



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, November 7, 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

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

2 ROLL CALL

Planning Manager Brett Lenart called the roll.

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

3 APPROVAL OF AGENDA

Approved unanimously 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 November 7, 2018 Michigan General Elections the City Council meeting was moved to November 8, 2018. He briefly summarized the General Election, highlighting a higher than average voter turnout as well as Proposal A.

6-b Planning Manager

Lenart discussed the letter provided to inform on planning efforts relating to the Capital Improvement Plan and the Transportation Plan. He also briefly discussed impacts of the State of Michigan Proposal One passing as it relates to the Planning Commission and the City of Ann Arbor Planning Services Department.

6-c Planning Commission Officers and Committees

No report.

6-d Written Communications and Petitions

18-1905 Various Correspondences to the City Planning Commission

Attachments: Comm to CPC.pdf, Comm to CPC 2.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.)

No Speakers.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Lenart read the Public Hearing Notice as attached.

18-1906 Public Hearings Scheduled for the November 20, 2018 Planning

Commission Meeting

Attachments: 11-20-2018 Notice of Public Hearing for Publishing.pdf

Received and Filed

9 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.)

- 9-a** **18-1902** 309 North Ashley Street Site Plan for City Council Approval - A site plan for a five-story, 19-unit urban residential condominium building including a 36-space underground parking garage on a 14,500- square-foot site. The site is made up of 4 lots (307 and 309 N. Ashley, 206 and 210 Miller). Zoned D2 (Downtown Interface) base, Kerrytown Character Overlay, front yard street frontage. (Ward 1) Staff Recommendation: Approval

Attachments: Complete Staff Report 11-7-18 (309 N Ashley St).pdf, 309 N Ashley St Zoning Map.pdf, 309 N Ashley St Aerial Map Zoom.jpg, Development Agreement 10-31-18 309 North Ashley.pdf

Brad Moore, Architect for the project, presented the project. He explained that on the property there are two run-down houses and a surface parking lot. He explained that there will be basement parking located at the site which will include a bike room, he also explained the floor plan and the unit configuration. He explained that the proposal today is for 17 units, but the building could be designed for up to 24 units depending on market demand.

City Planner, Alexis DiLeo presented the Staff Report. She explained that the applicant has offered to place bicycle hoops and a bench in the

public right-of-way as well as make a \$5,000.00 parks contribution. She added that a brownfield plan is being pursued for the project site due to the site's proximity to a gas station.

PUBLIC HEARING:

Dave Sowester, explained that he owns property across the street from the proposed project. He inquired about the timeline for the project.

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

Moved by Weatherbee, seconded by, Mills that Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 309 North Ashley Street Site Plan and Development Agreement.

Tom Fitzsimmons, Developer, explained that the property owners have proposed a "Due Care Plan" but he has not reviewed it at this time. He explained that he is not aware of any other development at the site. He explained that the proposed project site is contaminated and that multiple steps have been taken in the mitigation process and that efforts will continue to take place. He explained that he is in the planning process for determining a plan to clean up the entire site contamination.

Lenart added that there have been conflicting contamination results, which have been deferred to the Michigan Department of Environmental Quality (MDEQ) and that their determination has not been provided at this time.

Moore explained that storm water at the site does not enter the ground soil and is collected and filtered through a roof system on the proposed project.

Kathy Keinath, Engineer, explained that due to the size of the development, all retained storm water will be stored on the roof. She explained that the allowed release rates will not be exceeded.

Commissioner Shannon Gibb-Randall expressed appreciation for the proposed green roof at the site. She inquired about the capacity of the media at the roof. She inquired about plans for the ongoing plans for the green roof. She also inquired about the units at the proposed development.

Keinath explained that the depth of the media on the roof is 4.25 inches.

Moore explained that the plan to maintain the green roof is to plant a variety of species as well as require maintenance by the condominium.

Fitzsimmons explained that the last three projects in the area have had smaller units, but after they were purchased they were often combined by the owners. He explained that the building is designed to be flexible.

Commissioner Mills clarified that the 17 unit plan ranges from units with 1,800 to 2,500 square feet. She also inquired about the parks contribution, explaining that the parks contribution will need to be increased if there are increased units. She also expressed appreciation for the ground floor unit presence.

Fitzsimmons explained that they could be split to smaller units or combined to be larger units. He explained that next summer would be the earliest start date for construction. He explained that the contribution will reflect the final unit count. He explained that it's taking twice as long for projects to get started, and that he would like to get started as soon as possible.

Keinath explained that the bicycle hoops and benches in the right-of-way are included in the parks contribution.

Commissioner Sauve inquired about the material and color pallet for the exterior of the proposed building.

Moore explained that the pallet is a rich warm brown, using a synthetic wood product that is comparable to cedar siding, as well as masonry in a purple-orange color.

Fitzsimmons explained that the intention is to design the nicest building possible, and that the proposed exterior has a high end wood appearance. He explained aspects of the design that are high quality, unique, and different from what else occurs in the downtown.

Commissioner Weatherbee inquired about the future of the east facing façade, and the impacts on the condo owners if a tall building is built next door.

Fitzsimmons explained that the units that could be impacted by other development are designed to be facing Miller Avenue, and that the

windows are bedroom windows.

Commissioner Briggs inquired about ride share accommodations as well as bike parking.

Fitzsimmons explained that the service area would be able to serve ride share pick-ups and drop-offs, he explained the bike parking proposed at the site as well.

Commissioner Woods inquired about noise considerations at the site.

Fitzsimmons explained that impacts of living near to the train tracks will be minimal due to new construction of the building and the insulation type.

Commissioner Trudeau inquired about the provided parking.

Fitzsimmons explained that larger units often desire more parking units, and that what works best for them is that 1 parking space per 1,000 square feet of living space.

Chair Milshteyn inquired about how the exterior would be impacted if the unit numbers change.

Moore explained that the exterior would not be largely changed, windows would need to be shifted but not eliminated.

Commissioner Gibb-Randall inquired about the developer's intention if the nearby parcel becomes available.

Developer explained that he thinks that small retail in the nearby location would be preferable.

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

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

Nays: 0

9-b **18-1903** 3786 & 3802 Platt Road Rezoning with Area Plan for City Council Approval - A proposal to alter the lot lines for 3786 & 3802 Platt Road for a total of 70,200 square feet (1.6 acres) and rezone the sites from R1C

(Single-Family Dwelling) to R2A (Two-Family Dwelling). An Area Plan proposes 2 duplex units. (Ward 3) Staff Recommendation: Approval

Attachments: 3786 & 3802 Area Plan Staff Report.pdf

The petitioner explained the request for rezoning, to construct two duplex buildings with a shared driveway, no existing tree disturbance, project will meet all required setbacks.

DiLeo presented the staff report.

PUBLIC HEARING:

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

Moved by Sauve, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 3786 & 3802 Platt Road R2A (Two-family Dwelling District) Zoning and Area Plan conditioned upon approval of an administrative land transfer.

Commissioner Mills inquired about the level of review needed for development at the site.

DiLeo explained that any more than one single family home or duplex on either of the sites would require Planning Commission Review. She further explained that residential use is permitted in the flood way area.

Lenart added that there is more regulatory authority with site plan approvals, but the City Planning Staff is in favor of the rezoning.

Commissioner Gibb-Randall expressed concern with infiltration in the area.

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

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

Nays: 0

9-c **18-1904** 2251 W Liberty Street Special Exception Use and Site Plan for Planning Commission Approval - An application to allow an existing medical

marijuana processing center, a Special Exception Use, in the existing building at 2251 W. Liberty Street. A site plan has also been submitted to document the existing conditions of the site and demonstrate compliance with the Special Exception Use approval standards. The existing business, Detroit Fudge Company, is in a 2,493 square-foot tenant space as part of an existing retail center, zoned C2B (Business Service). Access is from W. Liberty Street. (Ward 5) Staff Recommendation: Approval with Conditions

Attachments: 2251 W Liberty Staff Report w Maps-11-7-18.pdf

Daryl Mines, owner and operator of the proposed project described the site, stating that no improvements are proposed. He explained that there have been no problems for their entire operating time since 2015.

City Planner, Jeff Kahan presented the Staff Report.

PUBLIC HEARING:

Seeing no speakers, Chair Milshteyn closed the Public Hearing.

Moved by, Mills 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 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 2251 West Liberty Street Special Exception Use for a Marijuana Infused Product Processing Center. This approval is based on the following findings:

- 1. The proposed use will be consistent with the C2B (Business Service) District, which allows for commercial, office and residential uses.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. West Liberty Street provides 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 processing 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 only occupy the current 2,493 square feet of 2251 West Liberty Street.

4. Approval of the Special Exception Use is subject to the petitioner maintaining site improvements as shown on the site plan including new bicycle parking, bumper blocks, an access easement, delineated pedestrian pathways, new barrier free parking spaces, new striping of existing parking spaces, and a relocated dumpster.

5. Approval of the Special Exception Use is also subject to the petitioner constructing a new fire hydrant as shown on the site plan to the satisfaction of the Public Services Area Administrator.

6. Hours of operation will be limited to Monday-Friday: 7am to 11pm; closed Saturday and 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.

Commissioner Weatherbee expressed appreciation for the quality of work done by the petitioner, and the sense of trust established due to the petitioner having other approved marijuana related centers in the City of Ann Arbor.

Chair Milshteyn inquired about state licenses for the petitioner's other projects.

Commissioner Gibb-Randall clarified that the center is for production and not for sales. She expressed concern with product being produced from a safety perspective.

Mines explained that there is a significant amount of State of Michigan oversight concerning safety of products, explaining that gummy bears are not permitted to be produced, due to minors being familiar with them. He explained that he takes safety very seriously, and that packaging is clear and reflects the products. He offered to provide his personal contact information if anyone has any questions regarding process, packaging, or anything related to the product. He further explained their commitment to providing an extremely high quality product in all aspects.

Commissioner Woods inquired about requirements of the center from a planning and code perspective.

Kahan answered that all improvements are in compliance with what has been requested.

Commissioner Ackerman inquired about secure transport as it relates to the processing and provision centers being located next door to each other.

Mines explained that the State of Michigan will determine if secure transport is required.

Commissioner Mills discussed the requirements relating to obtaining the certificate of occupancy.

Commissioner Sauve inquired about the exterior emergency stair.

Mines explained that the required stair is required by the state, and will not impact any plans, but will touch down on grade, landing to the grass in the area.

Commissioner Briggs discussed signage for different types of signs for different types of uses.

Commissioner Woods inquired about hours of operation.

Mines answered that they are meeting demand, and that their hours of operation allow for two shifts.

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

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

No speakers.

11 COMMISSION PROPOSED BUSINESS

Commissioner Woods inquired about the issue of the Bird scooters and if there has been any new information relating to Bird Scooters.

Commissioner Ackerman explained that City Council will be voting on an agreement with Bird at their next meeting.

The Commission further discussed Bird scooters as they relate to safety.

12 ADJOURNMENT

Moved to Mills, seconded by Trudeau, unanimously adjourned at 9:20 p.m.

Alex Milshteyn, Chair
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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.