



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
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Tuesday, October 16, 2018

7:00 PM

Larcom City Hall, 301 E Huron St, Second
floor, City Council Chambers

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the 'Subscribe to Updates' envelope on the home page.

1 CALL TO ORDER

Chairperson Alex Milshteyn called the meeting to order a 7:03 p.m.

2 ROLL CALL

City Planner Alexis DiLeo called the roll.

Present 7 - Woods, Mills, Milshteyn, Gibb-Randall, Trudeau,
Weatherbee, and Sauve

Absent 2 - Briggs, and Ackerman

3 INTRODUCTIONS

None

4 APPROVAL OF AGENDA

Moved by Mills, seconded by Gibb-Randall to approve the agenda as presented. Without objection the agenda was approved.

5 MINUTES OF PREVIOUS MEETINGS

[18-1785](#) City Planning Commission Meeting Minutes of October 2, 2018

Moved by Sauve, seconded by Weatherbee, to approve the minutes and forward to City Council. On a voice vote, the Chair declaring the motion carried unanimously.

[18-1786](#) City Planning Commission Meeting Minutes of March 20, 2018

Moved by Sauve, seconded by Weatherbee, to approve the minutes and forward to City Council. On a voice vote, the Chair declaring the motion carried unanimously.

ROLL CALL

Arrival of Zach Ackerman

Present 8 - Woods, Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, Ackerman, and Sauve

Absent 1 - Briggs

6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

6-a City Council

Commissioner Ackerman reported on the master deed agreement with Core Spaces for the Library Lot.

6-b Planning Manager

None

6-c Planning Commission Officers and Committees

None

6-d Written Communications and Petitions

[18-1783](#) Various Correspondences to the City Planning Commission

Received and Filed

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

None

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Staff reviewed the public hearing notice as published.

18-1784 Public Hearings Scheduled for the November 7, 2018 Planning Commission Meeting

Alexis DiLeo reviewed the upcoming public hearings with the Commission.

9 UNFINISHED BUSINESS

10 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org).)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

10-a **18-1779** 715 Heather Way Annexation and Zoning for City Council Approval - A request to annex a 0.75-acre parcel containing a single-family home from Ann Arbor Township to the City of Ann Arbor and zone it R1A Single-Family Dwelling district. (Ward 2) Staff Recommendation: Approval

PUBLIC HEARING:

Noting no public speakers, the Chair declared the public hearing closed.

Moved by Mills, seconded by Woods, that the Ann Arbor City

Planning Commission hereby recommends that the Mayor and City Council approve the 715 Heather Way Annexation and R1A (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition. [For a complete record of the discussion, please see available video format]

On a voice vote, the vote was as following with the Chair declaring the amended motion carried unanimously. Vote: 8-0

Yeas: 8 - Wendy Woods, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 1 - Erica Briggs

- 10-b** [18-1780](#) 1750 Plymouth Road Special Exception Use with Site Plan for City Planning Commission Approval - An application to allow a medical marijuana provisioning center, a special exception use, in the existing building at 1750 Plymouth Road, zoned C1 (Local Business district). A site plan has also been submitted to document the exiting conditions of the site and demonstrate the compliance with the special exception use approval standards. (Ward 1) Staff Recommendation: Approval with Conditions

PUBLIC HEARING:

Noting no public speakers, the Chair declared the public hearing closed.

Moved by Woods, seconded by Weatherbee that:

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including an accompanying site plan, finds the petition substantially meet the standards in Chapter 55 (Unified Development Code), Section 5.29.5.D (Special Exceptions) and Section 5.16.3.G (Medical Marijuana Facility), and therefore approves the 1750 Plymouth Road Special Exception Use for a medical marijuana Provisioning Center. This approval is based on the following findings:

- 1. The proposed use will be consistent with the C1 (Local Business) District, which provides for commercial retail uses as well as office and residential uses.**

2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Plymouth Road provide access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. A site plan documenting the existing conditions of the site has been submitted as part of this application.
4. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the provisioning center will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.

This Special Exception Use approval is based on the following conditions:

1. The petitioner obtaining and maintaining both a State of Michigan Medical Marijuana License and a City of Ann Arbor Medical Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.
2. The petitioner operating a medical marijuana business at this address within three years of the City Planning Commission approval date of this petition.
3. The special exception use may occupy no more than 2,240 square feet of the development at this site.
4. The special exception use may only be open for business between 11:00am to 8:00pm Monday through Saturday and noon to 7:00pm Sundays.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and

discussed the matter. [For a complete record of the discussion, please see available video format]

Ackerman enquired about traffic behavior of provisioning centers relative to other retail uses.

DiLeo explained they are considered on the high on of trip generators. She explained that this business will replace the existing 'Bagel Fragel' business that would have similar peak trip generation, only that 'Bagel Fragel' has a high trip generation in the morning and a provisioning center is considered to have a peak trip generation in the evening.

Ackerman enquired about turning lanes and if the Traffic Engineer spoke to possible signage for evenings.

DiLeo explained that lanes are not marked, and there might be space enough for one inbound vehicle and two outbound vehicles as well as sharing a driveway with the gas station. She said the Traffic Engineer did not speak to any specific signage limiting turns because this business is not the only trip generator at this shopping center.

Ackerman said, understood; regardless of what activity is happening on site, there is going to be outbound rush hour traffic.

DiLeo said the concern has been noted.

Gibb-Randall asked if our Traffic Engineer had provided hesitation on her review approval.

DiLeo said no, she said it met our standards, but did want the issue noted. She said there will be times when turning into and out of this site will be difficult because of back-up traffic on Plymouth Road, but it won't be at all times.

Woods asked if the City had approved other provisioning centers with the same name.

Alec Riffle, 1729 Covington Drive, Toledo, Ohio, Tree City, representing the petitioner Martin Yousif, 8 Exmoor, Toledo, Ohio was present to respond to enquiries.

Riffle explained that the City has approved two other provisioning centers, one on Jackson Avenue and one on South Industrial Highway; the plan is

that this facility also be branded as a Tree City provisioning center, but they are using the brand name as a place holder, because this site could be branded something else.

Riffle speaking to traffic scenario, said we could expand hours until 9 pm so that would spread out traffic, and potentially mitigate traffic jams; since it is a new business, it may take years to get to full customer load and full traffic counts. He said the Jackson Avenue location has been operational for five years and currently has 100 customers per day now, but it took a while to get there. He suggested that the trip generation is a 'worst case scenario' that is not too accurate to this location.

Woods asked if turning movement restrictions could be added in the future if the City's Traffic Engineers found traffic backing up.

DiLeo said traffic movements are continuously looked at by the City in an effort to keep traffic flowing smoothly.

Riffle said if it turns out that traffic reaches a breaking point at a certain number of patients they could limit the number of patients and say we're out of (product) for the day.

Woods said that sounds reasonable but how do we hold you to that.

Riffle said by staying honest.

Ackerman said that's the rub, businesses hoping to be good corporate neighbors while the City needs to be thinking through any scenario that can't be predicted, because once we grant the Special Exception Use, it stays with the address, which may become another business. He said if we have assurances that our Traffic Engineering staff looked at every possibility and says within realm of reason and safety they are okay with this, then I'm good with that, and I support their findings.

Ackerman asked about operating hours noting that the proposed hours seem more restrictive than usual. He asked how they came to them.

Riffle said they are based on their current Tree City's usual hours. He said being open from 9 to 9 seems appropriate actually, and could help with traffic concerns. Riffle said they hired Midwestern Consulting Services to obtain a supplemental traffic count at this location. He said they have provided the supplemental report, but realize the City's report is unbiased and they accept it.

Weatherbee asked about bike racks, noting she would like to know they will be there.

DiLeo said they should be shown on the final site plan.

Yousif said they will be happy to install them if they currently aren't there.

Trudeau said he has experience with this site getting pizza and turning left out of the site. He said while it's difficult, there are already so many cars, that this business is not going to make a big difference either way and he is comfortable approving the request.

Mills asked if a site compliance check will be performed by City staff to make sure the bike racks are installed.

DiLeo said, yes.

Woods said the site plan shows 2 bicycle racks.

Mills said regarding hours of operation, given this location is next to a gas station and liquor store and not immediately abutting neighborhoods, 9 to 9 does not seem ridiculous for Monday to Saturday operations.

Milshteyn said with other requests we have proactively shrunk down hours of operation, but why automatically expand hours when they say those are their normal hours.

Sauve reiterate some concerns, noting that she is not concerned with traffic, since a turning movements could be signed and regulated later. She said since three of the stores in this shopping center go to 10 pm, it seems reasonable to allow the hours of 9 to 9. Sauve said there have been changes at the table

Moved by Sauve, seconded by Ackerman to amend hours of operation to 9 am. to 9 pm.

DISCUSSION ON AMENDMENT:

Gibb-Randall said extending hours won't solve the peak traffic issue that is around 5 pm. She agreed with Milshteyn that it's not what they have asked for, so keep it simple!

Ackerman asked about the permit rules.

Riffle said 7 am. to 9 pm. - we'll come back to the Commission if need be to adjust the hours.

Gibb-Randall expressed that a change to 8 am might help and a left turn exit only might help but it's not just this business that would have to abide by signage, all others will suffer. She said rather address by opening up earlier in morning to allow people to stop in before going to work.

Ackerman suggested friendly amendment to amendment; May only be open 8 am to 9 pm Monday through Friday, 11 am to 8 pm Saturdays, 12:00 noon to 7 pm Sundays. Sauve agreed.

CONTINUED DISCUSSION ON AMENDMENT:

Woods asked how the petitioner feels about these hours.

Riffle said, yes, they are okay with them.

Trudeau said these hours would be permitted hours of operation, but not required hours.

Mills supported the extended hours to give flexibility so they can shift their hours of operation if needed; she appreciates the understanding that weekdays are different from weekends.

Milshteyn said he is not in favor of the amendment because of process; changing hours drastically and no opportunity for public to comment on it. He said they might have looked at staff report on Friday and thought the proposed hours were okay, and now we are negotiating at the table and not just limiting the hours, but expanding them.

Sauve said she believed they had a similar exercise at the table before.

VOTE ON AMENDMENT:

On a voice vote, the Chair declaring the amendment carried. Vote: 6-2

Yeas: 6 - Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 2 - Wendy Woods, and Alex Milshteyn

Absent: 1 - Erica Briggs

VOTE ON AMENDED MAIN MOTION:

On a voice vote, the vote was as following with the Chair declaring the amended motion carried. Vote: 8-0

Yeas: 8 - Wendy Woods, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 1 - Erica Briggs

10-c [18-1781](#) Signature Club Parking Lot Improvements Landscape Modification for City Planning Commission Approval - A landscape modification request to allow the previously approved landscape plan (which does not meet current standards) to remain as approved, during a proposed rearrangement of the existing parking lot serving the clubhouse for the Signature Club apartment complex located at 3000 Signature Boulevard. 1,329 square feet of pavement, including 7 parking spaces, will be removed and one of the drive entrances will be relocated. (Ward 4) Staff Recommendation: Approval
Rachel with Midwestern Consulting, 3815 Plaza Drive, Ann Arbor, gave the project presentation.

Alexis DiLeo provided an overview of the staff report and slide presentation.

PUBLIC HEARING:

Noting no public speakers, the Chair declared the public hearing closed.

Moved by Ackerman, seconded by Sauve, that the Ann Arbor City Planning Commission hereby approves Signature Club Apartments Landscape Modification Petition to maintain and continue landscape elements, which are part of a previously approved site plan as nonconforming.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format]

Mills said the request sounds sensible; a net decrease in impervious suggests an improvement and that this section will be brought up to code is great and she supports it.

On a voice vote, the vote was as following with the Chair declaring

the motion carried unanimously. Vote: 8-0

Yeas: 8 - Wendy Woods, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 1 - Erica Briggs

10-d **18-1782** 1505 White Street Alley Vacation for City Council Approval - A City initiated proposal to vacate the alley bisecting East Stadium Boulevard between White Street and East Park Place. This alley is adjacent to residential and Ann Arbor Park sites. (Ward 4) Staff Recommendation: Approval

Alexis DiLeo provided the staff report.

PUBLIC HEARING:

Brian Wagner, 906 Rose Avenue, Ann Arbor, said he thinks this goes behind my property too. He said if the no-man land behind his garage will be vacated, he would like to add it to his property, if that is possible. Wagner said he and his son have kept the area clean and tiny for many years - if that isn't possible, I will take my lickin' and be on my way.

Moved by Ackerman, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the vacation of the entire 16' wide alley in Block 7 of the plat of Hamilton, Rose, and Sheehan's Addition, platted as 429' in length and extending from White Street to East Park Place.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format]

Commission Break at 8:30 pm.

Moved by Sauve, seconded by Ackerman to postpone taking action until more information has been provided.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and

discussed the matter. [For a complete record of the discussion, please see available video format]

Christ Frost, City Attorney, explained the history behind the alley vacation, noting that there was a resolution done in the 1990's that contained some typographical errors, which is why they decided to re-do the whole vacation again. He said the City Assessor and everyone else believed that this alley had been vacated, but it really had not (since no record of such could be found) so this process is to bring it into conformance with the way people had been treating it. He requested that the item not be postponed because of timing issues on formalizing the vacation, noting that it would be another 6 to 8 weeks before this agenda item would move on to City Council for a public hearing and final decision.

Weatherbee said the legal description does include the vacation.

Ackerman thanked Mr. Wagner for bringing his questions to the attention of the Commission.

Wagner requested to approach the podium.

Commission agreed.

Wagner asked about implications of property taxes on inherited vacated property from the City.

DiLeo offered to set up a meeting with Wagner and City Assessor's office to further discuss the matter.

**Moved by Sauve, seconded by Ackerman to withdraw motion.
Motion Withdrawn.**

Gibb-Randall pulled up the County mapping site on line, noting it is so much clearer than what they had in front of them. She suggested using that mapping tool instead of the Adobe highlighting tool, it would be clearer when dealing with property lines and important details like this.

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote: 8-0

Yeas: 8 - Wendy Woods, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 1 - Erica Briggs

11 **AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)**

None

12 **COMMISSION PROPOSED BUSINESS**

Mills thanks City Staff, Attorney Chris Frost for coming out to the meeting.

13 **ADJOURNMENT**

Moved by Trudeau, seconded by Mills, that the meeting be adjourned at 8:45 pm. Without objection the Chair declared the motion passed.

Alex Milshteyn, Chair
/mg

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

The complete record of this meeting is available in video format at www.a2gov.org/ctn, or is available for a nominal fee by contacting CTN at (734) 794-6150.