



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)

Tuesday, September 18, 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 at 7:01 p.m.

2 ROLL CALL

City Planner and Historic District Coordinator Jill Thacher called the roll.

Present 9 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, Ackerman, and Sauve

3 INTRODUCTIONS

4 APPROVAL OF AGENDA

Chair Milshteyn noted that agenda item 5-b should be struck from the record as it didn't make it into the packet.

Moved by Woods, seconded by Mills, to approve the Agenda as amended. On a voice vote, the Chair declared the motion carried.

5 MINUTES OF PREVIOUS MEETING

5-a [18-1511](#) October 17, 2017 City Planning Commission Meeting Minutes

Moved by Weatherbee, seconded by Ackerman, to approve the October 17, 2017 Planning Commission meeting minutes and forward to City Council. The minutes were unanimously approved as presented.

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 that last night the City Council discussed the City’s Transportation Plan, which is an element of the City’s Master Plan, which is part of the Planning Commission’s charge. He said the City is moving forward with hiring a consultant, Sam Schultz Consulting firm, out of New York City, to come up with a plan on how Ann Arbor will move into the future. Ackerman said it will be an exciting time for the City as they look at many ways and modes of transportation, especially in the autonomous space, and this will be a much needed update after ten years since the current plan was adopted.

Ackerman reported that the 151 East Hoover Site Plan project near the Stadium was approved by Council, while The Cottages at Barton Green Site Plan project on Pontiac Trail was denied last night. In respect to the Library Lot, in line with the sales agreement that was approved by Council in April 2017, Council approved a covenant for both the workforce housing requirements as well as our parking permit agreement last night.

6-b Planning Manager

No further report.

6-c Planning Commission Officers and Committees

Commissioner Shannan Gibb-Randall reported from the Downtown Development Authority (DDA) Committee meeting, adding that the Ann Arbor Area Transportation Agenda (AAATA) will be doing a big re-evaluation of their routes next year that will be provided in time for the transportation plan. She said it’s good to keep this in mind as they look at locations and placements of developments, along with feedback where additional transportation might be needed.

Commissioner Wendy Woods asked if there was further information on the 'Birds' (scooters) that have come to Ann Arbor.

Ackerman explained that the City will continue to allow the use of the 'Bird' scooters in the City's right-of-way. He said they believe the scooters are only violating the ordinance regarding storage of the scooters in the right-of-way, and the City will only confiscate scooters that are blocking City sidewalks and violating the Americans with Disabilities Act (ADA). He said the City continues to work with the scooter's regional representative on an agreement through which the City can build a legal relationship and set some parameters.

6-d Written Communications and Petitions

[18-1570](#) 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 MEETING

[18-1571](#) Public Hearings Scheduled for the October 2, 2018 Planning Commission Meeting

City Planner Thacher reviewed the public hearing item for next meeting's agenda.

9 UNFINISHED BUSINESS

[18-1569](#) 617 Packard Street Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing building at 617-619 Packard 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. 0.04-acre parcel zoned C1A (Campus Business). Staff Recommendation: Approval with Conditions

City Planner Jill Thacher provided the staff report.

PUBLIC HEARING:

Ankur Rungta, QPS Michigan Holdings, owner, said he and his family are local to Ann Arbor, having graduated both from undergraduate and Law School from University of Ann Arbor, his QPS Michigan Holdings Company has been registered with the State of Michigan. He introduced his team to the Commission, and made himself available for questions.

Brian Fenech, Michigan Medical Cannabis Consulting, PO BOX 2088, Ann Arbor, representative of the petitioner, thanked the Commission and staff for all their hard work and time working with them throughout this process in resolving outstanding issues. He praised staff for their responsiveness.

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

Moved by Mills, seconded by 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 (Ann Arbor Unified Development Code), Section 5.29.5 (Special Exception Use) and Section 5.16.3.G (Medical Marijuana Facility), and therefore approves the 617 Packard Street 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 C1A Campus Business District, which provides neighborhood shopping for the University- oriented population and includes retail establishments, offices, personal services, theaters, and pinball parlors.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Packard Street provides 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. The petitioner will install bicycle parking spaces on the site as shown on Sheet 4 Site Plan of the plan set by October 31, 2018.
4. The special exception use may occupy no more than 2,112 square feet of the entire building.
5. The petitioner will maintain the operating hours of 10:00 am to 9:00 pm Monday thru Saturday and 12:00 pm to 7:00 pm Sunday.

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]

Mills asked about bicycle parking on the ramp, and if it would leave enough space to be ADA compliant.

Rob Wagner, Midwestern Consulting, Engineer for petition, responded yes, and that they would be building up a stop so the rack doesn't roll down the ramp. He said they are providing one hoop, which could be used for two bicycles if parked on either side of hoop.

Gibb-Randall asked if there had been any discussion with staff on placing the bike hoop in the right-of-way, instead of around the corner and out of view; she felt it would be more convenient and intuitive if it would be placed in the right-of-way.

Wagner said they would be happy to add additional hoops in the right-of-way if the Commission so requests.

Thacher said she could look into the possibility of placement of bicycle parking in the right-of-way for projects, like this, that are located outside of the DDA district, noting that the DDA has strict regulations on right-of-way. She said the code requirement for this bicycle parking is for a Class B parking, so they are trying to have it covered by the awning.

Gibb-Randall asked if this project would be taking over the bakery location as well. She asked about entrance and exits.

Wagner said, yes; they will be taking over both the bakery as well as the record store locations, while the current entrances will stay the same. He said they will only be finishing off 1,400 square feet at this time on the ground and mid-level.

Rungta explained that customers would enter through the current bakery door, while exiting through the mid-level door.

Commissioner Erica Briggs asked if they intended to use the ADA ramp next to the existing trash receptacles.

Wagner said yes, however, they plan on only using two trash receptacles as shown on Page 4 of the site plan, so the ADA ramp would provide a 3-foot wide area for public use.

Woods asked how customers with disabilities would be able to enter if the entrance would only be through the current bakery door.

Tom Covert, Midwestern Consulting, 3815 Plaza Drive, Ann Arbor, Project Manager, reviewed the site plan with the Commission, showing they are planning on installing an internal lift that can service the mid and ground-level doors. He explained that ADA accessible users would be entering the building through the Packard Street side.

Woods asked how the Commission could be assured that the inside of

the building would be ADA compliant.

Thacher explained that per the motion on the floor, the applicant will need to obtain a Permit from the City of Ann Arbor, and in order to obtain a permit, they will need to have a Certificate of Occupancy, which can only be obtained after a building inspection, which will document their ADA compliance internally.

Fenech said the petitioner would review what would be most convenient for the customer, and if they found the use of a lift too much of an inconvenience for the customer, they would look at bringing the product down to the level of the customer, as long as they had a safe, secure, area to dispense the product.

Commissioner Julie Weatherbee said she was very disappointed in the disappearance of the Pastry Peddler, since it was conveniently located near her place of employment. She asked if the petitioner has plans on notifying their patients not to use their neighbor's parking lot. Weatherbee also noted the existing problem with pedestrians crossing in the middle of the street by the Pastry Peddler, instead of walking to the crosswalk lights.

Rungta said yes, and they hope their patients will be from the nearby area, thereby not needing parking.

Fenech said their business plan includes several promotions aimed at building a sense of walkability throughout their clientele, which will be an opportunity for QPS to educate and instruct their clients where to cross the street.

Gibb-Randall said she would like to see a bike parking in front, maybe between the parking meters, since no street trees are in the way it would be more intuitive for bicyclists.

Colbert stated in order to put a bike hoop in the public right-of-way requires a license agreement and a lot of time and effort from the City Attorney's office. He reviewed the site plan and storefronts, showing how the building sits, with a sliver of land between the building and the right-of-way, saying, they could fit at least one bicycle parking spot into that space.

Sauve said to meet the Class B bicycle parking, they would need the parking covered; she was in support of the project since it aligns with the other businesses in the vicinity.

Moved by Ackerman, seconded by Gibb-Randall, to amend the motion to add a sixth condition:

6. The petitioner will work with City staff to explore the installation of an on-wall bicycle hoop, parallel to Packard Street, and if feasible, and with appropriate staff approvals, install such bicycle parking.

DISCUSSION ON AMENDMENT:

Woods asked since this is a Special Exception Use approval, would it mean that the bike hoop would need to stay in that location.

Thacher said yes, it would be expected to remain, if staff finds it is an acceptable location.

Sauve asked about clarity in the amendment that would require the petitioner to install the discussed parking, if it is found appropriate by City staff.

Ackerman made a friendly amendment by adding ‘with appropriate staff approvals, install such bicycle parking’. Agreed by Gibb-Randall.

Commissioner Scott Trudeau asked for a friendly amendment to add the words ‘if feasible’.

Agreed by Ackerman and Gibb-Randall.

VOTE ON AMENDMENT:

On a voice vote, the Chair declared the amendment carried.

VOTE ON MAIN MOTION AS AMENDED:

On a roll call vote, the vote was as follows, with the Chair declaring the amended motion carried. Vote: 9-0

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

10 REGULAR BUSINESS

(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).

10-a **18-1620** Approval of Planning Commission Subcommittees and Designees

Move by Mills, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby approves Planning Commission Committees assignments as presented, including elimination of the Allen Creek Greenway Committee designee.

COMMISSION DISCUSSION:

The Commission took into consideration assignments for representatives to various groups and committees going forward. [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 motion carried.

10-b **18-1621** Approval of Proposed Work Scope for Evaluation and Recommendations on Downtown Building Design Process

City Planner Jill Thacher explained that on July 16th, the City Council enacted Resolution R-18-294, which directed the Planning Commission and staff to evaluate the performance of the current design review process against national best practices and recommend a course of action to City Council by October 15, 2018.

Currently, application to the Design Review Board is required for any application in the D1 or D2 Zoning Districts, or on a site proposed or currently zoned PUD in the DDA boundary, that is not located within a Historic District. This review shall occur prior to a Citizen Participation Meeting and prior to submission of an application for development review.

City Council has acknowledged that many residents believe that the massing and design of new downtown buildings do not live up to community aspirations, and that it is appropriate to consider evaluation of this process at this time.

In response to this direction and sentiment, City staff has presented the City Council direction and recommendations to the City's Design Review

Board and City Planning Commission to identify a proposed approach to this evaluation. Both boards have provided feedback and the Planning Commission recommends the proposed scope in response to Council's direction. (See attached document)

COMMISSION DISCUSSION:

Ackerman asked about the source of funding and if it would be unrestricted. He said staff have put together a really beautiful scope of work, really comprehensive and will provide a lot of value when ultimately making budget decisions and looking for trade-offs. He said the price tag is large and he feels that there is so much more pressure from the community to re-examine zoning, engagement process, design standards in neighborhoods, more than there is downtown, these days. He said he loves the word "product", but the price tag is what it is.

Sauve said that part of the evaluation is to assess kind of background feedback from other communities and reports. She asked if the study does a citywide report of the design review guideline recommendations, not just for the downtown design guidelines, so the City would have a holistic report back to look at, even if all isn't implemented for the design guidelines process; she felt that way the City would be getting more information out of such a study.

Thacher said she believed a Citywide review would be a substantial increase in the scope of work.

Milshiteyn explained that City Council instructed them to look at the downtown, specifically D1 and D2 zoning.

Gibb-Randall said she believed it would be a much larger scope since the Design Review Board only looks at standards within the downtown, currently.

Mills said previous discussion had shown that in order to establish such design guidelines, the City would first need to articulate what they considered to be "ugly" here in the City and then find comparable cities where they "liked" designs, before they could move towards setting such guidelines; that is where the comps come from and the price tag comes from. She said the bullet points laid out in the memo reflect such efforts, that one cannot just look at Ann Arbor; it requires looking elsewhere as well. She agreed that the price tag is big and she doesn't know if it's worth doing such a study since it doesn't seem to be a big concern in the

neighborhoods at this time.

Ackerman asked if City Council would need to issue a Request for Proposals (RFP) in order to begin such a process.

Milshiteyn said yes, he believed so, since the Commission has reviewed what it's going to require.

Briggs said from working session discussions, another piece that is raising the cost specifically is the community engagement outcome of this; there's a lot built into gaining community feedback on perceptions, getting feedback from a lot of different stakeholders, and the implementation recommendations suggest that the project scope is to lead to increased likelihood of community perception and concern around community engagement, which is what we want here, while other communities might not want it; therefore, it makes a big differences in communities that want that community engagement versus those that don't.

Briggs asked if the second bullet point under Background seemed unclear.

Woods asked if the scope was clear enough that it would include looking at those 5 to 10 communities design review ordinances for their downtown areas, which she felt is important.

Milshiteyn said he believed so.

Ackerman asked if they could specify, 'downtown or urban area' if they would go outside of their commercial core if a community does design well; he said he would still be interested in that.

Gibb-Randall commented that different communities define these areas differently, so it's tricky in choosing the exact term; however, it should be clear from the heading that we are reviewing our Downtown Design Guidelines, in referencing our Downtown Core (D1) and D2 it is saying within those bounds of comparison of communities.

Suave asked about financing, the difference from staff and a committee, versus other communities' review process and the costs to the City; if other review processes would require more resources and costs than our current process. She said having a kind of cost analysis of the efforts would be a detail to be added in as a bullet point.

Milshteyn said that would be up to Council, since they would be the ones to create the RFP and move forward if the budget will allow for it.

Gibb-Randall said an added bullet point that includes an analysis of the frequency and review analysis of the procedure.

The Commission suggested under Performance Evaluation, under fourth bullet point, adding a third sub-bullet; 'Cost of implications'.

Woods said she felt it was important to look at staffing levels in other communities in order to gain a true a comparison when doing the Scope of Evaluation.

Gibb-Randall felt the bullet point containing 'market comparison' shows we would not use a community that is wildly different from us in terms of comparison.

Milshteyn suggested adding under Performance Evaluation, under fourth bullet point, sub-bullet, Volume of Applications and 'Planning resources'.

Mills suggested under Performance Evaluation, under fourth bullet point, adding language for the cost of development (on the private developer), in getting to the affordability of building so we don't make it so expensive that we can't afford it, whether that's taking care of our comparisons or just making sure we have the word affordability in this document.

Milshteyn suggested 'the cost of affordability' could include cost affordability for people who are renting or buying, and the cost of affordability for the developers, since costs are passed on.

Ackerman added that in working with the County on affordable housing, data has shown that the more review required and the more we ask of them in terms of architectural design, the less affordable the project will be; we need to build that into our DNA (basis) about how we make trade-offs and decisions on how it is implied that it makes housing more expensive.

Mills asked if it is our goal to be continually reminding ourselves that this may come with a price tag and encouraging the consultant to put a price tag on that for us.

Sauve suggested language under Performance Evaluation, under fourth

bullet point, first sub-bullet; Volume of Applications and ‘project and process cost implications’.

Mills hoped that if Council decides to issue an RFP, she hopes that the consultant knows what the Planning Commission means by the added language.

Briggs said she doesn’t believe it has to be true that they are leading to a more expensive process; if they are looking at best practices. She said what we have to remember it that we are in a voluntary process right now; maybe instead of having several go-rounds listening to “Oh wouldn’t it be nice..” as opposed to firmly saying, “This is what our community would like to see,” might speed up the process and hopefully end up with a better product and maybe (in an ideal world) we accomplish both things of shortening the process and improving the design in our community as well.

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote: 9-0

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

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

None

12 COMMISSION PROPOSED BUSINESS

Briggs thanked Trudeau for work on the Transportation Committee. She suggested they look at bicycle parking (Class A, B, and C) as well as looking at getting a bike hoop in the right-of-way and making it easier when outside of the downtown district.

Trudeau said the Commission has looked at the downtown area already, and didn’t suggest any changes. He will bring the suggestions on reviewing bicycle hoops in the right-of-way outside of the downtown districts.

Woods brought concerns over safety for scooters left laying on paths and sidewalks; she asked if the Committee could look into the BIRD scooters and if they are intended to be laying on sidewalks or should be propped

up somehow.

Trudeau said the Commission has begun to look at the scooter situation, and they are currently waiting for the City to gather further information from the BIRD provider as well as from other potential providers, so it's an ongoing discussion.

Ackerman provided an update on the situation, noting that the new Assistant City Administrator, John Fournier, is tasked with moving regulations forward.

13 **ADJOURNMENT**

Moved by Briggs, seconded by Weatherbee, to adjourn the meeting at 8:30 p.m. Without objection, the meeting was adjourned.

Alex Milshteyn, Chairperson
/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.