



# 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, April 3, 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**

**2**     **ROLL CALL**

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

**Absent**    1 -   Briggs

**3**     **APPROVAL OF AGENDA**

*Chair Clein explained that item 9-C, Huron View Special Exception Use Permit and Site Plan for Planning Commission Approval, has been requested to be removed from the agenda due to a court order received on April 3, 2018.*

**Moved by Mills, seconded by Gibb-Randall that the agenda be approved as amended.**

**4**     **INTRODUCTIONS**

*None.*

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

None.

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

**6-a      City Council**

*Commissioner Zack Ackerman explained that the first reading of the Inglis House rezoning was passed, the Sorority and Fraternity ordinance was passed, and that the purchase of the Y-lot did not pass but will be voted on again at the April 16, 2018 City Council meeting.*

**6-b      Planning Manager**

*Planning Manager Brett Lenart added that ten acres of recently annexed land was rezoned to public land at the April 2, 2018 City Council meeting.*

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

*Commissioner Julie Weatherbee explained that the Zoning Board of Appeals approved a 28 space parking variance for 220 Felch Street, Ann Arbor Distilling Company.*

**6-d      Written Communications and Petitions**

**18-0555**      Various Correspondences to the City Planning Commission

**Attachments:**      4-17-2018 Notice of Public Hearing for Publishing.pdf, Email from Barker.pdf, Email from Brinkerhoff-Sample-Argus Farm Stop.pdf, Email from Brinkerhoff-Sample-Argus Farm Stop2 w Easement attachment.pdf, Email from Checkoway.pdf, Email from Cosgrove .pdf, Email from de Parry.pdf, Email from DeLosh.pdf, Email from Ferrara.pdf, Email from Filardo and Zorich.pdf, Email from Furlough-Goodman.pdf, Email from Gregg-Curtis.pdf, Email from Hassett.pdf, Email from Jevens .pdf, Email from Jevens .pdf, Email from John.pdf, Email from Kil.pdf, Email from Kil.pdf, Email from Linkner MD.pdf, Email from Maum and Haju-Zen Buddhist Temple.pdf, Email from McCamman.pdf, Email from Montague-Huron View SEU.pdf, Email from Munoz .pdf, Email from Sun.pdf, Email from Tan & Chow .pdf, Email

from Tosunyan.pdf, Email from Wilk with Attachment.pdf, Email from Zimmerman.pdf, Letter from Rank, Huntley, & McCamman .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.)**

*Deonna Sheldon, 2622 Yost Boulevard, Ann Arbor, referenced communication that she and her husband submitted to the Planning Commission regarding the Victory Inn Hotel. She discussed concerns with drug trafficking, prostitution, defunct taxes, and the safety of the community.*

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

**18-0556** Public Hearings Scheduled for the April 17, 2018 Planning Commission Meeting

**Attachments:** 4-17-2018 Notice of Public Hearing as Publishing.pdf

**Received and Filed**

**9 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item**

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org).)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

**9-a** **18-0557** 2050 Commerce Boulevard Site Plan for City Council Approval - A

proposal to construct a 4-story, 267-unit apartment building totaling 327,399 square feet on a 3.8-acre site, zoned C2B, Business Service District. There will be 298 interior parking spaces, 67 exterior spaces and a drop-off area on Commerce Boulevard. One landmark tree is proposed to be removed and two off-site landmark trees to be impacted. Staff Recommendation: Approval

**Attachments:** 2050 Commerce Staff Report with Attachments.pdf

*City Planner, Chris Cheng provided the staff report. He explained that based on investigation, a small portion of property ownership is in question. He added that staff recommends that any approval be conditioned upon demonstration of ownership of the entirety of the proposed site prior to scheduling for City Council consideration. He further explained that if an amendment to the plan is required, the project shall return to Planning Commission for recommendation.*

**PUBLIC HEARING:**

*Mark Freedman, 1215 South Maple Street, Ann Arbor, inquired about when and how long construction will take place.*

*Deonna Sheldon, 2622 Yost Boulevard, Ann Arbor, business owner at 2030 Commerce Boulevard, inquired about a traffic study and the impacts on traffic and parking in the area.*

*Scott Betzoldt, Engineer for the project, explained that the proposed density is responsible due to nearby access to transit, shopping, and other existing infrastructure.*

*Brad Moore, Architect for the project, explained that there is no longer proposed street parking along Commerce, but there will be a cut-out for delivery vehicles and moving vans. He added that the western property line is heavily buffered and that existing vegetation is being preserved. He emphasized the project is heavily transit oriented due to the proximity to bus stops.*

*Name Unknown, 914 Lincoln Street, Ann Arbor, inquired about the rent prices for the proposed project as well as the inclusion of affordable housing.*

*Dave Warsaw, 1026 Blue Stone Lane, Ann Arbor, expressed concern with the height of the building, stating that the buildings surrounding the project are only two stories.*

*Kathy Wilkinson, 1026 Blue Stone Lane, expressed concern with the amount of density at the proposed project. She explained that she walks her dog often and the current state of traffic is sometimes dangerous. Wilkinson expressed concern with the height of the proposed project.*

**Moved by Ackerman, seconded by Mills that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 2050 Commerce Drive Site Plan and Development Agreement, conditioned upon approval of variances from the Zoning Board of Appeals and resolution of the property ownership in question.**

*COMMISSION DISCUSSION:*

*Ackerman addressed construction, general traffic in the area, and traffic accommodations on football Saturdays. He also discussed public benefit, environmental impact, and LEAD certification. Ackerman also explained that he is supportive of the type of housing that the project is offering due to location and unit price.*

*Betzoldt explained the traffic impact study, stating that the two nearest intersections will experience no significant impact. He added that an active pedestrian crossing at the Maple and Pennsylvania intersection may need to be considered due to the projected increase in pedestrian activity. Full traffic study explanation available for viewing on <https://a2gov.legistar.com/Calendar.aspx>. Betzoldt explained that through phase one and phase two studies there have been no results indicating significant contamination on the site.*

*Moore explained that the building is to be designed to LEAD certification standards, however that certification will not be sought. He explained that there will be a green roof, efficient insulation, and efficient windows. Moore added that there will be entry level or workforce housing available.*

*Commissioner Sarah Mills inquired about the mix in size of the units in the proposed project. She also inquired how residents will get from the parking garage to the apartments. Mills inquired about open-space requirements.*

*Moore answered that the project will contain about 64% one bedroom units, 25% two bedroom units, and then around 11% for studios. He added that there are stairs, elevators, and internal ramps to travel from the parking garage to the apartments.*

*Cheng added that there is no open-space requirement for the project.*

*Lenart added that the proposed rental units have projected rent prices of \$800.00 to \$1,800.00 per month.*

*Weatherbee inquired about the parking lot placement and lighting, as well as solid waste. Weatherbee also inquired about the relationship between the transit oriented design and the amount of parking proposed.*

*Betzoldt answered that due to fire code a space for response vehicles is required, and that a portion of the parking is proposed to be deferred at this time. He also explained that due to space requirements for dumpster usage, the proposed location is the only location for the solid waste.*

*Moore answered that the parking lot lighting will be implemented to meet the City of Ann Arbor's lighting ordinance. Moore explained that financing for the development was dependent on requiring 1.3 parking spaces per unit.*

*Commissioner Scott Trudeau discussed bicycle parking, exterior fencing, the proximity of the dumpster, and adjacent properties. Trudeau expressed satisfaction with the amount of density, and efficiency of the building.*

*Betzoldt answered that the dumpster is 15 feet from adjacent properties, and enclosed in masonry as well as behind a fence.*

*Commissioner Shannon Gibb-Randall inquired about high ground water circumstances and storm water detention at the site.*

*Moore answered that no ground water problems were detected, and explained that the hard clay soils in the area can sometimes lead to water absorbing slower.*

*Betzoldt added that infiltration testing was completed and confirmed that the majority of the soil in the area is clay.*

*Commissioner Wendy Woods inquired about pedestrian traffic and existing paths to commercial areas.*

*Betzoldt and Moore answered that at this time they are not aware of any paths between properties.*

*Commissioner Alex Milshteyn expressed concern with the dumpster proximity to nearby condos.*

*Moore answered that he would discuss the concern of the dumpster with the developer.*

*Clein inquired about the developer of the project, LEAD certification goals, exterior materials, balcony size, and accessible units.*

*Moore answered that the developer is located in Chicago, and the he is co-architects with HLR. Moore also answered that he will have to determine whether the building will be designed to LEAD version four or the current version. He explained that the materials on the exterior of the building are proposed to be cementitious siding, metal siding, and steel, and vinyl-clad windows. Moore added that the balconies will range from three to five feet in width and that there will be no Juliet balconies. Additionally, Moore explained the accessible units, stating that the code required amount will be constructed, and that each room will be constructed to fit a wheel chair through the doorways. He added that the construction period is proposed to be around 18 months.*

*Weatherbee inquired about construction truck storage for the duration of the project.*

*Moore answered that there have been discussions with a neighbor of the project site regarding a portion of their towing lot to use for truck storage.*

*Gibb-Randall encouraged trees near the proposed dumpster to shield the view of the dumpster from neighbors.*

*Woods inquired about the bedrooms having windows.*

*Moore answered that they will have windows.*

**On a voice vote, the vote was as follows, with the Chair declaring the motion passed. Vote 7-1**

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

**Nays:** 1 - Alex Milshteyn

**Absent:** 1 - Erica Briggs

- 9-b**      **18-0558**      1818 Packard Special Exception Use & Site Plan for City Planning Commission Approval - A request to allow the existing space at 1818 Packard 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 C1 [Local Business]. Staff Recommendation: Approval with Conditions

**Attachments:**      1818 Packard SEU Staff Report (Revised 4-2).pdf

*Cheng provided the staff report.*

*David Fisher, 1125 Martin Place, Ann Arbor, expressed concern with the amount of provisioning centers in Ann Arbor and the proximity of provisioning centers to schools. He inquired about the reasoning behind provisioning centers being allowed in the City. He discussed the possibility of Medical Marijuana being administered through pharmacies instead of provisioning centers. Fisher discussed the traffic study, stating that it must have been completed during off peak hours.*

*Peggy Burt, 7500 W. Ellsworth, explained that she has owned and occupied property near to the proposed provisioning center. She inquired about parking in the area, explaining that there are usually very few parking spaces available. Burt also discussed trash pickup at the area, hours, and the impacts of a provisioning center on a residential area.*

**MAIN MOTION:**

**Moved by Mills, and seconded by Ackerman, that the 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 n(Zoning Ordinance), Section 5:104 (Special Exceptions) and Section 5:50.1 (Regulations Concerning Medical Use of Marijuana), and therefore approves the 1818 Packard 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 C1 Local Business 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. Packard Road provides 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 petitioner will stripe all parking spaces on the site according to the site plan sheet c1.0. The petitioner will remove three parking spaces adjacent to Packard as shown on site plan sheet c1.0.

4. The petitioner will install two Class C and one Class B bicycle parking spaces as shown on sheet c1.0 The parking spaces 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.

*Commissioner Ackerman explained the recent legislation change within the State of Michigan that allows for provisioning centers to operate. He also discussed complaints regarding the proposed provisioning center,*

*explaining that as a resident of the neighborhood and as a City Council representative he has never heard complaints from the neighborhood. Ackerman also explained that there have never been any complaints to the City of Ann Arbor Police Department. He also discussed that security at the location is more closely related to that of a bank as compared to a pharmacy or convenience store. Ackerman inquired about the waste management procedure and the hours of operation at the proposed provisioning center. He also inquired about investing in the exterior of the property as well as fencing on the north side of the property.*

*Robert Mitchell, 6883 Nolan Road, Whitmore Lake, MI, explained that he has worked in government compliance for 36 years, and that he has designed the provisioning center to be FDA (Food and Drug Administration) approved, much like a doctor's office. He explained that the trash is handled the same way as a doctor's office, explaining that a specific person will be assigned to trash removal, he further explained that all normal waste and recycling will be brought to the curb. He explained that medical waste is destroyed in a manor to where it cannot be utilized, and taken to a City of Ann Arbor dump.*

*Brian Fenech, representing the petitioner, explained that he and the petitioner can readdress the hours of operation. He added that he is in favor of limiting the hours to 8 p.m. to 9 p.m. in the evenings. Fenech added that there have been discussions regarding improving the parking lot, signs, and lighting. He added that a fence has not been considered at this time.*

*Alex Stewart, 3001 Woodland Hills Apartment 24, Ann Arbor, explained that he is general manager of the store and that their existing hours extend to 10 p.m. and that they are busy until closing time. He further explained that people travel from all over the state to the provisioning center, and that not many other provisioning centers are open until 10 p.m. which allows the provisioning center to provide services to people who need that accommodation.*

*Woods suggested designated parking places for employees. She also explained that she is in favor of the provisioning center being open until 8:00 p.m. She also agreed with the suggested improvements to the exterior of the building. She inquired about additional measures taken to accommodate for the Hash Bash event.*

*Fenech answered that due to the provisioning center being open for the past seven years, they are prepared for the Hash Bash event.*

*Clein agreed with making improvements to the exterior of the property.*

*Weatherbee encouraged the petitioner to consider a pedestrian connection to the sidewalk and the front door.*

*Milshteyn suggested amending the motion to add language to request that the parking lot be re-paved. He also inquired about lights on the exterior of the building.*

*Fenech answered that there will be no neon or unattractive signage in the windows.*

*Mitchell added that there is also no signage advertising the provisioning center in an effort to blend in with the neighborhood.*

*Gibb-Randall discussed the information provided in the packet relating to landscape concerns. She requested that the ALTA survey be included in the packet given to the commissioners. She requested that the petitioner consider including landscape features to their project if they repave the parking lot.*

*Mills discussed parking in the area as it relates to the car repair shop adjacent to the proposed provisioning center. She also discussed a residential parking permit system for the area.*

*Mitchell explained that there are plans in place to resolve the parking problems that exist.*

*Ackerman discussed requiring the parking lot to be repaved within six months, and setting week day hours and weekend hours.*

*Fenech proposed 8:00 a.m. to 8:00 p.m. for Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sunday.*

*Rhory Gould, 5557 Overbrooke Drive, discussed the hours stating that the existing hours serve the patients in the best way.*

**AMENDMENTS TO MAIN MOTION:**

**AMENDMENT I:**

**Moved by Ackerman, seconded by Milshteyn to add a fifth condition**

**to the Special Exception Use Approval:**

**Hours of operation for the public will not extend beyond to 8:00 a.m to 8:00 p.m Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sunday.**

**AMENDMENT II:**

**Moved by Ackerman, seconded by Milshteyn, to add a sixth condition to the Special Exception Use Approval: Exterior improvements will be made to the building and site within six months, including repaving and restriping of the parking lot, painting of the building, and new lighting.**

*DISCUSSION ON AMENDMENT I AND AMENDMENT II:*

*Mills discussed fairness in requiring the petitioners to make improvements.*

*Woods discussed community standards and whether or not projects meet the expectations of the neighborhood and the community.*

*Fenech explained that the petitioner is supportive of the proposed improvements to the exterior of the project.*

**On a voice vote, the vote was as follows with the Chair declaring the Main Motion amended.**

**Vote 8-0**

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

**Nays:** 0

**Absent:** 1 - Erica Briggs

*Discussion on amended Main Motion:*

*None.*

**On a voice vote, the vote was as follows with the chair declaring the amended Main Motion passed.**

**Vote: 8-0**

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

**Nays:** 0

**Absent:** 1 - Erica Briggs

- 9-c**      [18-0559](#)      Huron View Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 3152 Packard 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. Zoned C2B [Business Service]. Staff Recommendation: Approval with Conditions

**Attachments:**      3152 Packard SEU Staff Report with Attachments.pdf

**Received and Filed**

- 9-d**      [18-0560](#)      OM Medicine Special Exception Use & Site Plan for City Planning Commission Approval - A request to allow the existing space at 111 South Main 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 Main Street Character Overlay District. Staff Recommendation: Approval with Conditions

**Attachments:**      111 S Main SEU Staff Report with Attachments.pdf

*Cheng provided the staff report.*

***PUBLIC HEARING:***

*Seeing no one, the Chair Closed the Public Hearing.*

**Moved by Ackerman, seconded by Weatherbee, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including an accompanying site plan, finds the petition 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 111 South Main 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 D1 Downtown Core District and the Main Street Character Area, which allows a variety of 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. South Main Street provides 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 occupy no more than 5500 square feet of the entire building.**
- 4. The petitioner will install or pay for the installation of one bicycle parking hoop as shown on sheet A-100 and at the discretion of the Downtown Development Authority (DDA). The hoop must be installed by June 30, 2018 or at a later date specified in writing by the DDA.**

**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:*

*Ackerman clarified that the discussed address is one of the original 18 centers that have been allowed to remain open. He explained that the business is relocating to a location across the street from the previous location to come into compliance with the zoning buffers. Ackerman explained that this business is discrete, compassionate, and professional. He expressed support for the project.*

*Milshteyn stated that this center is the largest that the Commission has seen.*

*Mark Passerini, 821 Fountain Street, explained that the provisioning center has been open for eight years, and that he and other involved have worked hard to invest in the space and their approach to treatment. He explained that the majority of provisioning centers in Michigan do not take a consultation approach, and operate in an over the counter fashion. He explained that at 111 South Main Street they have developed and constructed private spaces for consultations for patients. He explained that they value the one on one approach.*

*Weatherbee inquired about odor control as well as a street presence.*

*Passerini explained that he has never heard a complaint regarding odor. He explained that if needed, fans or carbon filters can be installed to mitigate odor problems. He added that all products that enter the facility will be in closed containers. Passerini explained that there will be a small sign indicating hours as well as a receptionist located in the facility.*

*Ackerman added that if the discussed building was to be redeveloped it would need to come into compliance with the current downtown design standards.*

*Mills explained that in her experience downtown she has not smelled or noticed that there was a provisioning center at this location. She explained that the provisioning center is a good model for what the Planning Commissions standards are.*

**On a voice vote, the vote was as follows with the Chair declaring the motion passed.**

**Vote: 8-0**

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

**Nays:** 0

**Absent:** 1 - Erica Briggs

- 9-e**      [18-0561](#)      Natural Remedies Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 1202 Packard 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 C1 [Local Business]. Staff Recommendation: Approval with Conditions

**Attachments:**      1202 Packard Staff Report with Attachments.pdf

*Cheng provided the staff report. He explained that on April 3, 2018, Planning staff received a recommendation from Traffic Engineering to close the Packard Road curb cut and rely solely on the easement access from Dewet. He added that the petitioner has not had time to respond to the comment in detail, but would prefer to maintain the opening.*

**PUBLIC HEARING:**

*Scott Menzel, explained that he is committed to the success of the tenants. He explained that the previously granted easement that Cheng indicated was based on the previous proposed use. He explained that he believes that the current proposed use would now allow for the easement. He added that due to this, he does not believe that the project meets the standards for the Special Exception Use.*

*Jan Fisher, property owner on Woodlawn, explained that the proposed provisioning center does not provide goods to the immediate neighbors, that it will adversely impact traffic, and be detrimental to the neighborhood. She encouraged the Commission to deny the Special Exception Use request.*



*Cathy Sailbail, owner of Argus Farms Stop, explained that the proposed plan will seriously impact customers at Argus Farm Stop, which includes pedestrians and cyclists. She explained that they require full and continued use of the loading zone, and that the current granted easement will effect the loading zone area due to the increase in traffic that is projected if the curb cut is closed. She encouraged the Planning Commission to deny the request unless all issues are addressed.*

*Hoju, 1214 Packard, the Zen Buddhist Temple, explained that the Temple has been located on Packard for 38 years and has an interest in improving the diverse community of Ann Arbor. She explained that at the temple there are family programs where many children are present, and that there are programs that aid in addiction recovery. She provided more detail on programs in the area that have children involved, expressing concern with the provision center's proximity to the programs. She expressed additional concern with security.*

*Monty Brauer 1319 Well Street, explained that he has just moved to Ann Arbor after falling in love with the community. He explained that the neighborhood has a family atmosphere, and that Argus Farm Stop is a major factor in the community and in that atmosphere. He explained that he is a Psychiatrist, a Medical Doctor, who has done all of his work in Mental Health and in the Criminal Justice system. He stated that he is familiar with the unintended consequences of medical marijuana. He explained that one of the reasons he loved the Ann Arbor community is because of the progressive and liberal values, and that in his view, Ann Arbor has embraced the existing need for medical marijuana. He added that just because a Medical Marijuana facility can be located in the proposed location, that doesn't mean that it should be. He urged the Commission to deny the Special Exception Use.*

*Paul Sehan, 1213 South Forest Area, about two blocks away, explained that there are constantly small children in the area. He expressed concern for safety in the community, adding that in other communities provisioning centers have guards and bars on the windows. He expressed concern with traffic in the area.*

*Alex DePerry 2593 West town, explained his connections to the community, he discussed the easement for limited traffic. He expressed concern for the nearby community centers. He explained that he will not allow the type of fencing and traffic as described in the plans.*

*Dave Fisher, explained that the area experiences heavy vehicle traffic*

*during football season and that there is already a lot of pedestrian and bicycle traffic in the area. He expressed concern for the safety of community members.*

*Peter Negerny 914 Lincoln, Co-Chair of the North Burns Neighborhood Association, explained that the neighborhood is concerns due to the proximity to schools, the Buddhist Temple, the Argus Farm Stop, and the issues with the easement. He inquired about why the effort is made by the City and the Planning Commission to engage the public if the opinions of the public are not being considered. He urged the commission to consider the comments from the members of the public.*

*Carolyn Hayman, 1204 Well Street, explained that she can see the provisioning center from her house. She added that there are no members of the community present at the meeting speaking in favor of the project.*

**Moved by Mills, 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 1202 Packard 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 C1 Local Business District, which is designed “solely to serve the needs of the surrounding residential neighborhood, providing goods that are dayto- day needs and are classed by merchants as “convenience goods and services”.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Packard Street provides 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 occupy no more than 2,779 square feet.**
- 4. The petitioner will install all site amenities shown on the site plan by July 1, 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:*

*Ackerman clarified that it is staff's role to do a technical review of projects. He added that the set system of submitting public comment exists to allow commissioners to be aware of the opinions of the community. He discussed the leased space to public school functions nearby to the provisioning centers, explaining that it is his belief that land leased to a public school is functionally a school use. He explained that he does not support the project due to his belief that the project does not meet the 1,000 foot buffer from schools criteria.*

*Mills discussed parking and site access. She explained that at the project site, when cars are leaving they need to pull out onto the sidewalk to be able to see incoming traffic. She explained that at minimum, the motion would need to be amended to include the closing the existing curb cut. She also discussed postponing to determine other traffic implications. She explained that she cannot support the project as-is.*

*Clein agreed with the safety issues that Mills discussed. He also discussed the easement being closed. He explained that the project would increase traffic, and expressed concern regarding safety of community members.*

*Woods discussed safety, proximity to community centers, she explained that she is unable to support the project due to the impacts that the project would have on the community.*

*Trudeau expressed concern with the driveway, the discussed easement, and parking. He added that he does not support the project.*

*Gibb-Randall discussed the high volume of pedestrians going to and from the nearby school and how they will be impacted by the project. She explained that she does not support the project.*

*Mills inquired about a residential use permitted on the project site.*

*Cheng answered that it is not a permitted use.*

**On a voice vote, the vote was as followed with the Chair declaring the motion denied.**

**Vote:0-8**

**Yeas:** 0

**Nays:** 8 - Wendy Woods, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

**Absent:** 1 - Erica Briggs

**9-f**      [18-0562](#)      2018-2019 City Planning Commission Meeting Schedule

**Attachments:**      2018-2019 CPC Mtg Schedule-DRAFT.pdf

**Moved by Mills, seconded by Milshteyn to adopt the Ann Arbor City Planning Commission meeting schedule for July 2018 through June 2019 striking the proposed meeting on July 3, 2018.**

**On a voice vote, the vote was as follows with the Chair declaring the motion approved.**

**Vote: 8-0**

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

**Nays:** 0

**Absent:** 1 - Erica Briggs

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

*Name and address unknown, thanked the Commission for taking the comments from the community into consideration.*

**11** **COMMISSION PROPOSED BUSINESS**

*Lenart reminded the Commission that the upcoming retreat will focus on ordinance changes and ZORO 2.0.*

*Ackerman added that members of the community should contact their City Council person regarding the Y- Lot.*

*Clein congratulated the University of Michigan Men's Basketball team on advancing to the Final Four and the National Championship.*

**12** **ADJOURNMENT**

**Moved by Milshteyn, seconded by Weatherbee, to adjourn the meeting at 11:00 p.m. Adjourned unanimously.**

Ken Clein, Chair  
mg