



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Wednesday, August 8, 2018

7:00 PM

Larcom City Hall, 301 E Huron St,
Basement, conference room

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

Chair Milshteyn called the meeting to order at 7:00 p.m.

2 ROLL CALL

Planning Manager Brett Lenart called the roll.

Present 6 - Woods, Milshteyn, Gibb-Randall, Trudeau, Ackerman, and Sauve

Absent 3 - Briggs, Mills, and Weatherbee

3 APPROVAL OF AGENDA

Unanimously approved as presented.

4 INTRODUCTIONS

None.

5 MINUTES OF PREVIOUS MEETING

None.

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

6-a City Council

Councilmember Ackerman explained that due to the City Council meeting taking place after the Planning Commission meeting due to primary elections, he has no report of City Council activities as they relate to the Planning Commission. He also provided information on election results.

6-b Planning Manager

Lenart expressed appreciation to the Commission and the community for attending the Planning Commission meeting although the date and location were different than usual. He explained that he will be keeping time for speakers for public hearings on his phone.

6-c Planning Commission Officers and Committees

No report.

6-d Written Communications and Petitions

18-1348 Various Correspondences to the City Planning Commission

Attachments: Comm to CPC through 8-3-2018.pdf, 1251 N Main Postponement Request.pdf

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.)

Edward Vielmetti, resident of the Fourth Ward in Ann Arbor, explained that the font on materials attached to the agenda are too small to read.

Sam Copi, 818 Henry Street, Ann Arbor, explained that he was confused about whether or not it is appropriate for a member of the City Council to analyze the election, he added that it is not an official communication

from City Council, he explained that Ackerman's predictions discredit the chances of potential candidates, he added that the predictions are innapropriate, and that he is offended.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

8-a **18-1349** Public Hearings Scheduled for the August 21, 2018 Planning Commission Meeting

Attachments: 8-21-2018 Notice of Public Hearing as Published.pdf

Lenart read the Public Hearing Notice as attached.

Received and Filed

9 UNFINISHED BUSINESS

9-a **18-1347** 1251 N Main Street Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 1251 N Main Street to be used as a Medical Marijuana Provisioning Center by issuance of a Special Exception Use Permit, with an accompanying site plan that demonstrates no physical development change, in accordance with City requirements. The 1.10-acre site is zoned C3 (Fringe Commercial)

Attachments: 1251 N Main SEU Staff Report 8-8-2018.pdf, 1251 N Main Request for Postponement.pdf

City Planner Matt Kowalski presented the staff report.

PUBLIC HEARING:

Seeing no speakers, Chair Milshteyn closed the public hearing.

Moved by Trudeau, seconded by Gibb-Randall that he 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 1251 North Main Special Exception Use for a medical marijuana Provisioning Center.

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:

Aram Freij, representing the owner, explained that due to only having two days to respond to traffic comments, the owner would like to request postponement.

The Commission discussed traffic and safety at the project site, the staff findings and recommendation for denial, postponing decision on the item, the impacts of other uses on the site, proximity to Lakeshore Drive, the opportunity to make improvements to the site, handicap accessibility, and sidewalks.

MOTION TO POSTPONE:

Moved by Woods, seconded by Ackerman, to postpone Planning Commission decision on the 1251 N Main Street Special Exception Use Permit and Site Plan for City Council Approval to a date uncertain.

COMMISSION DISCUSSION ON MOTION TO POSTPONE:

None.

VOTE ON MOTION TO POSTPONE:

On a roll call vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 6 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 3 - Erica Briggs, Sarah Mills, and Julie Weatherbee

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

(If an agenda item is postponed, 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** **18-1343** 1420 S. Maple Road - Midtown Ann Arbor Condominiums Site Plan for City Council Approval - A proposal to demolish the existing two houses on the 1420 S. Maple Road site and construct 19 three and four story buildings and a community center with pool on a 20.46-acre parcel. A total of 256 units are proposed with 500 parking spaces in garages and surface parking lots. Existing zoning is R4B. Staff Recommendation: Approval

Attachments: Midtown Development Agreement DRAFT 080218.pdf,
Midtown Condominium Staff Report.pdf

Kowalski presented the Staff Report.

PUBLIC HEARING:

David Cohen, 1391 Cedar Bend Drive, Bloomfield Hills, MI, explained that he and his team have been working with the City for a long time overcome some obstacles due to height and parking. He explained that they have worked to maintain an urban feel to the design, that the team has recently, completed a development in Detroit which recieved an award for Historic Preservation.

Scott Betzoldt, Civil Engineer for the project, explained that he has represented the project before the Planning Commission in the past, and that the project submitted at this time is the best product. He explained that the location is appropriate for the project because of public transit and walkability. He also cited efficient use of the land, open space, the park space, wetland remediation, indoor parking creating less impervious surface, the public benefit of a water pressure booster system, as well as compliance with the Master Plan and Zoning Code.

Steve Dykstra, Architect, provided an overview of the exterior of the

project as well as the building elevations.

Seon-Hee Yoon, 2541 Breckenridge Drive, Ann Arbor, inquired about rent price, road/sidewalk closures, and sustainable energy use.

Thomas D. Siterlet, 2547 Breckenridge Drive, Ann Arbor, inquired about the need for this type of housing. He stated that there have been three other apartments proposed, he inquired about the effect of traffic and explained the current traffic situation. He did express appreciation for the water pump.

Seeing no further speakers, Chair Milshteyn closed the Public Hearing.

Moved by Gibb-Randall, seconded by Woods that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Midtown Ann Arbor Condominium Site Plan and Development Agreement (1420 South Maple), and Landscape Modification to: provide interior landscape islands in an atypical configuration; and to omit conflicting land use buffer plantings on the north side of the entry drive, adjacent to the wetland northwest of building 16, between the Grace Bible Church soccer field and I-94, and along three sides of the wetland mitigation area. Approval is contingent upon the receipt of variances for drive placement and the I-94 front setback from the Zoning Board of Appeals.

COMMISSION DISCUSSION:

Commissioner Woods asked the petitioner why they are pursuing this project, she also inquired about the removal of two single family homes, the construction duration timeline, phasing, and flooding impacts.

Gibb-Randall inquired about unit type and size, nearby street conditions, and sustainability strategies.

Lenart added that the prices of \$170,000 to \$380,000 were provided in the application as an estimated cost of the units.

Ackerman discussed the housing needs in Ann Arbor, explaining that the city is growing, and that in order to maintain beautiful existing green space, density needs to be provided where appropriate. He also discussed the impacts of 80,000 people commuting into the city every day. Ackerman also inquired about stormwater at the site.

Commissioner Suave inquired about additional sustainability efforts with the club house as well as the facade of the back of the townhouses.

Milshteyn inquired about the materials used in the proposed development as well as the water pressure.

Trudeau discussed the density at the site as well as his general support for the project.

Cohen answered that Ann Arbor has one of the best markets in the country, which can support higher end apartment styles, and that he believes the rent prices will be lower than other recent development due to it's location, being farther from downtown. He confirmed that the single family homes would be removed, and that construction would begin as soon as possible, streets would not need to be shut down for an extended period of time due to the smaller size of the project, that the project would take place in three to four phases, beginning with the community building. Cohen explained that there are a range of unit sizes and types ranging from a 700 square foot apartment style to a townhouse style. He also explained that in the past the petitioner has restored or made improvements to nearby areas after construction is complete in order to mitigate negative impacts of the construction of the development. Cohen discussed the wetland remediation, as well as the efforts to maintain greenspace. He added that car charging areas will not be installed due but the capability will exist if the homeowner chooses to install one.

Siterlet also explained that due to the density of the development it will be more efficient than single family homes. He cited better insulation, good quality windows, and new efficient appliances. He also added that the backs of the townhomes have high quality materials as well as windows. He also presented the plans for hosting mechanical items. Betzoldt added that the location of the site and the access to mass transit relates to the City's sustainability goals.

Betzoldt answered that the plan for managing stormwater would be detention ponds that feed to the wetland mitigation, and two watersheds, ending in the Huron River or the City's stormwater system. He added that it is not infiltration based. He also explained that once the site is developed, the intensity of water being taken on by near by rivers will decrease due to increased control in the release of the stormwater. He explained that the volume will be greater, but it will be discharging slower, which will have a smaller impact.

On a roll call vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 6 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 3 - Erica Briggs, Sarah Mills, and Julie Weatherbee

- 10-b** [18-1344](#) 202 Miller Avenue - Special Exception Use and Site Plan for City Planning Commission Approval - A request to allow the existing space at 202 Miller Avenue to be used as a Medical Marijuana Provisioning Center by issuance of a Special Exception Use Permit, with an accompanying site plan that demonstrates no physical development change, in accordance with City requirements. The 0.07-acre site is zoned D2. Staff Recommendation: Approval with Conditions

Attachments: 202 Miller SEU Staff Report 8-8-18 w attachments.pdf
Kowalski presented the Staff Report.

PUBLIC HEARING:

Nathan Dupes, Bodman PLC, 1901 St. Antoine, Detroit, MI representing adjacent property owners, 206 and 210 Miller and 306 and 307 N Ashley. Requested that the proposal be denied or postponed in order for more information to be acquired. He explained that neighboring properties show substantial contamination that has migrated to those properties from 202 Miller. He explained that there has been no mitigation plan, and that the state of Michigan has not yet responded to various communication regarding this issue.

Tom Fitzsimmons, owner of properties to the north and west, expressed that the proposed project does not fit the Master Plan, and that the environmental tests performed on the project site have not been sufficient or appropriate, and that the effects of the contamination will be detrimental to the surrounding areas.

Bill Stapleton, attorney representing 202 Miller, explained that the contamination issue at the proposed project site is a red herring, he explained that the petitioner has conducted a phase one and two, testing and Due Care Plan, which has been submitted to the City. The phase two testing included multiple borings and multiple samples. There are four borings that show contamination, which is above criteria. The petitioner

plans to excavate soils on the site to residential criteria. They are completely addressing contaminated soil. He explained that the three samples collected below the building did not detect contamination, and that it is not clear that the contamination is migrating. He stated that the petitioner at 202 Miller is acting as a responsible party to the issue.

Ann Hount, Quantum Environmental, explained that the testing that took place was appropriate and did result in the detection of contamination.

Seeing no further speakers, Chair Milshteyn closed the Public Hearing.

Moved by Ackerman, seconded by Sauve 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 (Zoning Ordinance), Section 5:104 (Special Exceptions) and Section 5:50.1 (Regulations Concerning Medical Use of Marijuana), and therefore approves the 202 Miller Avenue 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 D2 (Downtown Interface) District, which provides for commercial and retail activities 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. Both Miller Ave. and N. Ashley Street provides adequate access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.**
- 3. 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. Submit a License Agreement Application prior to applying for a Zoning Permit and to enter into a License Agreement prior to applying for a Certificate of Occupancy to address the encroachment of the existing building in the public right-of-way.

4. The petitioner will close the Miller Ave. curb cut, reduce the N. Ashley Curb cut and stripe parking spaces and install bumper blocks as shown on sheet c1.0. The closed curb cuts and parking spaces must be installed by October 31, 2018.

5. The petitioner will maintain the operating hours of 10:00 am to 8:00 pm Monday thru Saturday and 11:00 a.m. to 6:00 p.m. Sunday.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards.

COMMISSION DISCUSSION:

Commissioner Ackerman inquired about the perspective of the City in relation to the potential contamination at the site.

Lenart explained that the City relies on the Michigan Department of Environmental Quality (MDEQ) as they are the experts in the matter. He explained that more information on the site can be requested from the MDEQ.

Commissioner Woods discussed the importance of making choices based on the knowledge that the Commission has at this time. She expressed that she would feel more comfortable voting with more information from the MDEQ.

Chair Milshteyn discussed making approvals of items that are within the control of the Commission.

Commissioner Gibb-Randall expressed that she would feel more comfortable voting with more information from the MDEQ. Gibb Randall also inquired about the responsible party for any contamination.

Commissioner Ackerman discussed postponing the item.

Commissioner Sauve discussed the existing building and it's encroachment into the right-of-way.

Kowalski explained that the encroachment will be clarified in a future staff report.

COMMISSION DISCUSSION:

None.

Moved by Ackerman, seconded by Woods, to postpone decision on 202 Miller Avenue Special Exception Use and Site Plan for City Planning Commission Approval to a date uncertain.

On a roll call vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 7 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Zachary Ackerman, Elizabeth Sauve, and Elizabeth Sauve

Nays: 0

Absent: 3 - Erica Briggs, Sarah Mills, and Julie Weatherbee

- 10-c** [18-1345](#) 127 Adams Street - Sprint Temporary Cell on Wheels - Special Exception Use for City Planning Commission Approval - Proposed Sprint temporary cellular tower truck to be parked at 127 Adams for a three month period from 8/18/18 to 11/28/18. Area is proposed to be fenced for safety and security. Staff Recommendation: Approval

Attachments: Staff Report for 127 Adams St.pdf

Kowalski presented the Staff Report.

PUBLIC HEARING:

Diane Hall, 122 Adams Avenue, Ann Arbor, explained that she lives within 200 feet of the proposed Cell on Wheels (COW) expressed that she does not want the COW within her living space, explaining concerns

for detrimental effects to public health. She urged the Planning Commission to reconsider the recommendation to approve the request. She explained that although the neighborhood has many rentals, the residents still deserve good quality of life.

Wally Haley, applicant, expressed that he agrees with the staff report. He explained that federal law mandates that the public health aspect of the COW cannot be taken into consideration for the special exception use approval. He also explained that the COW is scheduled to be installed earlier than the football season in order to allow for testing.

Susan Barnes, 121 Adams Avenue, Ann Arbor, inquired about the reason for the 214 E Madison COW postponement request.

Seeing no further speakers, Chair Milshteyn closed the Public Hearing.

MAIN MOTION:

Moved by Trudeau, seconded by Gibb-Randall that the Ann Arbor City Planning Commission finds the petition to substantially meet the standards contained in Chapter 55 (Unified Development Code), Section 5.16.5 D. (Wireless Communication Facilities), and therefore approves the Temporary Telecommunications Facility – Cell On Wheels at 127 Adams Street for a monopole designed without the ability to co-locate additional antennae subject to approval by the Building Department.

COMMISSION DISCUSSION:

Kowalski clarified the project type.

Commissioner Woods inquired about the requests for COWs at 127 Adams and 214 E Madison. Woods also inquired about the possibility of only bringing the COW in on game days.

Kowalski explained that his understanding is that the petitioner wishes to pursue a COW at 214 E Madison if the COW at 127 Adams is not approved.

Commissioner Milshteyn inquired about the possibility of a permanent solution to the problem that a COW solves. Milshteyn also inquired about start up and shut down hours as well as noise and odor.

Haley explained that the location of 214 E Madison is not ideal, and will only be pursued if 127 Adams is not approved. Haley also explained that until about a year ago, Sprint was not expanding their network in a permanent way, and that over the last year Sprint has engaged in attempting to expand their network again. He explained that Sprint is currently in negotiation with establishing a permanent solution. Haley explained that any conditions set by the Commission will be followed, and that noise and odor will be the same as if the COW was attached to a trailer. Haley also explained that the COW cannot be brought in and removed on game days because of the set up and cell integration times needed for the COW to be effective.

Commissioner Sauve inquired about the neighborhood impacts, specifically the conditions creates to impact health.

Diane Hall, 122 Adams Avenue, Ann Arbor, expressed that noise is an issue as well as potential health impacts resulting from microwaves.

Commissioner Trudeau inquired about the diesel generators proximity to the residential area. He also inquired about the project type.

Kowalski explained that the COW request is not reflected in code due to not being permanent, but does require building permits.

Commissioner Trudeau discussed adding additional restrictions to the operation of the COW.

The Commission discussed the 127 Adams Street site in relation to the 214 E Madison Street site.

AMENDMENT TO MAIN MOTION:

Moved by Trudeau, seconded by Gibb-Randall to amend the Main Motion to contain the following conditions.

This COW will only be permitted to operate during and 4 hours before and 2 hours after University of Michigan home football games for the 2018 football season.

It is to be removed on or before November 28 , 2018.

It is to be staffed during all operating hours.

COMMISSION DISCUSSION ON AMENDMENT TO MAIN MOTION:

None.

VOTE ON AMENDMENT I:

On a voice vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 6 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 3 - Erica Briggs, Sarah Mills, and Julie Weatherbee

VOTE ON MAIN MOTION:

On a roll call vote, the vote was as follows with the Chair declaring the motion unanimously amended.

Yeas: 6 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 3 - Erica Briggs, Sarah Mills, and Julie Weatherbee

- 10-d** [18-1346](#) 214 E Madison Street- Sprint Temporary Cell on Wheels - Special Exception Use for City Planning Commission Approval - Proposed Sprint temporary cellular tower truck to be parked at 214 E. Madison for a three month period from 8/18/18 to 11/28/18. Area is proposed to be fenced for safety and security. Staff Recommendation: Postponement

Attachments: CPC Memo Madison.pdf

PUBLIC HEARING:

Seeing no speakers, Chair Milshteyn closed the Public Hearing.

Moved by Trudeau, seconded by Suave, to postpone decision on 214 E Madison Street - Sprint Temporary Cell on Wheels - Special Exception Use for City Planning Commission Approval to a date uncertain.

COMMISSION DISCUSSION:

None.

On a roll call vote, the vote was as follows with the Chair declaring the motion approved.

Yeas: 6 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 3 - Erica Briggs, Sarah Mills, and Julie Weatherbee

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

Seeing no speakers, Chair Milshteyn closed Audience Participation.

12 COMMISSION PROPOSED BUSINESS

None.

13 ADJOURNMENT

Unanimously adjourned.

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

This meeting will be recorded for replay on CTN. It will premiere Friday, 8/10 at 1:00pm, then replayed Saturday, 8/11 at 8:00pm and Monday, 8/13 at 8:00am and randomly after that, until the next meeting.