



# 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)

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Tuesday, March 6, 2018

7:00 PM

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

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Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed 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 Clein called the meeting to order at 7:00 p.m.*

#### **2 ROLL CALL**

*Planning Manager Brett Lenart called the roll.*

**Present** 8 - Woods, Briggs, Clein, Milshteyn, Gibb-Randall, Trudeau,  
Weatherbee, and Ackerman

**Absent** 1 - Mills

#### **3 APPROVAL OF AGENDA**

**Moved by Woods, seconded by Milshteyn, that the Agenda be approved. The agenda was unanimously approved as presented.**

#### **4 INTRODUCTIONS**

#### **5 MINUTES OF PREVIOUS MEETING**

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

**6-a City Council**

*Commissioner Zack Ackerman explained that the previous night's City Council meeting was short. He noted that the process for accepting the Park Land donation from the Toll Brothers property, Nixon Farms has been started by City Council. He added that there was an additional park adopted near Chalmers and Huron River Drive East.*

**6-b Planning Manager**

*None*

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

*Chair Clein shared that the Ordinance Revision Committee has worked through many high priority items and will be seeking a Working Session soon regarding Transit Orientated Development.*

**6-d Written Communications and Petitions**

**Approved as presented**

**18-0408** Various Correspondences to the City Planning Commission

**Attachments:** Mar 2018 Calendar.pdf, Email from Bieliauskas.pdf, Email from Hautamaki.pdf, Email from Garber - Huron Highlands pkt for CPC.pdf, Email from Hastings.pdf, Email from Hokett.pdf, Email from Jackson.pdf, Email from Jim Curtis-Curtis Commercial LLC.pdf, Email from Meisler.pdf, Email from Papadopoulos.pdf, Email from Peter Throm Management, LLC.pdf, Email from Philips .pdf, Email from Rosa.pdf, Email from Selow.pdf, Email from Statman.pdf, Email from Zhu.pdf, Mtg Handout Received from Al Vair on 3-6-2018.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.)**

*Seeing none, the Chair closed the public hearing.*

**8      PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING**

**8-a      [18-0409](#)** Public Hearings Scheduled for the March 20, 2018 Planning Commission Meeting

**Attachments:**      03-20-2018 PH Notice-final.pdf

**Received and Filed**

**9      UNFINISHED BUSINESS**

**9-a      [18-0410](#)** The Cottages at Barton Green Site Plan and Wetland Use Permit for City Council Approval - A proposal to construct a 221 dwelling unit apartment complex with 710 bedrooms and 559 surface parking spaces on this 31.93-acre parcel located at 2601 Pontiac Trail. A 9.86-acre park is proposed to be dedicated to the City at the western end of the site. The project will also include a pool with clubhouse, volleyball, tennis, and basketball courts. Primary vehicular access will be from Pontiac Trail. Staff Recommendation: Approval

**Attachments:**      Cottages at Barton Green Staff Report with Attachments3-6-2018.pdf

***PUBLIC HEARING:***

*Deborah Katz 605 Skydale Drive, Ann Arbor, expressed dissatisfaction with the proposed project, she explained that she doesn't see much in this plan that enriches the city, and that the development will concentrate students outside of walkable and commercial areas. She stated that the proposed housing is not affordable. She encouraged denial of the project.*

*Andy Poley, 2111 Tibits Court, Ann Arbor, expressed concern with water use and infrastructure as well as motorized traffic and idling. He stated that having one car per bedroom is a problem and will not help the current traffic situation. Poley discussed Fire Department response to the proposed development. Poley added that the development does not match the community and urged the Planning Commission to reject the project.*

*Noemi Barabas, 527 Barton Drive, Ann Arbor, expressed concern for*

*pedestrians who will be impacted by increased traffic, she also discussed the traffic study relating to roadway expansion, and expressed dissatisfaction with those conclusions. Additionally, Barabas explained that the proposed project does not align with the City of Ann Arbor's sustainability standards.*

*Ed Dawson, 473 Skydale Drive, Ann Arbor, opposed the development due to the increased number of college students, lack of appropriate bicycle parking, and lack of diversity in the development.*

*Hank Greenspan, 369 Hilldale Drive, Ann Arbor, opposed the development. He expressed concern with traffic in the area, explaining that more traffic will be on residential side streets. He added that there is little to do for students in the area regarding bars and restaurants.*

*Laura Stowe, 1327 Broadway Street, Ann Arbor, explained that although she is not neighboring the development, she is a concerned citizen. She expressed dissatisfaction with the zoning code allowing for a project like the one proposed. She added that the development will be bad for commuters.*

*Joshua Goldblatt, 1827 Pontiac Trail, Ann Arbor, explained that there is a culture of bad driving in the area due to lack of police presence. He added that the proposed development will only make the existing problems relating to traffic and safety worse.*

*Jessaney Ressler-Meerlender, 1827 Pontiac Trail, explained that she is resigned to the fact that the area will be developed, adding that there are multiple developments nearby that aren't completed yet that will impact traffic. She urged the Planning Commission not to rush the decision.*

*Lauren Kachorek, 2387 Hilldale Drive, Ann Arbor and 1915 Suffolk Drive Ann Arbor, explained that the development is not close to campus although its considered undergraduate housing. She added then when choosing her home the wooded and preserved location was desirable, as was the low traffic. She requested that a berm be included on Hilldale and Skydale Drives to mitigate sounds. She also expressed concern for the removal of mature trees.*

*Jan Adams-Watson, 1824 Pontiac Trail, Ann Arbor, shared that she has lived in her home for 28 years. She explained that she has seen the traffic in the area become an increasing problem and that as someone who walks and bikes it is often scary. She also stated that cars drive too*

*fast in the area due to lack of enforcement. She expressed concern with the introduction of many young drivers to the area.*

*Ken Garber, representing the Huron Highlands Neighborhood Association, explained that the changes made to the design of the development have not changed enough to be meaningful. He commented on the lack of appropriate bicycle parking at the site. He explained that he spoke with a professor who was also a Planning Commissioner in Oxford, Ohio where a similar development was approved by Trinitas, Garber explained that the person he spoke to stated that the shuttle is rarely used by the students, and described the housing situation as a student housing sprawl. Garber added that there has been no comment on rent prices after the initial estimate of \$400-\$850 was mentioned at a previous meeting. Garber requested that the Planning Commission postpone decision on the project to allow more time for the developer to meet the needs of the community members.*

*Clayton Ousley, 802 Barton Drive, Ann Arbor, explained that many of his neighbors are out on the sidewalks before and after daylight hours. He expressed concern with the future of Bandemer Park, and asked if there are resources to accommodate for the increased traffic and litter. He also discussed property value.*

*Tracy Jensen on behalf of, 2373 Hilldale Drive, Ann Arbor, explained that members of the neighborhood have made multiple requests to meet with the developer. She explained that popularity for the project is low, and that that the neighbors understand that there will be development at the site, but they do not agree with the proposed development. Jensen inquired about the effectiveness of the process for approving site plans. She urged the board to be creative in determining how to use the space at the site.*

*Maria O'Connell, 2936 Batesan Court, Ann Arbor, urged the Commission to consider the comments from the public and respond reasonably to their requests.*

*Susan Muum, 2416 Arrowwood Trail, explained that the traffic in the area of the development is already bad and with the development it will only get worse. She added that student housing would make more sense in a location close to the central campus, and she gave an example of the Fingerle Lumber property. She encouraged local initiatives for student housing development.*

*Pat O'Connell, 311 Manor Drive, Ann Arbor, expressed sadness with the proposed plan and with affordable housing in Ann Arbor. He shared that he would support affordable and diverse housing.*

*Zoe Ressler, 1827 Pontiac Trail, Ann Arbor, shared that she walks to school every day, and was once almost hit during that time. She shared that the experience was scary, and if the apartments are built, the roads will be bigger, and that she does not want that to happen.*

*Patrick Bigelow, 320 Larkspur Street, Ann Arbor, explained that shuttle vans are not sufficient for the number of students who are projected to live at the development, adding that the developer is not including enough bicycle parking to future tenants. He shared that biking on Pontiac trail at this time is dangerous, and that the danger will only increase. He also explained concerns with storm water and the introduction of more impervious surface, he expressed concern about his basement flooding.*

*Ralph Katz, 605 Skydale Drive, Ann Arbor, addressed the proposed size of the development, the spelling errors in the advertising by the developer, and the number of tenants living in the proposed development. He expressed concern with the Ann Arbor Transit Authority (AATA) buses exceeding their capacity and the problems that will exist if that occurs.*

*Erin Bigelow, 320 Larkspur Street, Ann Arbor, discussed traffic, single family homes, covered bike parking, affordable housing. She requested that development at the site be thoughtful.*

*Karlin Danielson, 450 Manor Drive, Ann Arbor, explained that the neighborhood's storm water system is designed to handle what it is currently handling. She added that without a storm water capacity study, water capacity study, and a wastewater capacity study, it is unethical to consider the development. She stated that the neighborhood will pay higher rates for maintaining and adjusting infrastructure as a result of the proposed development. Danielson also expressed concern regarding traffic in the area and requested that the Commission deny the project.*

*Karen Johnson, 333 Skydale Drive, Ann Arbor, explained that her home is at the lowest point on the street, and expressed concern regarding drainage. She added that traffic in the area is a problem, that streetlights will need to be introduced to mitigate traffic in the area, and that the location for the proposed development is inappropriate for student housing. Johnson also stated that transient student housing is not*

*multi-family.*

*Al Vair, 801 Barton Drive, Ann Arbor, shared a photo with the Planning Commission that showed his home in relationship with a street that could be effected by the development, due to the possibility of a lane being added. He explained that traffic will be at his front door, he explained that his property value is decreasing already and that if the proposed development is built, it will continue to decrease.*

*Daniel O'Connell, 2936 Bateson Court, Ann Arbor, requested that the Planning Commission reject the project based on the traffic study that assumes that students will walk or bike three miles to the main campus in downtown Ann Arbor. He explained that students will not do that.*

*Tom Stulberg, 1202 Traver Street, explained that he owns a property near to the development. He explained that the proposed development will not be easily converted into another use should the needs of the community change, he added that the development style and concept is not right for the community of Ann Arbor. He explained that although he doesn't live nearby, he cares about his neighbors in Ann Arbor.*

*Ken Clark, 497 Larkspur Street, Ann Arbor, explained how important covered, useable, bike parking is when encouraging people to use bikes for commuting.*

*James Daniel, 2769 Arrowood Trail, Ann Arbor, stated that he agrees with all previous speakers, explained that he is opposed to the proposed development, and encouraged senior housing development.*

*Steve Thorp, 124 Chapin Street, Ann Arbor, explained that the development is not in the right place, and that when he was Planning Commission Chair he never saw the amount of public disagreement that he is seeing with the proposed development. He added that a duty of the Planning Commission is to protect neighborhoods. Thorp also explained that the project should be opposed because of the location, walkability, and density.*

*Jeff Hayner, 1807 Pontiac Trail, Ann Arbor, explained that the development should not be approved due to the incorrect mix of development, traffic, possibly incorrect type of resident, affordability, clubhouse proximity to homes, density, storm water, removal of trees, and impacts on wetlands.*

*Cloyd Peters, 355 Skydale Drive, Ann Arbor, expressed concern about drainage, and how his basement will be effected by the project. He stated that there is no shopping nearby and that the proposed development is not close enough to campus. He inquired about the possibility of the development failing, and the effect that the neighbors will experience from that. He shared that the neighborhood is quiet and stable at this time.*

*Nancy Hart, 369 Hilldale Drive, Ann Arbor, expressed dissatisfaction with a single use development that is not close to amenities. She added that students will not choose to live so far from campus and downtown. Hart explained that if students don't choose to live there, the project will fail. Hart inquired about what happens to the neighborhood, property values, and Ann Arbor as a whole if that was to take place.*

*Kate Pepin, 376 Larkspur Street, Ann Arbor, explained that she is a professional planner and briefly explained her history with engagement with planning processes in the City of Ann Arbor. She opposed the project.*

*Iain Burrell, 2359 Arrowwood Drive, Ann Arbor, explained that his son lived far away from campus while a student and that he disliked it.*

*Nigel McGugan, 333 Hilldale Drive, Ann Arbor, expressed concern regarding traffic in the area of the development, explaining that he walks his dog in the neighborhood and that it has been his experience that any time of day it is dangerous to cross the street to catch a bus due to the speed of drivers.*

*Jeremy Moghtader, 864 DhuVarren Road, Ann Arbor, inquired about accountability if the project fails.*

*Damian VanMatre, representing Trinitas Ventures, responded to comments made by the public. He stated that 9.86 acres of park land is being donated to the city, not sold, and that rents would be in the \$800.00 to \$1300.00 per month range. He added that the shuttle busses would be able to transport up to 30 people at a time.*

*Scott Betzoldt, Civil Engineer with Midwestern Consulting, explained that all staff approvals have been received. He added that density and building size has been decreased, additional landscaping has been introduced, along with an onsite walkway. Betzoldt added that community benefits have been added that include the 10 acre park, the path with the*



*access easement, parking spaces, and sidewalks with traffic signals. He explained that a \$347,000 contribution will be made to the Barton Drive and Pontiac Trail intersection.*

#### **MOTION I**

**Moved by Milshteyn, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Cottages at Barton Green Site Plan and Development Agreement.**

#### **MOTION II**

**Moved by Milshteyn, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Cottages at Barton Green Wetland Use Permit to allow filling and mitigation of 2,200 square feet of wetland and on-site mitigation.**

#### *COMMISSION DISCUSSION ON MOTION I AND II:*

*Ackerman discussed budgetary concerns, specifically a comprehensive study of the Lowertown area to determine the current state of traffic congestion.*

*Kahan added that there has been traffic analysis of the area by City of Ann Arbor staff as well as by contracted Traffic Engineers.*

*City of Ann Arbor Traffic Engineer, Luke Liu, discussed two approaches to studying the area. The first was considered in the context of a per-bedroom formula, similar to the Annex. He explained that the construction improvements for Pontiac Trail and Barton were also considered. He explained that there is an estimated cost of 2 million dollars to make the improvements to the discussed intersection, and that 17% of the traffic in the area will be a result of the proposed project.*

*Chair Clein inquired if the two million dollar estimate included considerations for inflation.*

*Liu confirmed that the estimate does include considerations for inflation.*

*Ackerman inquired about the process for implementing the intersection*

*improvements. He explained that although the contribution to the intersection construction seems fair, there needs to be a course of action for making the improvements that is consistent with what is promised to residents.*

*Commissioner Shannon Gibb-Randall inquired about the available right-of-way and pedestrian and cyclist safety.*

*Liu explained that the improvement will require additional right and left turn lanes, which would require around five additional feet on each side.*

*Commissioner Erica Briggs inquired about the lack of bicycle mitigation in the current traffic study. She also stated that of the anticipated increase in transportation and traffic, the majority will be by car or bus. She stated that the projections for walking and cycling from the proposed project are lower on average than Ann Arbor as a whole. She also inquired about the impact on the nearby school.*

*Liu explained that the current analysis and recommendations are based on the current infrastructure which does not include bike lanes within the intersection. He explained that the City of Ann Arbor average standard percentages for transportation have been applied to analysis in the past for different projects, however due to the location and anticipated use of the proposed project, the walking and bicycling information is captured as transit use.*

*Commissioner Scott Trudeau commented that although the changes to the intersection are being referred to as improvements, they are not improvements for all users. He added that it may be made less safe for pedestrians and other users. Trudeau inquired about the possibility of further analysis on the traffic in the referenced intersection yielding results that differ from what the commission is anticipating at this time.*

*Liu explained that although the study has not been completed, the current study has been completed using factors that he is confident in.*

*Commissioner Alex Milshteyn inquired about other development in the area being considered in the traffic analysis. He expressed concern with the amount of growth taking place outside of Ann Arbor and the effect that the growth has on traffic.*

*Liu explained that data was taken from a scope around the project, and that growth of traffic was also taken into consideration. Accounting for the*

*growth in traffic is designed to cover instances like other developments nearby that are not yet completed. Liu added that if all traffic from surrounding areas as included in the study, it is likely that the same conclusion would be met, and that the intersection near the proposed development would still need to be improved to handle the additional traffic.*

*Clein inquired about including more parking spaces than are required. He also requested data on the parking situation at other developments.*

*Betzoldt, stated that two parking spaces are required per unit, but it must be assumed that more than two people in each unit have cars. He also discussed deferred parking as an option.*

*VanMatre added that in other developments in the past lack of parking was not a problem.*

*Clein inquired about public and private roads within the development as well as road maintenance.*

*Betzoldt answered that the road named Saint Regis is a public road and that the others are not.*

*VanMatre explained that snow will be plowed regularly on the private roads.*

*Commissioner Wendy Woods addressed deferred parking, suggesting converting some of the parking spaces to covered bicycle parking. She added that being near the North Campus is often an undesirable place for undergraduate students to live. She inquired about the possibility of the development being unsuccessful. She also inquired about the possibility of more people living in the development than are anticipated.*

*VanMatre answered that the lease and policies state that one person is permitted to live in each bedroom. He added that at least one staff member lives on site which allows them to be aware of what's going on at the development. VanMatre answered that through market and feasibility studies it has been determined that the project will be successful.*

*Woods addressed the negative comments received by the public. She also inquired about possibly extending the time that shuttles run.*

*VanMatre answered that although he has not read the specific comments*

*received by the public at this time, he explained that residents of the apartments are surveyed and the data is used from the surveys to make improvements. He added that shuttle time can be adjusted depending on need.*

*Commissioner Julie Weatherbee inquired about the easements along on Pontiac Trail.*

*Betzoldt answered that there will likely be impact to some front yards in the area.*

*Weatherbee expressed support for shuttle use on nights and weekends, she also expressed preference for residents using the AATA system during daytime hours.*

*Ackerman inquired about a house on the plan that does not receive berm coverage.*

*Betzoldt explained that there are mature trees around that house and in order to build a berm they would need to be removed.*

*Ackerman added that a more mixed bedroom use and home type is desired by residents in the area, specifically single family.*

*VanMatre answered that in order to implement additional single family homes, it would need to make financial sense. He added that to balance out the cost of creating single family homes, the apartment style homes would have to increase which would eliminate the cottage or neighborhood feel.*

*Commissioner Briggs inquired about covered bike parking. She added that the City of Ann Arbor is a Silver level bicycle lane city, she explained that the City has a Climate Action Plan, and that the community values cycling. She added that encouraging students to use the AATA bus system would aid in integration with the community. She also added that it would be beneficial to the community to have a more mixed housing situation in the area. She stated that the project is inconsistent with the community values in Ann Arbor.*

*VanMatre answered that covered bike parking is an added cost and that there is no way to know if residents will want covered bike parking. VanMatre explained that the code requirement for bike parking has been met, and that additional Class A bicycle parking has been added. He*

*added that the shuttles were introduced to aid in mitigating traffic problems.*

*Trudeau stated that he agrees with encouraging residents at the project to use public transit.*

*Woods suggested that additional covered bike parking be added.*

*Chair Clein requested information on the water and sewer analysis.*

*Kahan explained that there are multiple actions that the developer must take in order to mitigate and avoid any negative impacts on neighbors or water and sewer systems.*

*Clein discussed traffic and pedestrians, sustainability, and community values.*

*Brett clarified that the Commission is seeking information on intersection recommendations relating to the capital improvement plan and the timeframe for implementation, traffic studies and background traffic and traffic growth, deferred parking, the extent of the intersection right-of-way, mixed housing types, covered bike parking, shuttle service during daytime hours, mode share analysis, and sustainability.*

**Moved by Ackerman, seconded by Woods that The Cottages at Barton Green Site Plan and Wetland Use Permit for City Council Approval be postponed to a future meeting.**

*COMMISSION DISCUSSION ON MOTION TO POSTPONE:*

*Milshteyn requested that the developer continue to research the community of Ann Arbor to determine if the proposed type of development is right for the City.*

*Ackerman thanked the public for attending the meeting. He also thanked the petitioner for making requested changes.*

**On a voice vote, the vote was as follows, with the Chair declaring the motion passed. Vote: 8-0**

**Yeas:** 8 - Wendy Woods, Erica Briggs, Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

**Nays:** 0

**Absent:** 1 - Sarah Mills

**10**     **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.)

**10-a**     **18-0411**     Rezoning 2301 Highland Road from (PL) Public Land to (R1A) Single-Family Residential for City Council Approval - A proposal to rezone this 4.52-acre site from PL Public Land to R1A Single-Family Dwelling.  
 Staff Recommendation: Approval

**Attachments:**     2301 Highland Rezoning Staff Report with Attachments 022718.pdf

*Kahan provided the staff report for the proposed rezoning.*

**PUBLIC HEARING:**

*Jon Cameron, applicant for petitioner, explained that the owner is eager and excited to move to Ann Arbor.*

*Jeff Hayner, 1807 Pontiac Trail, Ann Arbor, expressed support for the rezoning request, stating that he is delighted that the historic home was saved.*

**Moved by Milshteyn, seconded by Weatherbee that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the zoning of 2301 Highland Road to R1A (Single-Family Dwelling District).**

*COMMISSION DISCUSSION:*

*Gibb-Randall inquired about the locations of utilities at the site.*

*Tamara Burns, Architect for the project, explained that at this time she does not have the locations of all utilities at the site.*

*Lenart added that the Planning Department will work to locate that information.*

*Briggs thanked the applicant for their patience in waiting for their item on the agenda.*

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

**Yeas:** 8 - Wendy Woods, Erica Briggs, Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

**Nays:** 0

**Absent:** 1 - Sarah Mills

- 10-b**      [18-0412](#)      Medicine Man of A2 Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 2793 Plymouth Road 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. Staff Recommendation: Approval with Conditions

**Attachments:**      2793 Plymouth SEU Staff Report with Attachments 022818.pdf

*Kahan provided the staff report for the requested Special Exception Use*

***PUBLIC HEARING:***

*Jeff Hayner, 1807 Pontiac Trail, Ann Arbor, expressed concern with the implementation of the 600 foot and 1000 foot buffers distance buffers, adding that the allowed locations will create "Medical Marijuana Rows" where there will be a concentration of provisioning centers. He expressed concern for the lack of constraint for the facilities.*

**Moved by Trudeau, seconded by Briggs, 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 (Zoning Ordinance), Section 5:104 (Special Exceptions) and Section 5:50.1 (Regulations Concerning Medical Use of Marijuana), and therefore approves the 2793 Plymouth 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 C3 Fringe Commercial District, which provides for commercial activities including retail establishments, offices, and personal services.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Plymouth Road provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. There is an existing site plan approved by City Council in 2013, on file in Planning Services.
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. 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 occupy no more than 500 square feet of the entire building.



4. The petitioner will plant one tree as specified on the December 3, 2012 landscape plan sheet S-3, but missing from the site. The tree must be planted by May 30, 2018.

5. The petitioner will install two bicycle parking lockers that accommodate four Class A bicycle parking spaces on the south side of the building as specified on the approved site plan. The lockers must be installed by May 30, 2018.

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:*

*Trudeau inquired about the referenced 500 square foot limit.*

*Lenart responded stating that the 500 square footage limit was added to clarify the use within a defined area, particularly in multi-tenant buildings.*

*Weatherbee expressed that she will be supporting the motion.*

*Chair Clein expressed agreement with Weatherbee.*

*Woods added that the Planning Commission does not vote based on personal opinion, and that they take local ordinance, state law, and Planning Staff recommendation into consideration when making decisions.*

**On a voice vote, the vote was as follows with the Chair declaring the motion passed. Vote: 8-0**

**Yeas:** 8 - Wendy Woods, Erica Briggs, Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

**Nays:** 0

**Absent:** 1 - Sarah Mills

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

*Jeff Hayner, 1807 Pontiac Trail, Ann Arbor, thanked the Commission for*

*their thoughtful consideration of the petition and its effect on the neighborhood. He agreed that county growth needs to be considered when analyzing traffic. He also addressed busing, road quality, utility cost, pedestrian travel relating to nearby schools, and quality of life.*

**12      COMMISSION PROPOSED BUSINESS**

*None.*

**13      ADJOURNMENT**

**Moved by Gibb-Randall, seconded by Briggs, to adjourn the meeting. The meeting was unanimously adjourned.**

Ken Clein, Chair  
kvl

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](http://www.a2gov.org)).

The complete record of this meeting is available in video format at [www.a2gov.org/ctn](http://www.a2gov.org/ctn), or is available for a nominal fee by contacting CTN at (734) 794-6150.