

Lenart, Brett

From: Lenart, Brett
Sent: Wednesday, May 16, 2018 11:04 AM
To: Bannister, Anne; Tom Stulberg
Cc: Brian Trim; Lazarus, Howard; DiLeo, Alexis; Delacourt, Derek; Kailasapathy, Sumi; Eaton, Jack; Lumm, Jane; Laura Strowe; Taylor, Christopher (Mayor); Smith, Chip; Warpehoski, Chuck; Ackerman, Zach; Krapohl, Graydon; Grand, Julie; Westphal, Kirk
Subject: RE: Request to Postpone Planning Commission Meeting 5/16/'18 regarding 1140 Broadway issues

Hello Councilmember Bannister-

As indicated to Mr. Trim previously, postponement on this item would be at the discretion of the Planning Commission, not staff. The staff report was shared with the public, Planning Commission, and petitioner at the same time, consistent with typical practice. Staff shares any communication received on petitions provided, in advance or in response to a staff report, with the Commission. A public hearing was held on this petition on May 1st and will be continued this evening, which provides additional opportunity for public comment.

Sincerely,

Brett Lenart, AICP - Planning Manager
City of Ann Arbor Planning & Development Services

Direct (734) 794-6000 #42606 | General (734) 794-6265

From: Bannister, Anne
Sent: Tuesday, May 15, 2018 10:53 PM
To: Tom Stulberg <tomstulberg@hotmail.com>; Lenart, Brett <BLenart@a2gov.org>
Cc: Brian Trim <brianjtrim@yahoo.com>; Lazarus, Howard <HLazarus@a2gov.org>; DiLeo, Alexis <ADiLeo@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>; Kailasapathy, Sumi <SKailasapathy@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>; Laura Strowe <leksarts@yahoo.com>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Warpehoski, Chuck <CWarpehoski@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Krapohl, Graydon <GKrapohl@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Westphal, Kirk <KWestphal@a2gov.org>
Subject: Re: Request to Postpone Planning Commission Meeting 5/16/'18 regarding 1140 Broadway issues

Dear Mr. Lenart,

Based on the numerous concerns that Ward One residents have expressed about the lack of democratic process on this issue, I ask that you consider postponing until a later date when residents have had an opportunity to review and respond. It's disheartening for the residents to lose their rights on this matter, and it will be most appreciated if at least their right to review and respond was restored and protected.

— Anne Bannister
Ward One Councilmember

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From: Tom Stulberg <tomstulberg@hotmail.com>
Sent: Tuesday, May 15, 2018 8:47 PM

Subject: Re: Request to Postpone Planning Commission Meeting 5/16/'18 regarding 1140 Broadway issues
To: Lenart, Brett <blenart@a2gov.org>
Cc: Brian Trim <brianjtrim@yahoo.com>, Lazarus, Howard <hlazarus@a2gov.org>, DiLeo, Alexis <adileo@a2gov.org>, Delacourt, Derek <ddelacourt@a2gov.org>, Bannister, Anne <abannister@a2gov.org>, Kailasapathy, Sumi <skailasapathy@a2gov.org>, Eaton, Jack <jeaton@a2gov.org>, Lumm, Jane <jlumm@a2gov.org>, Laura Strowe <leksarts@yahoo.com>, Taylor, Christopher (Mayor) <ctaylor@a2gov.org>, Smith, Chip <chsmith@a2gov.org>, Warpehoski, Chuck <cwarpehoski@a2gov.org>, Ackerman, Zach <zackerman@a2gov.org>, Krapohl, Graydon <gkrapohl@a2gov.org>, Grand, Julie <jgrand@a2gov.org>, Westphal, Kirk <kwestphal@a2gov.org>

The language in that notice is quite vague, and only understandable with the hindsight of reading the report that was issued after hours Friday, too late for any citizen to review and respond and make it into the Planning Commission's packet. I concur with Mr. Trimm, especially in light of a prior two week delay, there was no reason for the report to be issued at such a late day, prohibiting citizen review and response. Even a single day sooner would be defensible. Certainly the intent of the procedure has not been adhered to and the citizens of Ann Arbor are deprived of their rights.

From: Lenart, Brett <BLenart@a2gov.org>
Sent: Tuesday, May 15, 2018 8:22 PM
To: Tom Stulberg
Cc: Brian Trim; Lazarus, Howard; DiLeo, Alexis; Delacourt, Derek; Bannister, Anne; Kailasapathy, Sumi; Eaton, Jack; Lumm, Jane; Laura Strowe; Taylor, Christopher (Mayor); Smith, Chip; Warpehoski, Chuck; Ackerman, Zach; Krapohl, Graydon; Grand, Julie; Westphal, Kirk
Subject: RE: Request to Postpone Planning Commission Meeting 5/16/'18 regarding 1140 Broadway issues

Sure. I'm basing it on the attached notice, which is consistent with the proposed petition up for consideration.

Sincerely,

Brett Lenart, AICP -Planning Manager
City of Ann Arbor Planning & Development Services

Direct (734) 794-6000 #42606 | General (734) 794-6265

From: Tom Stulberg <tomstulberg@hotmail.com>
Sent: Tuesday, May 15, 2018 6:33 PM
To: Lenart, Brett <BLenart@a2gov.org>
Cc: Brian Trim <brianjtrim@yahoo.com>; Lazarus, Howard <HLazarus@a2gov.org>; DiLeo, Alexis <ADiLeo@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>; Bannister, Anne <ABannister@a2gov.org>; Kailasapathy, Sumi <SKailasapathy@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>; Laura Strowe <leksarts@yahoo.com>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Warpehoski, Chuck <CWarpehoski@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Krapohl, Graydon <GKrapohl@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Westphal, Kirk <KWestphal@a2gov.org>
Subject: Re: Request to Postpone Planning Commission Meeting 5/16/'18 regarding 1140 Broadway issues

Mr. Lenart,

Can you support your statement that the current proposal on the agenda was properly Noticed? I agree with Mr. Trimm that the proposal on the agenda and described in the Notice does not match what was Noticed and presented at the Community meeting. The differences are extraordinarily significant.

I support Mr. Trim's request that this be removed from the agenda for that reason.

Sincerely,

Tom Stulberg
1202 Traver Street

Sent from my iPhone

On May 15, 2018, at 6:16 PM, Lenart, Brett <BLenart@a2gov.org> wrote:

Hello Mr. Trim-

I am not able to summarily remove a noticed item from the planning commission agenda. 1140 Broadway was properly noticed, originally for the Planning Commission meeting of May 1st. As a large project was postponed from a previous meeting to that agenda, the Planning Commission postponed deliberation and action on 1140 Broadway to tomorrow's meeting.

As was shared during the public hearing for 1140 Broadway on May 1st, the public hearing is continued to the meeting tomorrow, so any interested party may speak to the proposed action during the public hearing. Planning Commission, as always, has the option to recommend approval, denial, or postponement.

Sincerely,

Brett Lenart, AICP -Planning Manager
City of Ann Arbor Planning & Development Services

Direct (734) 794-6000 #42606 | General (734) 794-6265

From: Brian Trim <brianjtrim@yahoo.com>

Sent: Tuesday, May 15, 2018 5:29 PM

To: Lenart, Brett <BLenart@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>; DiLeo, Alexis <ADiLeo@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>

Cc: Tom Stulberg <tomstulberg@hotmail.com>; Bannister, Anne <ABannister@a2gov.org>; Kailasapathy, Sumi <SKailasapathy@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>; Laura Strowe <leksarts@yahoo.com>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Warpehoski, Chuck <CWarpehoski@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Krapohl, Graydon <GKrapohl@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Westphal, Kirk <KWestphal@a2gov.org>

Subject: Re: RE: Request to Postpone Planning Commission Meeting 5/16/'18 regarding 1140 Broadway issues

Dear Planning Commission,

On behalf of our entire neighborhood and residents throughout the City, we need to know today, *asap*, if you are going to postpone this meeting or not, and allow us time to review your report and contribute *our input* to your packets so that you can also take the time to carefully consider *our input and voices to be heard, and not just the developer's*.

I emailed you several hours ago, plenty of time to make this decision. Out of common courtesy for our citizens of Ann Arbor please let us know today your response.

Thank you.

Brian J. Trim

1548 Broadway

Representing the Broadway Neighborhood Association (in the absence of our regular representatives - as approved by them) and other concerned citizens throughout Ann Arbor.

On Tuesday, May 15, 2018, 5:00:19 PM EDT, Lenart, Brett <BLenart@a2gov.org> wrote:

Thank you for your comments, they will be shared with the Planning Commission.

Sincerely,

Brett Lenart, AICP -Planning Manager

City of Ann Arbor Planning & Development Services

Direct (734) 794-6000 #42606 | General (734) 794-6265

From: Brian Trim <brianjtrim@yahoo.com>

Sent: Tuesday, May 15, 2018 2:27 PM

To: Lenart, Brett <BLenart@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>; DiLeo, Alexis <ADiLeo@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>

Cc: Tom Stulberg <tomstulberg@hotmail.com>; Bannister, Anne <ABannister@a2gov.org>; Kailasapathy, Sumi <SKailasapathy@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>; Laura Stowe <leksarts@yahoo.com>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Warpehoski, Chuck <CWarpehoski@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Krapohl, Graydon <GKrapohl@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Westphal, Kirk <KWestphal@a2gov.org>

Subject: Request to Postpone Planning Commission Meeting 5/16/18 regarding 1140 Broadway issues

Dear Ann Arbor Planning Commission,

On behalf of the citizens of Ann Arbor and specifically, the Broadway Neighborhood Association - and in the absence of our representatives, Laura Stowe and Tom Stulberg who are both out of town presently, after discussion with Tom on this topic - I am asking on all our behalf to please postpone the meeting scheduled for tomorrow evening, 5/16/2018, as it pertains to various topics to be presented at this meeting regarding the 1140 Broadway proposed development by Morningside.

The reasons for postponement are: it is a public hearing that was not properly Noticed. The content of the application is not the same as was presented at the community meeting a couple months ago and that was only evident in the report issued late Friday night, denying the citizens the ability to review the

report and respond in time to be included in the packet. The report also fails to address serious issues that will be locked into zoning, the parking structure and roundabout, which plans are not even completed yet.

Additionally we are and will be asking that the administrative lot split to be NOT approved. It is not a correct statement that the lots "stand on their own" since the split would create a C1A/R parcel that is 100% residential. The planning department's justification for stretching the use of C1A/R to this location far from the Campus Business District was the mixed use capability of C1A/R.

The planning department had an extra two weeks to draft a report and get it to the public in time for everyone to properly respond, but failed to do so. Additionally, its content is lacking comprehensiveness, by not addressing the items I have mentioned above, and there are likely other items being glossed over here that we simply need more time to study and not have yet another trick pulled on us in the last minute that many of us feel has been the case in many other instances throughout this process.

In light of all this, particularly other postponements and irregular occurrences that have resulted from the unusual consideration and exceptions made on behalf of the developer throughout this process, we feel that it is only fair and appropriate that the neighborhood and citizens most impacted by this proposed development be given this postponement so that we may have sufficient time to carefully review and study your report, its ramifications and implications of what is now being asked for by the developer, such that we, too, may fairly participate in this process and have the normal time allowed for us to include our responses in your packet - so that you, too, may have sufficient time as well to study *our* input.

Thank you for your consideration of this request.

Respectfully submitted on behalf of the Broadway Hood Association,

Brian J. Trim
1548 Broadway '05

Lenart, Brett

From: kittie morelock <kittiem@gmail.com>
Sent: Wednesday, May 16, 2018 1:20 AM
To: Planning
Subject: May 16, 2018 Public Hearing re: 1140 Broadway---Morningside Development

To the Planning Commission of the City of Ann Arbor:

I've been a homeowner and resident of Lower Town since since 1977, and have participated in Lower Town neighborhood Master Plan meetings, with the City and with the University of Michigan, since the year 2000.

I regret that I'm not able to participate in Planning Commission's Public Hearing on May 16th, so am writing you regarding my concerns.

It's my understanding that Morningside Development is now proposing to amend the conditional zoning for 1140 Broadway, asking for Planning Commission approval to alter the conditions to the zoning to tie the heights in the site plan to the zoning.

I am deeply concerned that this "altering of conditions" could further worsen the impact of this development on the Lower Town neighborhood. I'm requesting that you "put the brakes on" Morningside's proposed amendment. I'm asking that you review it very carefully and make sure that there will continue to be "built-in conditions" that will help guarantee that the 1140 Broadway/Nine99 development will not be changed for the worse.

Thank you,

Kittie Berger Morelock

1050 Wall Street, #6F
Ann Arbor MI 48105

Lenart, Brett

From: Brian Trim <brianjtrim@yahoo.com>
Sent: Tuesday, May 15, 2018 2:27 PM
To: Lenart, Brett; Lazarus, Howard; DiLeo, Alexis; Delacourt, Derek
Cc: Tom Stulberg; Bannister, Anne; Kailasapathy, Sumi; Eaton, Jack; Lumm, Jane; Laura Strowe; Taylor, Christopher (Mayor); Smith, Chip; Warpehoski, Chuck; Ackerman, Zach; Krapohl, Graydon; Grand, Julie; Westphal, Kirk
Subject: Request to Postpone Planning Commission Meeting 5/16/'18 regarding 1140 Broadway issues

Dear Ann Arbor Planning Commission,

On behalf of the citizens of Ann Arbor and specifically, the Broadway Neighborhood Association - and in the absence of our representatives, Laura Strowe and Tom Stulberg who are both out of town presently, after discussion with Tom on this topic - I am asking on all our behalf to please postpone the meeting scheduled for tomorrow evening, 5/16/2018, as it pertains to various topics to be presented at this meeting regarding the 1140 Broadway proposed development by Morningside.

The reasons for postponement are: it is a public hearing that was not properly Noticed. The content of the application is not the same as was presented at the community meeting a couple months ago and that was only evident in the report issued late Friday night, denying the citizens the ability to review the report and respond in time to be included in the packet. The report also fails to address serious issues that will be locked into zoning, the parking structure and roundabout, which plans are not even completed yet.

Additionally we are and will be asking that the administrative lot split to be NOT approved. It is not a correct statement that the lots "stand on their own" since the split would create a C1A/R parcel that is 100% residential. The planning department's justification for stretching the use of C1A/R to this location far from the Campus Business District was the mixed use capability of C1A/R.

The planning department had an extra two weeks to draft a report and get it to the public in time for everyone to properly respond, but failed to do so. Additionally, its content is lacking comprehensiveness, by not addressing the items I have mentioned above, and there are likely other items being glossed over here that we simply need more time to study and not have yet another trick pulled on us in the last minute that many of us feel has been the case in many other instances throughout this process.

In light of all this, particularly other postponements and irregular occurrences that have resulted from the unusual consideration and exceptions made on behalf of the developer throughout this process, we feel that it is only fair and appropriate that the neighborhood and citizens most impacted by this proposed development be given this postponement so that we may have sufficient time to carefully review and study your report, its ramifications and implications of what is now being asked for by the developer, such that we, too, may fairly participate in this process and have the normal time allowed for us to include our responses in your packet - so that you, too, may have sufficient time as well to study *our* input.

Thank you for your consideration of this request.
Respectfully submitted on behalf of the Broadway Hood Association,

Brian J. Trim
1548 Broadway '05

Lenart, Brett

From: Thomas Bletcher <hcpandb@aim.com>
Sent: Friday, May 11, 2018 5:11 PM
To: bob@millerbuildingllc.com
Cc: Planning
Subject: 132 Hill Street Project

We have received a notice for a Citizen Participation Meeting regarding a proposal to demolish a [single family] dwelling at 132 Hill Street and build a new five unit[three story] building.

There has been no further information as to the where and when of such a meeting.

Housing Law of Michigan, 167 PA 1917, as amended, section 134(6) provides that a building...shall not be removed unless the cost of repair of the building will be greater than the state equalized value of the building...[held by some courts to mean the fair market value of the whole property].

I do not think this project should move forward until a determination, by a registered architect with residential and public agency experience, has been made that the existing home can be brought up to current code within the FMV of the property and placed back on the market as the affordable housing that is the past history of the property.

The "removing a bad tooth" theory that has been so successful across the street, replacing several single family homes from the stock of affordable housing in this neighborhood, destroying the streetscape with massive out of place structures in place of the residential streetscape of two storey homes with porches and surrounding open space has now "jumped" Hill Street into the neighborhood where we work and live.

If "neighborhood values," and "affordable housing" are desirable goals for our community, then this proposed project is an opportunity to demonstrate the City's intent that blockbusting cashboxes are not a welcome addition to our community.

...Tom Bletcher....

Thomas E. Bletcher
Senior Partner
Harmon Culhane, Petersen, & Bletcher
121 East Davis Street
Ann Arbor, Michigan 48104-3205

Area Code 734 Telephone Number NOrmandy 3-8005

Lenart, Brett

From: Santhi K. Ganesh <santhikganesh@yahoo.com>
Sent: Monday, May 14, 2018 9:23 PM
To: Planning
Cc: Santhi Ganesh; Matt Nakfoor; Lisa Scheiman
Subject: Objection to Marijuana Dispensary at 450 S. Main

Re: 450 South Main Street Special Exception Use with Site Plan for Planning Commission Approval

Dear Members of the Planning Commission,

I am a resident and owner of 436 S. Main, which is a townhome located within the Ashley Mews complex and which is less than 100 feet from the above-referenced spaced being considered for a medical marijuana provisioning center. I submit these comments in response to the Special Exception Use ("SEU") petition filed by the proposed marijuana provisioning center.

I strongly object to this SEU petition filed for use of 450 S. Main as a marijuana provisioning center.

While South Main street is a commercial artery, residential housing on this stretch of South Main abounds, including but not limited to the Ashley Mews complex, the recently built apartment complex at 618 S. Main and the new housing complex directly across from 618 S. Main. Ashley Mews is home to many families with young children, including my household (SKGanesh, MNakfoor signed below). I do not believe a marijuana dispensary should be located so close to residential units, particularly those housing young children. In addition, professional office buildings are characteristic of this stretch of South Main, including properties located at 440, 500 and 524 S. Main. Architects, hair stylists, accountants and lawyers work out of such offices, along with a yoga studio and a florist. All are stable commercial establishments which do not present the type of road and foot traffic concerns which would come with a marijuana dispensary, let alone the inherent security risks posed therein. Retail operations of the kind envisioned by the petitioner simply do not exist in this area and are contrary to the nature of this neighborhood.

More importantly, Doughty Montessori preschool, located at 416 S. Ashley, is a mere 400 feet away from the proposed marijuana dispensary. This fact was omitted from the Planning and Development Services Staff Report submitted to the Commission in advance of its May 16 meeting. Doughty Montessori is a well-established school and member of this neighborhood. Children are at the school and around the subject area during periods of time which the petitioner seeks to operate its dispensary. No allowance or deliberation was made in the Staff Report as to the existence of this school and the safety considerations. Approval of petitioner's request to operate a marijuana dispensary within 400 feet of a preschool would be contrary to the recent April 3, 2018 decision of the Commission in unanimously denying a request to operate a marijuana dispensary at 1202 Packard Street, which was one-third of a mile from an elementary school. Here, a marijuana dispensary is being proposed within 400 feet. Approval of a marijuana dispensary at 450 S. Main would run counter to the sound public policy articulated by the Commission in its April 3 decision concerning a proposed marijuana dispensary at 1202 Packard. Such establishments should not be located so close to schools, whether they are preschools, elementary, middle or high schools.

For the above reasons, I strongly urge the Commission to deny the SEU petition filed to operate a marijuana dispensary at 450 S. Main.

Respectfully submitted,

Santhi K. Ganesh

436 S. Main

Ann Arbor, MI 48104

on behalf of myself and

Lisa Scheiman

434 S. Main

Ann Arbor, MI 48104

Matthew Nakfoor

173 Ashley Mews Drive

Ann Arbor, MI 48104