

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes - Final

Tuesday, November 19, 2019

7:00 PM

**Larcom City Hall, 301 E Huron St, Second floor, City Council
Chambers**

City Planning Commission

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 7:04 pm.

2 ROLL CALL

City Planner Alexis DiLeo called the roll.

Present 8 - Briggs, Mills, Milshteyn, Gibb-Randall, Ackerman, Sauve, Abrons, and Hammerschmidt

Absent 1 - Woods

3 INTRODUCTIONS

None

4 APPROVAL OF AGENDA

Moved by Sarah Mills, seconded by Shannan Gibb-Randall to approve the Agenda as presented. Without objection the agenda was approved.

5 MINUTES OF PREVIOUS MEETING

5-a **[19-2219](#)** City Planning Commission Meeting Minutes of November 7, 2019

Moved by Sarah Mills, seconded by Shannan GibbRandall, to approve the minutes as presented. On a voice vote, the minutes were approved.

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

6-a City Council

Councilmember Zach Ackerman reported from last night's Council meeting:

In April of this year, City Council directed the Ann Arbor Housing Commission, City, and County Staff, to investigate the viability of constructing affordable housing on a number of publicly owned properties. Last night that report came back to Council with a set of potential recommendations. Council acted upon all seven resolutions with affirmative votes; we'll see the immediate impact through the development process of affordable housing in the downtown, at 121 Catherine Street, 404-406 North Ashley, and through exploration of development at 2000 South Industrial Highway, community engagement to develop next steps at the Klein surface parking lot (East William and Ashley Street), 721 North Main and the 3400 block of Platt Road. The City will further explore the feasibility of affordable housing or City office space at 1510 East Stadium Boulevard (retired fire station NR 2) and 353 South Main (surface parking lot next to Palio Restaurant at the intersection with East William).

Ackerman further reported that Council accepted a Consent Judgement for the Weber property which will move forward with a Planned Unit Development (PUD) through a judicial action; Council approved a student housing highrise at 1100 North University, known as The Vic. He noted it will be the first and last development to use the City's old affordable housing premium before the City transitions to the new set of premiums which are more aggressive in pursuing affordable housing on private property downtown. He noted that as requested by the City Planning Commission and Council, the developer's architect had made improvements to the corner design, given it's location, directly across from the iconic arch.

In conclusion, he reported that Council adopted the rezonings of annexed parcels on Valley Drive, Riverview Drive, and Orchard Hills Drive. Councilmember Hainer had suggested looking into the possibility of zoning annexed parcels as two-family (duplex) instead of single-family, in an attempt to get more housing units in the City.

6-b Planning Manager

On behalf of the Planning Manager, Alexis DiLeo, City Planner, reported on upcoming public engagement opportunities throughout the City.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

[19-2217](#) Various Correspondence 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 BUSINESS MEETING

[19-2218](#) Public Hearings Scheduled for the December 3, 2019 Planning Commission Meeting

9 UNFINISHED BUSINESS

9-a [19-2213](#) Rezoning of three new City parks and one addition to Hansen Park from the current zoning district designations to Public Land (PL) District for City Council Approval:

1. Buttonbush Nature Area, a new 16-acre park on the north side of Dhu Varren Road between North Spurway Drive and North Foxridge Court, rezoned from Multiple-Family Dwelling District (R4A);
2. Hickory Nature Area, a new 2-acre park on the west side of Dillon Drive, rezoned from Single-Family Dwelling (R1D) District;
3. a new unnamed 1.3-acre park at 385 East Eisenhower Parkway, rezoned from Planned Unit Development (PUD);
4. a 1.5-acre addition to Hansen Park, 1200 South Maple Rd, from Multiple-Family Dwelling (R4B) District.

Staff Recommendation: Approval

STAFF REPORT:

Alexis DiLeo, City Planner, provided the staff report, noting there had been an error in the original public notice so a corrected version was re-noticed in the newspaper as well as mailed to all property owners and postal customers within 300 feet from subject parcels.

PUBLIC HEARING:

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

Moved by Elizabeth Sauve, seconded by Erica Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve:

the Buttonbush Nature Area rezoning from R4A With Conditions (Multiple-Family Dwelling) to PL (Public Land);

the Hickory Nature Area rezoning from R1D (Single Family Dwelling) to PL;

the 385 East Eisenhower Parkway Park rezoning from PUD (Planned Unit Development) to PL; and

the Hansen Nature Area Addition rezoning from R4B (Multiple-Family Dwelling) to PL.

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.]

The Commission followed up on previous enquiries on criteria used by the City for potential parkland, as well as connectivity and accessibility issues.

DiLeo explained that she had followed up with Parks and Recreation Staff as well as the City's Greenbelt Program Coordinator, Remy Long. Long said that the Open Space and Parkland millage funds can assist with the acquisition of new parkland within the City; the millage does not provide funds for parkland maintenance or improvements.

“In some cases the City is offered an outright donation of parkland which reduces millage expenditures to the costs of due diligence; Buttonbush, Hockory, and Hansen additions are all examples of partnerships between the City and developers to establish open spaces, as part of the City’s site plan approval process. In most cases the land is being offered through outright donation, but that is not the only factor at play when evaluating these parkland donations. For all prospective parkland acquisitions, City Staff evaluate the property using a scoring system identified in the City’s PROS (Parks & Recreational Open Space) Plan. The scoring system evaluates each property’s costs and benefits, both ecological and financial, upon which the Parks and Recreation Commission’s (PAC) Land Acquisition Committee (LAC) makes a recommendation whether staff should proceed with the acquisition and they may make a recommendation for City Council’s consideration.

Buttonbush, Hickory, and the Hansen area additions were all evaluated by City Staff, reviewed by LAC; each of those sites offer varying benefits, some of which include habitat connectivity, low operational and capital improvement costs, improving access to existing parkland, and supporting goals identified in the City’s Sustainability Framework. As to why those parcels happen to be near highways we can safely say that this is merely a coincidence and not a strategic effort driven by staff or LAC, it may be that many of the developable sites that remain within the City are located near highways and that the City is often successful in negotiating for parkland donations as part of the development site plan approval process.”

On a voice vote, the vote was as follows with the Chair declaring the motions carried. Vote: 8-0

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

10 REGULAR BUSINESS - Project Presentation, Staff Report, Public Hearing and Commission Discussion on Each Item

- 10-a** [19-2214](#) 3611-3621 Plymouth Road Rezoning, Site Plan with Planned Project Modifications, and Special Exception Use (Drive-Through Facility) - A proposed project with three petitions: 1) A request to rezone a 4.5-acre

site from PUD Planned Unit Development to C3 Fringe Commercial. 2) A site plan application to demolish 2 of 4 existing hotel buildings and construct a new 6-story hotel and renovate an existing restaurant. Planned project modifications are requested to increase the height limit of the C3 district from 55 feet to 65 feet 10 inches. 3) A special exception use application for a drive-through facility added to an existing restaurant. Staff Recommendation: Approval Postponement

PROJECT PRESENTATION:

Jim Butler, PE, PEA Inc., 2430 Rochester Court, Suite 100, Troy, Civil Engineer for the project, provided the project presentation.

Jared (Doriad) Marcus, Principal of Markus Management Group, 251 E. Merrill St, Birmingham, the entity which owns this parcel was also present, adding that he believed the outstanding issues could be taken care of with staff, and the Commission could act upon the present plans this evening.

STAFF REPORT:

Alexis DiLeo provided the staff report, reiterating that staff recommends postponement until the site plan is 100% approvable.

PUBLIC HEARING:

Aaron Macleod, Plum Market, 3601 Plymouth Avenue, Ann Arbor, expressed traffic concerns with egress and ingress, noting that Green Road can be busy and with the added business brought by the proposed development, there would be added traffic to the Green Road easement, and a traffic light at that location might be a consideration. He said without a signaled light, people might try to exit onto Plymouth Road which would be even more dangerous.

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

Moved by Elizabeth Sauve, seconded by Sara Hammerschmidt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the MMG Plymouth Road Mixed Use Development rezoning from PUD to C3 (Fringe Commercial), and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the MMG Plymouth Road Mixed

Use Development Site Plan and Planned Project Modifications to increase the maximum height to 65 feet 10 inches and eliminate the maximum front setback requirement for new buildings, subject to providing solar orientation and energy conserving design by using a solar panel array on the roof of the new building and maintaining a minimum of 30% open space, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the special exception use request for a drive-through facility at 3611 Plymouth Road.

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.]

Gibb-Randall asked if there had been a traffic study conducted. She also asked if the City had a minimal required amount of solar equipment that had to be utilized in order to meet our energy efficiency goals. She asked if the solar panels would be covering both the proposed Panera Bread building as well as the proposed hotel.

Jim Butler, said a traffic study had been conducted and presented to the City; however the traffic study results didn't warrant a traffic signal. Butler said the solar panels would only be covering the hotel.

Gibb-Randall asked about the solar system design, proposed energy usage of the hotel and how much energy the solar system would cover.

Butler said the system hadn't been designed yet and the subject was out of his expertise.

Gibb-Randall said she believes, with the City Council passing a resolution of achieving carbon neutrality by 2030, the City is seriously looking at getting us back on track; too often these 'offerings' are more tokens than actually making a difference, and she believes the Commission needs to see a plan in order to determine how meaningful the Planned Project offerings really will be.

DiLeo explained the Planned Project requirement language was written before solar panels were readily available and the City was envisioning reorienting buildings to take advantage of the sun, and as new technology

has arrived, standards need to be added to that original language; however such standards are currently lacking, so the Commission is well within their limits to set conditions, such as a minimum amount of rooftop square footage or similar calculations in support of a Planned Project modification.

Jared (Doriad) Marcus said they were all in favor of utilizing as much of the rooftop for solar energy. He explained that they are currently only in the design phase and it is in their best interest to be as energy efficient as possible, but he believes the numbers will change before the hotel is designed.

Mills said she was in favor of a postponement in order to allow the petitioner to come back with a clear metric, quantifying a percentage of rooftop that will be covered with solar panels because the petitioner is asking for a Planned Project approval which is above and beyond a regular site plan approval. Mills asked about queing, noting they should consider where queing occurs when they work on the design. She was in favor of the C3 (Fringe Commercial) zoning.

Mills explained that she is usually not in favor of drive-thrus; however given this location nearest to an interchange she felt it was appropriate.

Marcus said pickup will be on the northern side and no drive-thru will be visible from the front of the building.

Briggs agreed with the need to diligently work towards meeting the City's goals of carbon neutrality by 2030, adding that she realizes that this project has likely been in the pipeline for some time. She asked about the current Planned Unit Development (PUD) zoning, and expressed support for keeping it since she felt it would be of greater benefit in that area.

DiLeo said the current PUD zoning is very restrictive and wouldn't allow the proposed development; at the very least the zoning would need to be changed to another PUD.

Briggs asked why the City would be considering another drive-thru when it involves idling of vehicles. She was not in favor of another drive-thru.

Sauve was in favor of a postponement due to undetermined plans. She felt the HVAC system would need to be shown before the solar issue could be reviewed.

Abrons asked about the open space. She expressed concerns for the request of a 25 percent added height restriction in return for an undetermined solar benefit.

Marcus reviewed the site plan showing they could provide 30% open space. Butler explained that they would be providing a walkway, at their own expense, along their frontage, where there currently is non.

Ackerman expressed concern on the drive-thru, as well as the unclear factors, leading him to a postponement.

Hammerschmidt asked if there were any plans for pervious surfaces instead of concrete or pavement. She suggested a looped walkway, people could use for exercise.

The petitioner said they would look into it.

Moved by Zach Ackerman, seconded by Lisa Sauve to postpone until staff felt the project was ready to return before the Commission. On a voice vote, the Chair declared the motion approved. Vote: 8-0 Item Postponed

- 10-b** **19-2215** 2385 East Ellsworth Special Exception Use (Medical Marijuana Provisioning Center/Marijuana Retailer) - An application for a special exception use (marijuana provisioning/retailer) on an 8,283-square foot site to be created at 2385 E. Ellsworth and a pending site plan application for a new 1,532-square foot commercial building. Zoned C1 (Local Business). Staff Recommendation: Approval with Conditions

PROJECT PRESENTATION:

Kyle Gonzales, Damian Farrell Design Group, 359 Metty Drive, #4 A, Ann Arbor, on behalf of the Petitioners provided the project presentation.

Brian Fenech, Michigan Medical Cannabis Consulting, LLC, Petitioner's Agent, was also present to respond to enquiries.

STAFF REPORT:

Alexis DiLeo, City Planner, provided the staff report, noting the petitioner seeks special exception use approval to operate a medical marijuana provisioning center/marijuana retailer in proposed 1,500-square foot building on proposed 8,000-square foot lot. The location is currently an

18,000-square foot lot, zoned C1, that cannot be assured is more than 1,000 feet from a school. The petitioner has submitted a land division application to create a lot that is more than 1,000 feet from a school, and will proceed with the approval process for a new commercial building on the site if the requested special exception use approval is granted.

Staff recommends that the special exception use be approved with conditions subject to Planning Commission consideration because, with the proposed conditions, the contemplated special exception use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

PUBLIC HEARING:

The following people spoke in support of the applicant and application:

David Strenkoski, 13 Blain Court, spoke in support of the applicant.

Rumsey (Not signed in) spoke in support of the applicant.

Azea (Not signed in) spoke in support of the applicant.

Maurice Philpot, 2906 Marshall Street, spoke in support of the applicant.

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

Moved by Ellie Abrons, seconded by Sarah Mills, 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 approves the 2385-A East Ellsworth Road Special Exception Use for a Medical Marijuana Provisioning Center/Marijuana Retailer. This approval is based on the following findings:

- 1. The proposed use will be consistent with the C1 (Local Business) District, which provides for commercial retail uses as well as office and residential uses.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location.**

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 as part of 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 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. A land division application to create an approximately 8,000 -square foot lot is submitted and approved within one year of the City Planning Commission approval of this petition, and the special exception use shall only apply to that lot.
2. A Site Plan for City Council for an approximately 1,500-square foot, one story commercial building must be approved within one year of the City Planning Commission approval of this petition, and the special exception use may only occupy the development approved on that site plan.
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 within three years of the City Planning Commission approval date of this petition.
4. The petitioner operating a marijuana business at this address within three years of the City Planning Commission approval date of this petition.
5. And that the Ann Arbor Planning Commission approves the attached Area Plan which demonstrates compliance with the applicable Special Exception Use standards.

AMENDMENT TO THE MOTION I:

Moved by Sarah Mills, seconded by Lisa Sauve to amend part 2, section 2, of the motion to read as follows:

2. A Site Plan for City Council for an approximately 1,600-square foot, one story commercial building must be approved within one year of the City Planning Commission approval of this petition, and the special exception use may only occupy the development approved on that site plan.

On a voice vote, the vote was as follows with the Chair declaring the amendment carried.

CONTINUED 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.]

Abrons asked about the proposed use for the existing building, to which Fenech explained it would be a grow facility, but not providing any products to this proposed center/retailer.

Abrons commented that the Commission had received a letter in opposition to the application, noting the use would be similar to a party-store. She had a differing opinion, since entry to the proposed medical marijuana provisioning center would be much different than visiting a party-store.

Gibb-Randall asked about the location of nearby community centers, which the Commission reviewed on maps. She said she was in favor of the fence in the rear of the site remaining.

The petitioner explained that they had installed a fence to keep the area safe, whereafter Forest Hills Cooperative also installed a fence.

On a voice vote, the Chairperson declared the amended motion carried. Vote: 8-0

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

11 AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)**12 COMMISSION PROPOSED BUSINESS****13 ADJOURNMENT**

The meeting was unanimously adjourned at 9:18 pm.

Alex Milshteyn, Chairperson
/mg

(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 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.)

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 <https://a2ctn.viebit.com>.

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