



# City of Ann Arbor

## Meeting Minutes - Final

### City Planning Commission

301 E. Huron St.  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

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Thursday, February 18, 2021

7:00 PM

Electronic Meeting

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This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and online at [a2gov.org/watchCTN](http://a2gov.org/watchCTN)

To speak at public comment call 206-337-9723 or 213-338-8477 or Toll Free 877-853-5247 or 888-788-0099 Enter Meeting ID: 936 5339 6143

#### 1. CALL TO ORDER

*Chairperson Sarah Mills called the meeting to order at 7:00 p.m. with the following statement: Welcome to the Thursday, February 18, 2021, electronic meeting of the Ann Arbor Planning Commission. The meeting is being held electronically to protect public health and safety due to the COVID-19 virus and to comply with orders issued by the governor, the Michigan Department of Health and Human Services, and/or the Washtenaw County Health Department. We intend to conduct this meeting similarly to an in-person meeting. However, please be patient if there are technical issues. Public comment will be via telephone only. To speak during any of the public comment opportunities please call 206-337-9723 or 213-338-8477 and enter Meeting ID 936 5339 6143. This information is also available on the published agenda, in the public notices section of the city website, and on the broadcast of this meeting on CTN channel 16, AT&T channel 99, and online at [www.a2gov.org/watchctn](http://www.a2gov.org/watchctn), select "government channel."*

#### 2. ROLL CALL

*Planning Manager, Brett Lenart, called the roll.*

**Present** 9 - Mills, Milshteyn, Gibb-Randall, Sauve, Abrons, Hammerschmidt, Disch, Lee, and Clarke

#### 3. INTRODUCTIONS

*None*

#### 4. APPROVAL OF AGENDA

**Moved by Lisa Sauvé, seconded by Lisa Disch, to Approve the Agenda as presented. On a voice vote, the Chair declared the motion carried unanimously.**

**5. MINUTES OF PREVIOUS MEETING**

- 5-a. [21-0324](#)** February 2, 2021 City Planning Commission Meeting Minutes

**Moved by Ellie Abrons, seconded by Lisa Disch, to Approve the February 2, 2021 CPC minutes and forwarded to the City Council. The minutes were unanimously approved.**

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

- 6-a. City Council**

*Planning Manager, Lenart reported on the previous Council meeting; Council approved 2150 Frieze Ave site plan (St Francis addition) 907-913 S Main Street (Multi-family apartment building) as well as the first reading of annexed parcel 2731 Newport Road.*

- 6-b. Planning Manager**

*He further reported on the upcoming agenda items of the Ordinance Revisions Committee meeting scheduled for February 23, 2021, at 7:00 pm. Lenart noted that the video recording of the February 9, 2021 Planning Commission Working Session is available for viewing on the City's Planning website.*

- 6-c. Planning Commission Officers and Committees**

*Commissioner Wonwoo Lee reported on the Transportation Commission meeting held yesterday, where they had a presentation on Equity Community Engagements, discussed snow removal of City sidewalks, as well as personal mobility vehicles (scooters mainly) and safety on City sidewalks.*

- 6-d. Written Communications and Petitions**

- [21-0325](#)** Various Communication to the City Planning Commission

**Received and Filed**

- 7. PUBLIC COMMENT (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.)**

*No speakers*

- 8. PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

- 8-a. [21-0332](#) Public Hearings Scheduled for Tuesday, March 2, 2021 Planning Commission Meeting**  
*Brett Lenart reported on upcoming public hearings at the next regular meeting.*

**Received and Filed**

- 9. REGULAR BUSINESS**

- 9-a. [21-0326](#) 2385 East Ellsworth Road Site Plan and Special Exception Use for Planning Commission Approval - Proposed Site Plan to redevelop the existing one-story building into a marijuana provisioning center/marijuana retailer, including rearranging and improving the parking lot, providing conflicting land use buffer, and installing an enclosure for solid waste/recycling facilities. Request to revise an approved Special Exception Use to allow the approved marijuana provisioning center/marijuana retailer to be located in the existing building rather than a new building on this 0.46-acre site. Staff Recommendation: Approval**

*PROJECT PRESENTATION:*

*Heath Hartt, Midwestern Consulting Inc., Ann Arbor, Engineer, provided the proposed project presentation.*

*Steve Soka, Commercial Services Property Management Inc., 28500 Franklin Road, Southfield, owner, was also present as was Brian Fenech, Michigan Medical Cannabis Consulting, petitioner's agent.*

*STAFF REPORT:*

*Alexis DiLeo, City Planner, provided the staff report.*

*PUBLIC HEARING:*

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

**Moved by Lisa Disch, seconded by Shannan Gibb-Randall, 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 (Marijuana Facility), and therefore amends the 2385 East Ellsworth Road Special Exception Use for a Medical Marijuana Provisioning Center/Marijuana Retailer. This amended approval is based on the following findings:**

- 1. The proposed use remains consistent with the C1 (Local Business) District, which provides for commercial retail uses as well as office and residential uses.**
- 2. The amended location of the proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. East Ellsworth Road provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.**
- 3. A site plan documenting the existing and proposed conditions of the site has been submitted in conjunction with 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/retailer in the amended location on the site will still 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.**
- 5. Previous conditions relating to timing and deadlines remain in effect, maintaining established expectations despite the amended physical form and location of the provisioning center/retailer on the site.**

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

- 1. Approval of a site plan to redevelop the site for a marijuana**

provisioning center/retailer is approved by May 19, 2021.

2. A land division application to create the lots proposed on the site plan is submitted and approved prior to issuance of any permits or licenses.

3. The petitioner obtaining and maintaining both a State of Michigan Marijuana License and a City of Ann Arbor Marijuana Permit, and providing documentation to Planning Services by November 19, 2022.

4. The petitioner operating a marijuana business at this address by November 19, 2022.

and

The Ann Arbor City Planning Commission hereby approves the 2385 East Ellsworth Site Plan dated January 25, 2021, subject to (1) approval of a land division as proposed, and (2) approval by the Washtenaw County Water Resources Commissioner, prior to issuance of any permits or licenses.

*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]*

*Commissioner Milshteyn asked if the reason the petitioner was splitting the lot was in order to be 1,000 feet away from the Bryant Elementary School, to which DiLeo responded, yes.*

*Milshteyn raised his concern about possible development on the newly created lot to the north, which would take away the current greenspace, as shown on the plans.*

*Planning Manager Lenart explained how the radius measurement from this existing parcel to the Bryant Elementary School, before a proposed land division, had shown to meet the distancing requirement on one system, while coming up less than one foot short on another measurement system, so the applicant wanted to do the land division in order to be compliant with the ordinance requirements.*

*Councilmember Disch, referenced communication the Commission had received from several neighbors, about concerns related to safety and if those concerns have been addressed.*

*DiLeo summarized earlier communications from the neighborhood, noting they seemed appreciative that the current owner has taken over the property, since the former liquor/lotto/deli store had been somewhat of a nuisance in the neighborhood and had become a hangout and wasn't considered a bright spot in the area. She said the neighbors didn't want a marijuana provisioning center so close to so much housing and they felt it would be a bad influence on the neighborhood and send the wrong message about the neighborhood; while there was an equal number of neighbors in support of the use. DiLeo explained that the new owners literally cleaned up the site and removed some of the nuisance attracting element and made it a better site, for which neighbors have expressed appreciation.*

*The Commission asked about any potential plans for the newly created lot to the north, to which Hartt responded there are no current plans for the parcel.*

*Disch asked if the City had other provisioning centers within close proximity to residential housing, to which the Commission nodded. She said it would be helpful to have a brief list of other centers.*

*Commissioner Hammerschmidt asked about the previous use of the new northern parcel to which DiLeo responded it was a parking lot.*

*Commissioner Gibb-Randall asked about the soils on site to which Hartt responded they are not good on infiltration. She asked about the intended use of the driveway leading to the side and back of the building to which Hartt explained it's a shared access easement and is part of the requirement when creating a new lot in order for the lot to have access to the public street.*

*Chairperson Mills asked what will hinder people from parking on the grass on the northern lot, to which DiLeo said there is currently nothing but a curb or landscaping could be installed to delineate the parcels, to which landscape architect, Kyle Gonzales, said they wouldn't have an issue with installing either. The Commission were more in favor of landscaping as delineation material.*

**AMENDMENT I:**

**Moved by Sarah Mills, seconded by Alex Milshteyn, to amend**

**motion, to add a 5th condition to the Special Exception Use Plan directing the Petitioner to work with staff to develop a landscaping plan, curb, or other method to create a physical barrier to restrict use of the vacant, northern, site.**

*DISCUSSION ON AMENDMENT I:*

*Commissioner Clarke was in favor of a physical barrier to the northern lot.*

*Commissioner Hammerschmidt was in favor of landscaping rather than curb, but was supportive of providing options.*

**VOTE ON AMENDMENT I:**

**On a roll call vote the vote was as follows with the Chair declaring the amendment carried.**

*CONTINUED DISCUSSION ON MAIN MOTION:*

*The Commission enquired about Electric Vehicle (EV) ready parking spots for this project, to which Lenart explained it is only required on site plans for City Council approval which this isn't.*

*Hartt clarified that they will be putting in the required spacial width required for EV parking to allow pedestrians to pass, once EV parking is put in, it won't require modification of curb and gutters and would be very easy to install.*

*Gibb-Randall said sleeving the PVC would be so easy at this juncture.*

**AMENDMENT II:**

**Moved by Shannan Gibb-Randall, seconded by Sarah Mills, to amend motion to add conduit to make 2 parking spaces Electric Vehicle (EV) capable.**

*DISCUSSION ON AMENDMENT II:*

*Commissioner Lee was in support of adding the condition to install the PVC at this point, without making it EV ready.*

*Lenart clarified that the conductors would not need to be installed at this time, but the panel should be wired in preparation for future EV use.*

**VOTE ON AMENDMENT II:**

**On a roll call vote the vote was as follows with the Chair declaring the amendment carried.**

*CONTINUED DISCUSSION ON MAIN MOTION:*

*Mills thanked the petitioner for changing the lighting on the building to make it conform with the Dark Skies Initiative.*

*Milshteyn asked about the existing fencing to which Hartt responded they intend to keep the fencing on the northern side, but the street side fencing and gate would be removed.*

*Lee asked if the turning curb will be replaced, to which Hartt responded yes, and the sidewalk will also be replaced.*

**VOTE ON MAIN MOTION AS AMENDED:**

**On a roll call vote the Chair declared the amended motion carried.**

**Vote: 9 - 0**

**Yeas:** 9 - Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, and Sadira Clarke

**Nays:** 0

- 9-b.**      [21-0327](#)      2394 Winewood Avenue Special Exception Use for Planning Commission Approval - This business was approved in 2018 for a medical marijuana provisioning center. The site improvements were constructed according to the approved plan. The petitioner is now requesting a Special Exception Use to allow a "Marijuana Microbusiness" which allows cultivation and processing as well as sales of marijuana. No changes are proposed to the 0.36-acre site. Staff Recommendation: Approval

*PROJECT PRESENTATION:*

*Kathy Keinath, Macon Engineering, Ann Arbor, provided the proposed project presentation. Eric Parkhurst was also present.*

*STAFF REPORT:*

*Jeff Kahan, City Planner, provided the staff report.*

*PUBLIC HEARING:*

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

**Moved by Lisa Sauvé, seconded by Sara Hammerschmidt 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 to 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 2394 Winewood Street Special Exception Use for a marijuana microbusiness. This approval is based on the following findings:

1. The proposed use will be consistent with the M1 (Limited Industrial) District, which allows for industrial, limited retail, and office uses.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. South Maple Street and Winewood Street provide access to the site, and the proposed use is consistent with other surrounding uses.
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 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 marijuana microbusiness business at this address within three years of the City Planning Commission approval date of this petition.
3. The petitioner ceasing operation of a marijuana provisioning center and/or marijuana retailer at this location, and satisfactory acknowledgement, as the City's sole determination of adequacy .
4. The special exception use may only occupy 2394 Winewood Street.

5. Approval of the Special Exception Use is subject to the petitioner maintaining site improvements as shown on the site plan including new bicycle parking, relocated barrier free parking space, and providing a barrier free sidewalk to a building entrance.

6. Approval of the Special Exception Use is subject to the petitioner installing on-site solar panels that will provide a minimum of 10% of the facility's energy usage prior to the issuance of the final Certificate of Occupancy.

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]*

*Councilmember Disch asked about the energy footprint of the building and if there would be any better way to get a reduction of 10 percent.*

*Lenart reviewed the regulations with the Commission and Eric Parkhurst said they had received verification that solar panels would be feasible to achieve a 10 percent reduction. Parkhurst said he doesn't own the building so it would be cost prohibitable for him without a longer lease in place.*

*Gibb-Randall asked about solar recouping costs in terms of years for their business to which Parkhurst said the energy company estimated it would take 5-6 years.*

*Hammerschmidt asked if changing this SEU to a microbusiness would free up an additional permit in the City, to which Lenart responded, yes.*

**On a rollcall vote the Chair declared the motion carried. Vote: 9 - 0**

**Yeas:** 9 - Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, and Sadira Clarke

Nays: 0

**10. PUBLIC COMMENT (Persons may speak for three minutes on any item.)**

*Mohammed Sayfadean, 2245 Hemlock Court, Ann Arbor, said he lives in Forest Hills Cooperative and he's appreciated all the thoughtful comments tonight about the project and his concern about security. He said he just learned that the business received their license and he is in opposition to the project. He said he is a registered nurse and a public nurse case manager in the Washtenaw County Health Department and worked as a nurse director for 14 years in a substance abuse center overseas and has seen a lot of substance abuse in emergency rooms as well as while being an MP and while working in emergency rooms in New York he's seen first hand what mind altering substances, including alcohol, do. He said just because it's being legislated, doesn't mean it's good and we've just seen four years of that. He said he understand if something is voted on, it can move forward and this project is going forward, but he wanted to state his professional opposition to this project because there is plenty of evidence based material about the uses of marijuana. He mentioned University of Michigan has an excellent report about it and there is lots available on You Tube as well. He said he does a lot of walking past this property and will continue to do a lot of observing of this property due to his concerns for security issues given it's close proximity to his neighborhood. He said his neighborhood board will do what they need to do in order to keep their neighborhood safe, and they will report issues of concern to the State of Michigan which could impact future licensing of this site. He thanked the Commission for their thoughtful discussion.*

**11. COMMISSION PROPOSED BUSINESS**

*Sarah Mills asked about adding Electric Vehicle (EV) charging to the threshold of small impact site plans.*

**12. ADJOURNMENT**

**Moved by Alex Milshteyn, seconded by Lisa Disch, to adjourn the meeting at 8:34 pm. Without objection the meeting was adjourned.**

Sarah Mills, Chairperson  
/mg

eComments for the Commission may be left via our Legistar calendar page (column to the very right)  
<http://a2gov.legistar.com/Calendar.aspx>

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](mailto:cityclerk@a2gov.org) ; or by written request addressed and mailed 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> ). 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.

(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 postponed agenda item will appear on a future agenda please contact Planning staff. 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](http://www.a2gov.org))

(Public Hearings: Individuals 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.)

These meetings are typically broadcast on Ann Arbor Community Television Network Comcast 16 / AT&T 99 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website <https://a2gov.org/watchctn> . The complete record of this meeting is available in video format at <https://a2gov.org/watchctn>, or is available for a nominal fee by contacting CTN at (734) 794-6150