



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

---

Tuesday, March 20, 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](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**

*Chairperson Ken Clein called the meeting to order at: 7:07 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 as presented. On a voice vote, the Chair declared the  
motion carried.**

#### **4 INTRODUCTIONS**

*None*

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

5-a      [18-0495](#)      March 6, 2018 City Planning Commission Meeting Minutes

**Moved by Trudeau, seconded by Milshteyn, to approve the March 6, 2018 Planning Commission meeting minutes and forward to City Council. The minutes were unanimously Approved as presented.**

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

6-a      City Council

*Commissioner Ackerman reported that last night City Council approved the single-family site plan at 1505 White Street without discussion. He reported that Council continues to work on the budget at on-going working sessions.*

6-b      Planning Manager

*No report*

6-c      Planning Commission Officers and Committees

*Gibb-Randall reported that the DDA is continuing to provide updates and feedback on potential conversions of First and Ashley Avenues from a two-way to a one-way traffic flow, as well as new bike lanes on E. Williams and E Huron Street.*

6-d      Written Communications and Petitions

[18-0494](#)      Various Correspondences to the City Planning Commission

**Received and Filed**

**7      AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)**

**8      PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

**18-0493** Public Hearings Scheduled for the April 3, 2018 Planning Commission Meeting

*Lenart provided an overview of the items scheduled for the April 3, 2018 City Planning Commission Meeting.*

**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](http://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** **18-0480** Malletts Wood II Rezoning and Site Plan for City Council Approval - A proposal to construct 19 single-family detached condominium homes not to exceed 2,000 square feet each on a 3.77-acre parcel, located at 3300 Cardinal Avenue. The plan extends Sharon Drive approximately 300 feet to the south as Sharon Court. Seven homes have a driveway off Cardinal Avenue and fourteen off Sharon Court. The property is proposed to be re-zoned from PUD to R1E Single-Family Dwelling). Staff Recommendation: Approval

*Jill Thacher provided a staff report. The site is adjacent to Mary Beth Doyle Park, and is wooded, as it has largely been allowed to grow since the 1960s when a portion of the site was cleared. The extension of Sharon Drive is proposed as Sharon Court. The petitioner is proposing 19 lots, at 5 units per acre. There are numerous large trees on the site, with 352 trees being removed, 23 landmark trees. Many of the mitigation trees are being planted in the open space areas. There are existing gas and electric lines at the rear of the site that will be removed, because they are unnecessary. The site will include two features that provide public access into the park. Each lot will have a single family home with at least a one car garage. Two citizen participation meetings were held, one in 2016 and one in 2017, minutes from the latter meeting were provided in the packet*

*this evening.*

*Staff is recommending approval of the zoning and staff report.*

**PUBLIC COMMENT:**

*Michaelena Pawlak, 3311 Cardinal Drive, Ann Arbor, said in March of 2017, the neighborhood got together with a questionnaire, which they have shared with the Commission. She said her individual concern is that they are losing their forest there, but she understands that the parcel will be developed and so her concern is now about density and making sure the fit is right for the neighborhood. She expressed concern for parking and traffic through the area, noting this stretch of Cardinal is home to many pedestrians and wildlife. She said they are concerned about parking as there won't be much available on the site and therefore will have to be on the existing street. She said, her last concern was about the impact the new development could have on sewer and water in the neighborhood; and while she hasn't had any issues, she would like to know about the impact.*

*Emily Healey, 3341 Cardinal Drive, Ann Arbor, said she made a bid on the repossessed house in 2012, because of the location. She said she has grown up on dead-end type streets, and doesn't like a lot of traffic; she loves wildlife, nature, and had planned on staying in her current home, but she is now devastated by the little lots that are proposed. She said the whole neighborhood will be different now, with all the traffic, since there's hardly any traffic there now, except for the people that live in the neighborhood and the mailman. She said she will be very unhappy about this, explaining that she can't plant trees to cover up all these houses, traffic, cars, because there is a walnut tree in her front yard. She said she loves all the wildlife, even the skunks, raccoons, and deer, all animals, most bugs, and some people, sometimes. She wishes she could win the lottery in order to keep this site wild for the animals and dog-walkers. She said she tells the dog-walkers they can go on her plants and yard, because it's all for the animals; she said she will be devastated if they allow this.*

*James McCarthy, 3192 Cardinal, Ann Arbor, asked for clarification about access easements and if there would be power poles installed or utilities would be re-run in a different way.*

*Seeing no further public speakers, Chair Clein closed the public hearing.*

**Moved by Gibb-Randall, seconded by Weatherbee that the Ann**

**Arbor City Planning Commission hereby recommend that the Mayor and City Council approve the request for R1E (Single-Family Dwelling District) zoning designation for the Malletts Wood 2 site (3300 Cardinal Avenue), and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Malletts Wood 2 Site Plan and Development Agreement (3300 Cardinal Avenue).**

*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]*

*Ackerman thanked the public speakers. He explained the rezoning, comparing proposed development to current zoning, noting the Planned Unit Development (PUD) Zoning provides 22 attached condominiums, whereas this proposed development is lower in density, which he believes is going in the right direction. He said while the Zoning Ordinance isn't perfect, it provides some limited protections for characters.*

*Bill Kinley, owner of the subject property, and Joe Maynard and Tyler Kinley, representing the petition were present to respond to enquiries. Kinley said all of the houses would have a 2-car garage.*

*Maynard said they worked on the layout of the houses, lining up the driveways, to allow for more on-street parking.*

*Ackerman asked if the public easement to the City park would be in the development agreement.*

*Kinley said yes.*

*Ackerman asked for clarification on frequent water main failures in the area, depending on the next steps of this proposed plan.*

*Ackerman asked about the proposed stormwater system. He said the efforts of the petitioner in dealing with the stormwater would be an improvement for the whole area.*

*Maynard and Kinley explained that they would be using a combination of underground infiltration, a rain garden, and enlarging, correcting any*

*water diversion, and connecting to the existing underutilized pond at Mallett's Wood I.*

*Gibb-Randall indicated she was mixed on this project, stating the housing type makes a lot of sense and is something needed in the City, but don't see a lot of it; small, compact, dense housing, close to good public transportation and on a park, which makes a lot of sense. She liked the park connections and was familiar with the woods on this site, noting it included some high quality woods. She appreciated how the petitioner was working with the hydrology of the site, how the land moves and keeping the stormwater footprint small in order to save trees.*

*Gibb-Randall said what makes her sad is the loss of some of the trees. She said, I see a lot of effort in trying to work around trees with the lot layout, which I appreciate; I think I can support it! She added, I think you're mitigation plan is optimistic, and I think you may find it challenging.*

*Maynard indicated that they had provided a list of nurseries where the proposed mitigation trees are available.*

*Clein agreed, saying the loss of landmark trees made him sad as well He asked how the common areas will be maintained.*

*Kinley reviewed the site plan with the Commission, showing a number of areas designated as homeowner association common area, which included a section of large trees, to be maintained and preserved by the association. He said sidewalks will be deeded to the City.*

*Clein asked about proposed street lighting, and the removal of existing utilities, as mentioned during the public hearing.*

*Maynard responded that the lighting would be low, more pedestrian friendly, globe lighting.*

*Clein requested that if the site plan moves on to City Council, that proposed lighting match with the existing neighborhood to help with keeping the character.*

*Kinley showed where the current existing utilities from Mallett's Wood I are buried, but useless for this site plan. He said all utilities would be buried on the proposed site plan.*

*Woods asked about exterior finishes, and elevation plans, which were shown on poster boards.*

*Kinley explained they are proposing mainly natural materials, wood, some brick, asphalt shingle roofs, and mostly horizontal siding.*

*Commissioners Ackerman, Clein, and Briggs expressed support for this petition, that it is a better alternative than the existing PUD plan.*

**On a roll call, 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

- 9-b [18-0484](#) Briarwood Mall (100 Briarwood Circle) Partial Parking Lot Rezoning and Area Plan for City Council Approval - A request to rezone portions of two parcels that are part of the Briarwood Mall from P (Parking District) to C2B (Business Service district). Parcel 1 (tax ID no. 09-12-08-100-039) has a total of 27.5 acres, of which 13.1 acres is proposed to be rezoned to C2B, making Parcel 1 entirely zoned C2B. Parcel 2 (tax ID no. 09-12-08-100068) has a total of 4.4 acres, of which 1.8 acres is proposed to be rezoned C2B. The portion of Parcel 2, north of Briarwood Circle, will remain zoned P (Parking). The applicant requests rezoning so that commercial activities such as special sales and entertainment events can be held in these parking areas. The Briarwood Mall building and the area within 50 feet of the exterior walls is currently zoned C2B. Note; other parcels of the Briarwood Mall are under separate ownership and are not included in the rezoning petition and will not be rezoned. Staff Recommendation: Parcel 1; Denial Parcel 2; Approval

*Alexis DiLeo provided a staff report with an overview of the history of the site, noting that any types of commercial sales in the parking lot of the Briarwood Mall would require rezoning from P (Parking) Zoning to C2B (Business Service). DiLeo explained that Briarwood Mall probably has the largest, single, parking lot, in the City and is often under-utilized, and could be re-developed for additional uses. Originally in the 1970s the mall wanted the P (Parking) zoning as a buffer from competition. She said it might have been okay then, but is now proving to be a barrier, and the question is not if or why the parking lot should be re-purposed, but how. By allowing the special sales and entertainment events would give a boost to the mall, as they are seeking. DiLeo said that we are a little concerned that these rezonings are temporary measures and shortterm*

*fixes rather than working towards a longterm plan for sustainable development in line with the City's Master Plan. DiLeo stated that parking lots are valuable land that should be used for more than just parking cars; the City must work towards incrementally achieving it's Master Plan and keeping it's best interest of the public, in Ann Arbor, in mind.*

*Staff recommends that only Parcel II (the approximately 1.88-acres parcel) be rezoned from P (Parking) to C2B (Business Service) since it would allow Simon Property Group to hold all of the events desired, and it has recently been site-planned, and it meets the City's current development standards for landscaping.*

*DiLeo said that staff does not recommend that Parcel I be re-zoned at this time, to allow the applicant to demonstrate how rezoning the 13-acres, which could support another 1 million square feet of development, would impact the City, at minimum a more robust Area Plan is needed about how the redevelopment might impact traffic, congestion, City utilities, and how it will promote mixed land uses, because if re-zoned these developments would be permitted 'by-right'.*

**PUBLIC HEARING:**

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

**MOTION I**

**Moved by Weatherbee, seconded by Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the part of the Briarwood Mall Partial Parking Lot rezoning petition for Parcel 1 from P (Parking) to C2B (Business Service) district, and**

**MOTION II**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the part of the Briarwood Mall Partial Parking Lot rezoning petition for Parcel 2 from P (Parking) to C2B (Business Service) district.**

**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]*

*Clein asked about a comment noting that fire hydrate coverage was not*



*provided to parking areas.*

*DiLeo clarified that the comment was partially correct, in that there were gaps in the coverage and if a vendor wanted to come in they would have to determine each applicant, depending on their location, if they would have hydrant coverage.*

*Joe Maynard, Washtenaw Engineering, Engineer for Applicant, reviewed an overall site plan of the parcels showing where hydrant coverage was available.*

*Erika Williams-Hickman, Briarwood Mall Manager, 100 Briarwood Circle, said the mall has worked with the City for over a year to come into compliance so the neighboring hotels, as well as non-profits can hold events in the parking lot. She said she feels it would be advantageous to the City as well for these events, such as the Art Fair Shuttle and Football Shuttle. Williams-Hickman said she feels there are ways they can still continue to partner with the City.*

*Clein asked if these events would be seen as longterm.*

*Williams-Hickman said they have been holding these events for 43 years and the community and their customers love it, so they are looking to continue doing what they've attempted to do. She said if a more permanent re-development opportunity should come before them, then they will return to the City to file the necessary paperwork, but at this time they are looking to just formalize the process to be allowed to hold the same type of seasonal events (5-10 events in total, possibly) prior to the last year and a half since the City has not approved the events. She said events could last one day of a week-end, or a week. She provided a handout of Briarwood Mall 'Current Web Site Plan' showing three different parking lot areas where they would hold "Tent Sales, Boat/RV/Car Show. Christmas Tree Sales. Pumpkin Sales. Greenhouse, Plant Sales, Water Circus Under Tent, Dealer Test Drive, National Tour Buses".*

*Maynard said they were not looking to re-zone all of the parcels, just the ones that were shaded in a darker grey on the map.*

*Ackerman asked if the reason that the Commission wasn't looking at more specific zoning.*

*DiLeo explained that zoning doesn't have to follow specific property lines (as outlined in this situation of the boundary set at 50 feet) however, a*

*legal description of the parcel is needed, unless it is a City Initiated Rezoning. DiLeo said they have not worked with the other 4 property owners of the Brairwood Mall, only the owner that they have been working with whom has requested re-zoning (Briarwood Mall. LLC).*

*Gibb-Randall asked about Briarwood Mall's philosophy towards outlots, and if there was a vision for the area up to the 'ring road'.*

*Williams-Hickman explained that in 2013 they bought back the lots needed to add 'P.F. Changs' and 'Bravos', because there was a high demand for food to be adding to the mall. She said they always listen to their cutomers. She said when these opportunities arise they go through a very thorough discussion with their corporate offices.*

*Gibb-Randall said she understands that having buildings at their core, like the added restaurants, is still the same, while having buildings at the outskirts is a change. She said she understands that City staff is wanting Mall Management to take a serious look at the direction they are going. She asked if this direction is an active point of dialogue.*

*Williams-Hickman said, while it might not be shown or detailed on the Areal Map it is something they are currently in discussion with their corporate office, noting they own P.F. Changs, Bravos, Red Robin, and Macaroni Grill; however, given the lengthy planning process, they are not willing to provide futher information at this time.*

*Trudeau asked if there was any City zoning that would not allow for outdoor sales.*

*DiLeo said no.*

*Trudeau said he understands Staff's concern with re-zoning the parcel, because that would allow the Mall to build whatever is allowed in that zoning, and it might not be in the direction the Master Plan calls for in this area. Trudeau said the direction the City is moving is towards more walkable communities.*

*Planning Manager, Lenart said from our side of the table there is a desire to begin the discussion with the mall about more long term goals and directions they are planning, since this is a situation that malls across the States are having to deal with.*

*Trudeau asked if the applicant thought they would not be able to hold*

*their events in Parcel II, and if so, which ones.*

*Denise Murray, Marketing Director for Briarwood Mall, said in previous years they've hosted the "Touch a Truck" event that took up a large amount of space, and was a tremendous turnout by the community with thousands attending the event that went from 9-12 Noon. She said there were several 'natural' barricades that they were able to use in the parking lot and there were no permanent structures put in place. Murray explained that every event that they've held they have had to go to the City to obtain permits and they are not looking to do anything beyond what they've done for the past 43 years. She said she understands that the City is interested to know the direction they are looking to take within the next 30 years, but that is not the reason they are here tonight - they have come to get it rezoned to whatever zoning is correct for them. She said they would like to keep it zoned P (Parking) and not have to re-zone it to something that the City feels uncomfortable with.*

*Woods asked why the applicant cannot keep doing what they have always been doing with a permit, and now have to re-zone. She asked if permits were issued when they shouldn't have been.*

*DiLeo explained that there is only one allowable use in the P (Parking) District and that is the storage of vehicles. DiLeo explained that she didn't believe Zoning Compliance Permits had been issued to the mall in the past.*

*Woods said she understands the situation; staff are trying to do what is right, per the zoning code. She asked about the size of Parcel II.*

*DiLeo indicated that the area, inclusive of the two private roads, is 4.4-acres, and just the part zoned P, but stops at the ring-road (from the ring-road south) is about 1.8-acres (70,000 square feet) of space, comprising roughly 5 parking rows.*

*Milshteyn agreed with the staff recommendation that re-zoning Parcel I is not in the City's best interest, and with Parcel II he felt like it was still possible that a by-right project could come along that wouldn't be the best. He asked if rezoning the parcels was the only possible way to allow them to hold the special events.*

*DiLeo said they could suggest a text amendment to the allowable uses in the P (Parking) districts, but this had never been discussed.*

*Milshteyn asked if it would be possible to have multiple zonings on this Parcel.*

*DiLeo said yes.*

*Williams-Hickman said they have suggested only rezoning only the parcel.*

*Briggs, asked about comparisons with other cities and if they allow multiple uses in their P zoned districts.*

*Williams-Hickman said The Simon Group has over 200 malls and in another mall she managed in the US they had these similar events and received permission so this wasn't unique to Ann Arbor.*

*Trudeau asked how other shopping centers are able to set-up tree sales during the holidays.*

*DiLeo explained that most of the shopping centers, like Maple Village, that have used P zoning in the parking they have it as a buffer around the perimeter of the parcels that is zoned P (Parking) in order not to have competition stores be built too close, but then the rest of the parking is zoned some sort of commercial use, the same as the rest of the main zoning. She said she has assisted in re-zoning three P (Parkings) to what the current zoning of the parcel is. She noted that Arbor Land is zoned C3 (Fringe Commercial) in it's entirety, WestGate Shopping Center is C3 (Fringe Commercial) in it's entirety. She said those businesses have come to the City requesting a Zoning Compliance permit to sell their goods in the parking or a third party vendor will apply for a SEU (Special Exception Use) Permit to operate seasonally.*

*Weatherbee stated that she likes what staff have suggested, that rezoning a smaller parcel provides the mall with some flexibility and fairness to continue holding specific events that can't be held inside the mall. She said rezoning the larger parcel at this time would be premature; however, a discussion needs to begin on the future direction of these large mostly unused parking parcels.*

*Clein asked if staff had looked at other zoning such as Planned Unit Development (PUD) zoning.*

*DiLeo responded that the mall could request PUD zoning, but they would need to include public benefits in order to use that zoning.*

*Clein said he wasn't comfortable re-zoning the larger parcels without having a more detailed Area Plan, and while he felt that the City would like to work with the mall and assist them as much as possible, he said the Commission are leaning towards taking action on Parcel II only at this time.*

*Williams-Hickman said if the Commission took action on Parcel II it would be helpful at this time and would allow their partners to hold the events mentioned.*

*Clein said the Commission is willing to split the motions and take action on them separately which would give the applicant some relief now if the Commission voted on Parcel II, while allowing the applicant more time to further consider possibilities on the larger Parcel I, and even possible conditions, since he felt the Commission would be open to hearing what some of those might be, and if the applicant were to move in that direction, they could return before the Commission.*

*Williams-Hickman said they would appreciate the Commission taking action on the one parcel because they want to honor their commitments and this would be a good compromise.*

**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

**CONTINUED COMMISSION DISCUSSION:**

*Woods asked why C3 was not suggested together with C2B as an appropriate zoning.*

*DiLeo explained that C3 was not suggested because there is primarily no C3 zonings within the ring-road, and the most natural, logical, and made most sense, was to extend the existing zoning district. She said the primary difference between C2B and C3 zoning is auto sales; C3 is the City's broadest commercial category, if there is a commercial use throughout the City, it is allowed in C3, with almost no restriction. It would also include car dealerships, and all our big box stores, residential, office, even automotive oriented like auto sales and repair.*

**VOTE ON MOTION II**

**On a voice vote, the Chair declared the motion for Parcel 2 carried.**

**Vote: 7-1**

**Yeas:** 7 - Wendy Woods, Erica Briggs, Kenneth Clein, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

**Nays:** 1 - Alex Milshteyn

**Absent:** 1 - Sarah Mills

*Commission Break*

*Commission reconvened at 9:07 p.m.*

- 9-c      [18-0488](#) Liv Café Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 603 E. Williams Street to be used as a Medical Marijuana Provisioning Center by issuance of a Special Exception Use Permit, with an accompanying site plan that demonstrates no physical development change, in accordance with City requirements. Zoned D1 [Downtown Core] with State Street Character Overlay District. Staff Recommendation: Approval with Conditions

*City Planner, Alexis DiLeo, provided the staff report. Both Special Exception standards and those particularly attributed to medical marijuana provisioning centers are applicable.*

**PUBLIC COMMENT:**

*Illana Glassner, 603 E. Williams Street, Ann Arbor, representing the petitioner was available to answer questions regarding the application.*

*Seeing no further public speakers, the Chair closed the public hearing.*

**Moved by Briggs, seconded by Milshteyn, 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 Liv Café, 603 E. William Street, Special Exception Use for a medical marijuana Provisioning Center. This approval is subject to receiving applicable City permits for bicycle parking and is based on the following**

**findings:**

- 1. The proposed use will be consistent with the D1, Downtown Core 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. This site is near both UM and AAATA transit centers and bus stops.**
- 3. The intersection of E. William and Maynard Street provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact. 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 1,600 square feet of the entire building.**
- 4. The petitioner will install one bicycle parking space location determined by the City. The parking spaces must be installed by June 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.**

*Chair Clein explained that some questions regarding the security plan have come up that need resolution before moving forward.*

**Moved by Ackerman, Seconded by Milshteyn, to postpone agenda item indefinitely, to allow resolution to questions that have come up.**

*DISCUSSION ON POSTPONEMENT:*

*Martin Khammaru, said he wasn't sure about the issue, but that the unfortunate family matter dispute over ownership was temporary and had been fully resolved. He thanked the Commission for their time and consideration.*

*Ackerman indicated having some resolution to the matter would be helpful. He asked staff to work diligently on getting a full report in order to bring the agenda item back before the Commission expeditiously.*

*Commissioner Woods clarified a point of order that the motion has been made to postpone.*

*Weatherbee said issues with waste pickup had been mentioned in a letter, she requested additional information on waste management when the agenda item returns before the Commission.*

**On a voice vote, the Chair declared the motion to postpone carried unanimously. Vote: 8-0**

**Item Postponed**

**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

- 9-d**      [18-0490](#)      Greenstone Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 338 South Ashley Street to be used as a Medical Marijuana Provisioning Center by issuance of a Special Exception Use Permit, with an accompanying site plan that demonstrates no physical development change, in accordance with City requirements. Zoned D2 [Downtown Interface] with First Street Character Overlay District. Staff Recommendation: Approval with Conditions

*Alexis DiLeo provided a staff report.*



*PUBLIC COMMENT:*

*Steven Estey, 2723 S. State Street, Ann Arbor, with Dykema, representing the petitioner, introduced the project team, stating their material submitted indicates compliance. He said the property has operated successfully over the past 18 months, and they have provided a letter from a realtor that indicates property values have increased in the area during that time.*

*Seeing no further public speakers, the Chair closed the public hearing.*

**Moved by Ackerman, Seconded by Milshteyn, 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 338 South Ashley Street Special Exception Use for a medical marijuana Provisioning Center. This approval is based on the following findings:**

- 1. The proposed use will be consistent with the D2 (Downtown Interface) District, which provides for commercial and retail activities 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. South Ashley Street provides adequate access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.**
- 3. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the provisioning center will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.**

**This Special Exception Use approval is based on the following conditions:**

- 1. The petitioner obtaining and maintaining both a State of Michigan Medical Marijuana License and a City of Ann Arbor Medical**

**Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.**

**2. The petitioner operating a medical marijuana business at this address within three years of the City Planning Commission approval date of this petition.**

**And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.**

*COMMISSION DISCUSSION:*

*The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format]*

*Ackerman indicated that he intends to support the petition, and reiterated to those in the industry, that the Ann Arbor Police Department (AAPD) is committed to the safety of these operations, the caregivers, and their patients.*

*Milshiteyn said he walks past this business several times a week, and he had no idea they were in operation.*

*Clein asked staff about the radius map.*

*DiLeo explained.*

*Weatherbee noted the letter of support from a neighbor that identified the manner in which this use has been compatible to the surrounding area.*

**On a voice vote, the Chair declared the motion carried unanimously.**

**Vote: 8-0**

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

**Nays:** 0

**Absent:** 1 - Sarah Mills

- 9-e      [18-0491](#)      Green Planet Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 700 Tappan Street to be used as a Medical Marijuana Provisioning Center by issuance of a Special Exception Use Permit, with an accompanying site plan that demonstrates no physical development change, in accordance with City requirements. Zoned PUD [Planned Unit Development]. Staff Recommendation: Approval with Conditions

*City Planner Alexis DiLeo provided the staff report on 700 Tappan Street, located at Tappan and Monroe. Asking for approval to continue to operate a provisioning center in the Dominick's PUD area. DiLeo discussed the history of the site, including a long span on non-residential uses in the R4C. Staff suggests an additional condition to remove the curb cut in front of the house.*

**PUBLIC COMMENT:**

*Jonah Copi, 225 Briarcrest, Ann Arbor, spoke in support of Green Planet. He said they were one of the original businesses recommended for approval in 2011 when the City began this process. He said they have been members of the Ann Arbor Cannabis Guild when it was formed in 2010, and they are very good people as well as very compliance-oriented. He said I hope you consider their special exception use.*

*Mike with Green Planet read a March 20th, 2018 letter from Uldaman regarding the removal of the curb cut. He asked for the requirement to be removed and if it couldn't be remove, that the hearing be adjourned.*

*Seeing no further public speakers, the Chair closed the public hearing.*

**Moved by Milshteyn, Seconded by Ackerman, 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 700 Tappan Street Special Exception Use for a medical marijuana Provisioning Center. This approval is based on the following findings:**

- 1. The proposed use will be consistent with the PUD (Casa Dominick's Planned Unit Development) District, which provides for grocery, prepared food and beverage sales and retail (as interpreted**

by the Zoning Board of Appeals, case ZBA11-022, January 25, 2012).

2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Tappan Street and Monroe Street provide access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.

3. There is an existing PUD Conceptual Plan approved by City Council on October 19, 2009.

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. Marijuana License and a City of Ann Arbor Medical Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.

2. The petitioner operating a medical marijuana business at this address within three years of the City Planning Commission approval date of this petition.

3. The petitioner will remove the curb cut and pavement in the front yard, and restore the curbing and lawn extension, as required by the Casa Dominick's PUD Supplemental Regulations for the first site plan approved, by June 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:*

*The Commission took into consideration the presented petition and*

*discussed the matter. [For a complete record of the discussion, please see available video format]*

*Clein asked for clarification on the location of the curbcut.*

*DiLeo explained that since the parcel is on a corner, it has two frontages.*

*Mike said there seems to be a discrepancy on the driveways and when it was approved, and they just learned about it.*

*Clein suggested the petitioner continue working with staff to resolve the issue, since the Commission couldn't take action until resolution had been met.*

**Moved by Milshteyn, Seconded by Weatherbee, to postpone agenda item, to allow petitioner and staff to resolve outstanding issues The motion carried unanimously. Vote: 8-0 Item Postponed.**

**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

- 9-f**      [18-0492](#)      2460 West Stadium Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 2460 West Stadium, 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. Zoned C3 [Fringe Commercial]. Staff Recommendation: Approval with Conditions  
*City Planner Alexis DiLeo provided the staff report. Petitioner seeks approval to operate a new medical marijuana provisioning center.*

**PUBLIC COMMENT:**

*Keith Warmen, owner of the business at this location, said he is a long time City resident, a supporter of medical marijuana, and he's chosen a reputable operator to assist in operation.*

*Seeing no further public speakers, the Chair closed the public hearing.*

**Moved by Woods, 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 2460 West Stadium Boulevard 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 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 Stadium Boulevard, Abbott Avenue and Shelby Avenue provide access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the provisioning center will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.

This Special Exception Use approval is based on the following conditions:

1. The petitioner obtaining and maintaining both a State of Michigan Medical Marijuana License and a City of Ann Arbor Medical Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.
2. The petitioner operating a medical marijuana business at this address within three years of the City Planning Commission approval date of this petition.
3. The special exception use may only occupy 2460 West Stadium Boulevard, Unit 1 of the West Stadium Commons Condominium

**Association.**

**And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.**

*COMMISSION DISCUSSION:*

*The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format]*

*Clein asked about residential uses in the C3 district, and DiLeo responded.*

*The Commission discussed the need for added bicycle parking.*

*The petitioner was agreeable to adding additional bicycle parking as discussed.*

**Moved by Weatherbee, Seconded by Briggs, to add the following condition:**

**4. The installation of 6 Class C bicycle parking spaces on the site, in compliance with City codes. The amendment passed unanimously.**

**On a voice vote, the Chair declared the amended motion carried unanimously. 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 AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)**

*Nicole Melton, (no address stated), said, You are so organized, and work well together, and do such a good job.*

**11 COMMISSION PROPOSED BUSINESS**

*Briggs asked if it would merit a closer look at other uses for Briarwood.*

*Ackerman suggested looking at the City's Transit Oriented corridors, since Briarwood would be included in those as well.*

**12      ADJOURNMENT**

**Moved by Milshteyn, Seconded by Gibb-Randall, to adjourn the meeting at 10:14 p.m. The motion was unanimously.**

Ken Klein, Chair  
mg

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website ([www.a2gov.org](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.