on November 11, 2014.

Mr. David Trentadue introduced himself to the commissioners as attorney for Mr. Frank Fairbanks. Mr. Fairbanks acknowledge the issues as addressed by Manager Cousins; the pallets have been loaded onto a trailer to go to transfer station for disposal this week. The inside of the building has been reconfigured to allow for space to move the assembly operation inside. The outside storage area limits the ability to park cars on the paved parking lot; however they have a plan in place within their financial constraints of being a new business. Mr. Fairbanks ask for consideration as they are working through these issues. Chair Wilson inquired as to the time frame they are requesting. Mr. Fairbanks replied that they are making progress but would like to have two to six months to be in compliance. The process for the racks to be assembled inside with the confines of the space available; there will always be racks stored outside waiting to be shipped. Dr. Grant inquired about fencing the area to block the racks that are stored outside and a solution to the two trailer trucks that are parked outside. Mr. Fairbanks replied that he was looking at putting a gravel area on the west side of the building for storing the racks, however he was advised that would require a storm water drain plan and engineer stamped plans to do and that is was too costly at this

time. Mr. Fairbanks stated that if everything has to be stored inside he would not be able to do that at this location. Commissioner Barrows inquired as to how many times Mr. Fairbanks had come into discuss these issues and time restraints with Manager Cousins. Mr. Fairbanks replied that they had been playing phone tag and due to scheduling conflicts that they had not met. Commissioner Barrows confirmed that in the last five months there had been no communication with the City Manager and yet Mr. Fairbanks is ultimately responsible for making sure the issues are addressed to comply with the City Zoning Ordinance.

Dr. Rykert inquired if Mr. Fairbanks was aware that the Industrial Park requires certain measures within the ordinance for businesses to comply with before he started the business. Mr. Fairbanks stated that he had not inquired on that with City Hall and was not aware of any restrictions. Dr. Rykert stated that he is willing to work with the business but informed Mr. Fairbanks that he must have communications with the City and respond to Mr. Cousins in a timely manner when he calls or sends a letter. Dr. Grant agreed that there must be a good faith effort in place to comply with the ordinance.

Mr. Trentadue addressed the commissioners stating that Mr. Fairbanks is here tonight to create a dialogue with the City and comply with the ordinances but needs more time. Dr. Grant inquired that within six months Mr. Fairbanks would have the outside storage, fencing, parking issues for cars and trucks would be addressed and resolved; looking at June 1 to have all this resolved. Mr. Fairbanks stated yes; all except the scrap material as he does not have a place inside for it. Commissioner Gruesbeck stated that the DEQ which has an act called Storm Water Run Off has not approached BinRax and that would create more issues for compliance with the State. The DEQ would require him to build a covered area to keep the steel scrap under and have annual inspection by the State. Mr. Trentadue stated that the trailer trucks would be moved off the street and parked in the parking lot on the property.

Chair Wilson stated that he favors providing Mr. Fairbanks with a period of time to comply with the Ithaca Zoning Ordinance, then issue an appearance ticket if the violations are not resolved by the date set by the Planning Commission. Dr. Grant stated that he would like to have some dates set to give the City Council and depending on Manager Cousins schedule that a deadline of December 1st be set for Mr. Fairbanks and his attorney, Mr. Trentadue to meet with Manager Cousins to create a detailed list of items that need to be addressed and come up with a timeline of June 1st 2015 for compliance. Manager Cousins informed commissioners of the process of Article 32 of the City Zoning Ordinance which was approved by the City Council which gives the Planning Commission the power, right and responsibility to enforce these ordinances through the process that has taken place tonight. Stating that the Planning Commission's decision is final and the way to appeal that is in Circuit Court. Chair Wilson ask for clarification on the June 1st deadline, so that continual progress is being made at the site. Dr. Grant suggested that benchmarks be set for the progress to be determined.

Discussion was held on having a performance bond requirement put in place for the future. Chair Wilson stated that one has never been used before. Commissioner Barrows was against requiring a cash bond, but if it could be like an insurance policy he would be in favor.

Moved by Dr. Grant, second by Dr. Wright to recommend that Mr. Fairbanks be provided with a period of time to comply with the Ithaca Zoning Ordinance, then issue an appearance ticket if the violations are not resolved by the date set the Planning Commission; with a deadline of December 1st for Mr. Fairbanks to meet with Manager Cousins to create a detailed list of items that need to be addressed and have benchmarks every two months to ensure that progress is being made within the timeline or begin to issue appearance tickets for failing to follow through the committed timeline with a final deadline of June 1, 2015. Commissioner Gruesbeck ask for clarification on if the parking lot needs to be redone, would the Planning Commission require BinRax to go through the same preliminary steps as everyone else; such as drainage issues, all steps would have to be done before proceeding. Dr. Grant replied that the motion does not give BinRax an approval to forego the process that is currently set in place. Chair Wilson confirmed that this does not give BinRax any shortcuts or illegal activities to comply with the ordinance.

Motion Carried.

Chair Wilson posed the question on whether the commission should require a security bond. Mr. Trentadue inquired in the event that his client did not comply where the bond would go to. Commissioner Barrows replied that it would go to the City. Mr. Trentadue inquired if that would be Mr. Fairbanks fine. Chair Wilson stated that it would be the penalty for not following through with the commitment. Mr. Trentadue stated that if Mr. Fairbanks is in violation in addition to the insurance bond, he would then be fined again potentially; would there be conjunctive relief. If his client has to purchase a security bond, he has the potential to be fined twice. Chair Wilson stated that continued in progress efforts to comply would not be fined. City Manager Cousins state that there has the last six months to comply and should an appearance ticket be issued to go in front of a judge then the fines are \$500 or 90 days in jail at the discretion of the court; however this could all be avoided by complying to the City Ordinance.

Manager Cousins suggested to the committee that they have the option to defer the decision of a bond until they have received and reviewed the plans at the December 9th meeting. The committee members were in agreement that a concrete plan should be in place before the December 1st deadline or a bond would be required. Committee Member Barrows reminded Mr. Fairbanks that there is space within 200 feet of his business that has storage facilities for the tractor trailer trucks to be parked; located at Monroe Trucking or Johnson's Napa property; to be in compliance with not parking on the streets overnight.

Public Comments

Chair Wilson ask for public comments. Richard Heathcock commented that the City and BinRax should work together and have Mr. Fairbanks submit in writing a detailed plan with a timeline and commit that his business would meet the June 1st deadline and if failure to comply would result in understood consequences.

Moved by Grant, seconded by Timmons to adjourn. Motion carried.
Meeting adjourned at 8:20 p.m.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION SPECIAL MEETING MINUTES
Tuesday, November 25, 2014
7:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, Doug Wright, Dr. Wilbur Rykert, Neville Pitcher, Jim Gruesbeck, Jerry Timmons, Dr. Kelvin Grant and City Manager Bill Cousins.

Public in attendance were Jordan & Courtney Wheeler.

Public Comments

Chair Wilson asked for public comment. None was given.

Special Use Permit & Variance

City Manager Cousins informed the committee that a request was submitted by Courtney Wheeler to operate a licensed day care in her new home, which is located in an R-2 Zoning District which requires a Special Use Permit. In addition, within the R-2 district, under a Special Use Permit, it is required that day care homes must be separated by a 1500 foot distance, requiring a Variance for this request.

Commissioner Barrows inquired about how many children were enrolled at the day care. Mrs. Wheeler responded that she has 25 children enrolled; however only 12 children are there at any given time which is what the State of Michigan allows under a Group Day Care License that she operates under. Mrs. Wheeler stated that she employs one full time person and has three assistants on call. Mrs. Wheeler stated that she currently operates the day care from 6:30 a.m. to 5:00 p.m. but is considering extending those hours.

Moved by Dr. Grant, second by Timmons to set a Public Hearing for December 16, 2014 at 6 p.m.
Motion carried.

Public Comments

Chair Wilson asked for public comment. None was given.

Moved by Timmons, seconded by Dr. Grant to adjourn. Motion carried.
Meeting adjourned at 7:10 p.m.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION MEETING MINUTES
Tuesday, December 9, 2014
7:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 7:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, James Gruesbeck, Tim Palmer, Doug Wright, Dr. Wilbur Rykert, and Dr. Kelvin Grant.

Public in attendance were David Trentadue, Frank Fairbanks and John Thomas.

Moved by Dr. Grant, second by Palmer to approve the minutes of the regular meeting held November 11, 2014. Motion carried.

Moved by Dr. Grant, second by Palmer to approve the minutes of the special meeting held November 25, 2014. Motion carried.

Chair Wilson asked for Public Comments. None were given.

Moved by Wright, second by Dr. Grant to approve the dates as submitted for Planning Commission meetings to be held in 2015. Motion carried.

Public Comments

Chair Wilson asked to receive public comments. None were given.

Zoning Ordinance Compliance

Manager Cousins updated the committee members on the progress of compliance for BinRax. Manager Cousins informed members that he met with Mr. Fairbanks on November 24th, to discuss the issues of compliance and to review a time line that was created by Mr. Cousins for BinRax to be in compliance. At the meeting Mr. Fairbanks provided a letter including a time line for the business to become compliant. After review of both time lines and discussion it was agreed that Manager Cousins time line covered all the various issues on the property. At this meeting Mr. Fairbanks agreed to the dates of Manager Cousin's time line and stated that there should be no problem with meeting those deadlines for compliance. On December 1st Manager Cousins spoke with Mr. Trentadue; asking Manager Cousins to go to the property to verify if the initial deadline of December 1st, issues were met. The onsite inspection found that only one of the three issues were met; none of the other issues had been addressed and found a new issues of BinRax using the street as a storage area for raw material. Manager Cousins then contacted Mr. Trentadue to advise him of the status on-site.

Chair Wilson stated that he recently drove by the property and found there to be more raw material stored outside the building than there was two months ago. Mr. Fairbanks replied that he is still working on acquiring the pallet raking as discussed previously and that there is a mix a materials currently outside and is expecting that with the next two or three weeks to have most of that gone. He also stated that he has moved one of the semi tractors off the street and is working of putting barriers up along the street so that there will be no more parking on the grass.

Commissioner Gruesbeck inquired on the status of meeting items 1 thru 3 of the time line. Mr. Fairbanks stated that the wood pallets would be an ongoing in and out process because of the nature of the business. Commissioner Dr. Grant clarified that if the deadlines on the time line, that was agreed to and created by Manager Cousins, were not met that BinRax would be cited and legal action would be taken as discussed in previous meetings. Chair Wilson confirmed that this is a progressive time line and that once an issue is

met that there will be no reversal of that issue at a later time; such action would result in citations and legal action without a formal meeting of the Planning Commission.

Mr. Trentadue stated that his client, Mr. Fairbanks is working towards compliance of the Zoning Ordinance and is satisfied with the communication between them and Manager Cousins.

Moved by Palmer, second by Dr. Grant to adopt the BinRax timeline to comply with the Ithaca Zoning Ordinances as set forth by Manager Cousins be adopted, any failure to comply with the timeline will result in immediate legal action. Motion carried.

Public Comments

Chair Wilson asked to receive public comments. Chair Wilson inquired of the Committee his interest in saying the Pledge of Allegiance at the beginning of the meeting.

Moved by Palmer, second by Wright to say the Pledge of Allegiance at the beginning of every Planning Commission meeting. Motion carried.

Moved by Palmer, second by Dr. Grant to adjourn. Motion carried.
Meeting adjourned at 7:25 p.m.

Mark Barrows, Secretary

CITY OF ITHACA
PLANNING COMMISSION SPECIAL MEETING MINUTES
Tuesday, December 16, 2014
6:00 p.m.

The meeting of the Ithaca Planning Commission was called to order by Chair John Wilson at 6:00 p.m.

Present were Chair John Wilson and Members Mark Barrows, James Gruesbeck, Jerry Timmons, Tim Palmer, Doug Wright, Dr. Wilbur Rykert, and Dr. Kelvin Grant.
Absent was Neville Pitcher.

Public in attendance were Jordan & Courtney Wheeler.

Public Comments

Chair Wilson asked to receive public comments. None were given.

Public Hearing for Variance

Moved by Palmer, second by Barrows to enter into the Public Hearing for Variance for Courtney Wheeler at 310 N Main Street. Motion Carried.

Mr. Timmons stated that he lives across the street from this location and that he feels it will improve the neighborhood.

Commissioner Palmer commented that he endorses the request.

Moved by Barrows, second by Palmer to close the Public Hearing. Motion Carried.

Moved by Palmer, second by Barrows to authorize the Variance request made by Courtney Wheeler to operate a Child Day Care Home at 310 N Main which is within 1500 feet of other established day care homes. Motion Carried.

Public Hearing for Special Use Permit

Moved by Palmer, Second by Barrows to enter into the Public Hearing for a Special Use Permit for Courtney Wheeler at 310 N Main Street. Motion Carried.

Mrs. Wheeler stated that they will be installing a fence in the backyard in the spring; and that the bathroom is handicap accessible but do not currently have a ramp for entrance to the day care.

Moved by Palmer, second by Barrows to close the Public Hearing for a Special Use Permit for Courtney Wheeler at 310 N Main Street. Motion Carried.

Moved by Palmer, second by Barrows to approve the Special Use Permit for Courtney Wheeler to operate a Child Day Care Home at 310 N Main Street. Motion Carried.

Public Comments

Chair Wilson asked to receive public comments. None were given.

Moved by Palmer, second by Dr. Grant to adjourn. Motion carried.
Meeting adjourned at 6:10 p.m.

Mark Barrows, Secretary