



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, June 5, 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; 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 7:02 p.m.

2 ROLL CALL

Present 9 - Woods, Briggs, Clein, Mills, Milshteyn, Gibb-Randall,
Trudeau, Weatherbee, and Ackerman

3 INTRODUCTIONS

None.

4 MINUTES OF PREVIOUS MEETING

4-a **18-1006** February 21, 2018 City Planning Commission Meeting Minutes

Attachments: 2-21-2018 CPC Minutes with Live Links.pdf

**Moved by Mills, seconded by Woods, approved unanimously, and
forwarded to the City Council.**

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

4-b [18-1005](#) April 17, 2018 City Planning Commission Meeting Minutes

Attachments: 4-17-2018 CPC Minutes with Live Links.pdf

Moved by Mills, seconded by Woods, approved unanimously, and forwarded to the City Council.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

4-c [18-0999](#) May 16, 2018 City Planning Commission Meeting Minutes

Attachments: 5-16-2018 CPC Minutes with Live Links.pdf

Moved by Mills, seconded by Woods, approved unanimously, and forwarded to the City Council.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

5 **APPROVAL OF AGENDA**

Moved by Ackerman, seconded by Mills, and approved unanimously 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 described the Historic District Commission awards that took place at the City Council meeting, the addition of a property to the Greenbelt, the Game Day Condos project, 2050 Commerce project, the Unified Development Code's postponement, and

the Library Lot.

6-b Planning Manager

Lenart gave a reminder of the card method of signing in for public hearings, as well as an explanation of the Mayor's Green Fair that took place on June 8th, 2018.

6-c Planning Commission Officers and Committees

Clein reported that the Ordinance Revisions Committee discussed parking requirements and food trucks at their most recent meeting.

6-d Written Communications and Petitions

[18-0998](#) Various Correspondences to the City Planning Commission

Attachments: Communication to City Planning Commission 1.pdf, Communication to City Planning Commission 2.pdf, Communication to CPC for 3152 Packard Rd SEU & Site Plan.pdf, Communication to CPC from Climatewire.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 no speakers, Chair Clein closed the Public Hearing.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

8-a [18-1000](#) Public Hearings Scheduled for the June 19, 2018 Planning Commission Meeting

Attachments: 6-19-2018 Notice of Public Hearing.pdf

Lenart reviewed the Public Hearing Notice as attached.

9 UNFINISHED BUSINESS

9-a [18-0991](#) 450 S Main Street Special Exception Use and Site Plan for City Planning Commission Approval - A request to allow space at 450 South Main Street

to be used as a Medical Marijuana Provisioning Center, with an accompanying site plan that demonstrates no physical development change, in accordance with City requirements. Zoned D2 (Downtown Interface) Base District, First Street Character Overlay District. Staff Recommendation: Approval with Conditions

Attachments: Staff Report for 6-5-18 (450 South Main).pdf

City Planner, Alexis DiLeo, presented the staff report.

PUBLIC HEARING:

Noting no speakers, Chair Clein closed the Public Hearing.

MAIN MOTION

Moved by Mills, 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 450 South Main 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. West Jefferson 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.
3. Submit a License Agreement Application prior to applying for a Zoning Permit and to enter into a License Agreement prior to applying for a Certificate of Occupancy to address the encroachment of the existing building in the public right-of-way. 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 ON MAIN MOTION:

Commissioner Mills expressed concern about traffic and pedestrian safety.

Commissioner Weatherbee discussed the configuration of the parking lot.

Commissioner Briggs discussed required staff parking, and removing customer parking spaces to mitigate in and out traffic.

The Petitioner explained that the parking can be rearranged.

Commissioner Milshteyn described the discomfort of the small parking lot, he also expressed concern for pedestrian safety, signage, and the hours of operation. He proposed changing the hours of operation to 10:00

AM to 8:00 PM on weekdays and Saturday and 11:00 AM to 6:00 PM on Sundays.

Commissioner Gibb-Randall expressed support for limiting the hours of operation.

Commissioner Woods discussed signage as it pertains to parking.

AMENDMENT TO MAIN MOTION:

Moved by Briggs, seconded by Ackerman, to add the following conditions to the MAIN MOTION

- 4. Petitioner will prohibit and actively monitor and discourage customer parking on-site**
- 5. The maximum extent of hours of operation 10:00 AM and 8:00 PM weekdays and Saturdays and 11:00 AM and 6 PM on Sunday.**

COMMISSION DISCUSSION ON AMENDMENT TO MAIN MOTION:

None.

VOTE ON AMENDMENT TO MAIN MOTION:

On a roll call vote, the vote was as follows with the Chair declaring the motion approved.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

VOTE ON MAIN MOTION

On a roll call vote, the vote was as follows with the Chair declaring the motion approved.

The approved motion reads as follows:

Moved by Mills, 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 450 South Main 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. West Jefferson 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.
3. Submit a License Agreement Application prior to applying for a Zoning Permit and to enter into a License Agreement prior to

applying for a Certificate of Occupancy to address the encroachment of the existing building in the public right-of-way. 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.

4. Petitioner will prohibit, actively monitor, and discourage customer parking on-site.

5. The maximum extent of hours of operation are 10:00 AM to 8:00 PM weekdays and Saturdays and 11:00 AM to 6 PM on Sunday.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

9-b [18-0992](#) 1140 Broadway Offer of Conditions to C1A/R (Campus Business/Residential) Zoning Designation for City Council Approval - The owner and developer of this 6.5-acre site offers additional conditions to be placed on the zoning designation of the site - to develop the approved 1140 Broadway Planned Project Site Plan (including any approved administrative amendments) and to further restrict the maximum height limitations. This action is considered a rezoning application from C1A/R with Conditions to C1A/R with Conditions [Amended]. Staff Recommendation: Acceptance

Attachments: Planning Staff Report 6-5-18 (Additional Conditions).pdf

DiLeo presented the Staff Report.

PUBLIC HEARING:

Phil Stoll, 1314 Broadway Street, Ann Arbor, discussed the previously approved conditional zoning. He explained that approving the current request would be going against the City's Zoning Code.

Laura Stowe, representing the Broadway Area Neighborhood Association, expressed general dissatisfaction for the proposed projects associated with 1140 Broadway. She explained that with this development, the neighborhood will experience all negative aspects of being downtown, without any of the benefits.

Mary Underwood, representing a Neighborhood Association on Traver Street. She explained that the neighborhood does not approve of the proposed project at 1140 Broadway Street or any of the associated projects.

Glenn Heiber, explained that although he did speak at the previous hearing, he is invoking MCL 123.3503 Section three.

Chair Clein inquired about the code section referenced by Heiber.

Heiber explained that MCL 123.3503 Section three is a section of the Zoning Enabling Act that references due process. He explained that there was no appropriate notice of the meeting, and no legal reason to exclude his offerings. He explained that he also is permitted time to speak under the Americans with Disabilities Act (ADA). Additionally, he explained that the rezoning is illegal, and that Brett Lenart the Planning Manager is the source. Heiber explained that the community is not in favor of the project. He explained that the larger picture needs to be seen, he referenced Donald Trump and Russia.

Seeing no further speakers, Chair Clein closed the Public Hearing.

Moved by Mills, seconded by Trudeau, that the The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council accept the offer for a new condition to tie development in the C1A/R With Conditions district to the 1140 Broadway Planned Project Site Plan and revise the height limit condition by approving the amendment to the Conditional Zoning Statement of Conditions.

COMMISSION DISCUSSION:

Ackerman spoke regarding the role of staff, that they do their role professionally and to the benefit of the public every day. Ackerman anticipates supporting this motion. He explained that that he does wish the rezoning was included in the original petition, but he is glad to see it now.

Mills agreed with Ackerman, and explained that she understands that members of the community are not happy with the recommendation that Planning Commission made to the City Council regarding the project. She also inquired about the reasoning behind seeking the rezoning.

Ron Mucha, representing the petitioner, explained that the request for

rezoning is an indication of commitment to the plan that was presented, and that they want to make the offer.

Mills explained that she does not see a down side to the rezoning.

Commissioner Briggs explained that she was not initially in favor of the plan, however she intends to support the rezoning because it will protect the community.

Chair Clein explained that he agrees with Mills and Briggs.

On a roll call vote, the vote was as follows, with the Chair declaring the motion approved.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

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** **18-0993** Concordia University Athletic Track and Field Reconstruction Site Plan and Special Exception Use for City Planning Commission Approval - The petitioner proposes to replace the existing track with a new track and a new artificial turf infield and install concrete pads for discus, hammer, and shotput areas. The existing press-box is proposed to be relocated. The existing shed near Earhart Road is proposed to be removed. Areas for high jump, long jump, triple jump, and pole vault will also be provided. A

new concrete pad for movable bleachers will be installed. Special Exception Use approval from the Planning Commission is required when development is proposed for a private university use in a Single-Family Residential zoning district. The 80.63-acre site is located at 4090 Geddes Avenue and zoned R1B (Single-Family Dwelling). Staff Recommendation: Approval

Attachments: Concordia Staff Report for June 5 2018 CPC.pdf, 4090 Geddes Rd Aerial Map.pdf, 4090 Geddes Rd Zoning Map.pdf

DiLeo presented the Staff Report.

PUBLIC HEARING:

Seeing no speakers, Chair Clein closed the Public Hearing.

Moved by Ackerman, seconded by Woods, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and therefore, approves the Concordia University Special Exception Use for expansion of the track and field complex as part of a private college use.

COMMISSION DISCUSSION:

Ackerman inquired about plans for additional improvements.

The petitioner answered that there are no plans at this time.

Commissioner Gibb-Randall explained that she believes that roundabouts function well for cyclists and pedestrians.

On a roll call vote, the vote was as follows with the Chair declaring the motion approved.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

10-b [18-0994](#) 3152 Packard Road 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. The 0.16-acre site is zoned C2B (Business Service). Staff Recommendation: Approval with Conditions

Attachments: 3152 Packard SEU Staff Report 060118.pdf, 3152 Packard SEU Updated Attachments 060118.pdf

City Planner, Jill Thacher, presented the Staff Report.

PUBLIC HEARING:

Travis Copenhaver, 602 Briarwood Court, Ann Arbor, Attorney with Cannabis Legal Group, explained that he is speaking as a citizen of Ann Arbor. He explained that he has lived and worked in Ann Arbor for several years. He also explained that he has provided legal services to some of the Cannabis businesses in the city, and that is he aware of the businesses in the City, he explained that he has never seen any evidence of 3152 Packard being open for operation prior to application. He explained that it is his hope that the Commission and Staff look at the history to show that.

Drew Romeo, 520 Main Street, Royal Oak, MI, he explained that he has been part owner of a building for two years that is near to the 3152 Packard Center, he explained that the City of Ann Arbor has been excellent to work with. He explained that other centers have opened in the mean time.

Hongmei DeLosh, owner of Mary's Bilingual Pre-School, explained that she is against the proposal, and that she needs to stand up for what is right for the children. She further explained that she is licensed for children ages 0-12, which includes after-school programs. She explained that the the provisioning center is 390 feet from the pre-school. She explained that many parents have expressed concern regarding safety. She encouraged the Commission to deny the request.

Sal Ali, 3033 Turnberry Lane, Ann Arbor, expressed support for the center, explaining that he is a patient. He shared that it is not a problem for his family.

Kelly Walkovich, 3505 Sturbridge Ct, Ann Arbor, explained that she is a Pediatric Oncologist at the University of Michigan, explained that provisioning centers must not be located within 1,000 feet from K-12 schools. She explained that she believes that toddlers are more important from a safety perspective than pedestrians and vehicles. She

also discussed research on concerns with interactions between marijuana and preschoolers. She urged the Commission to deny the request.

Craig Arnoff, Cannabis Legal Group, provided background on the actions taken by several provisioning centers within the City. He explained that the provisioning centers that were operating illegally should not have been allowed to be granted the opportunity for early application.

Tisha Montague, explained that her mother is the owner of Huron View, and explained that she has lived in the community for her entire life, and that the provisioning center is helping the community, she explained that the center is self funded. She explained that the gentlemen who spoke previously against the center have lost twice in court. She explained that they have followed the proper procedure and urged the Commission to approve the request.

Lusy Hasan, owner of the nearby Meat Market, explained that she has no problems with the provisioning center and stated that they are private and responsible.

Steven Kaye, Cannabis Legal Group, explained that the City has not acted correctly, and that there is no record of Huron View being open on December first. He encouraged the Commission to look into the issue.

Seeing no further speakers, Chair Clein closed the Public Hearing.

Moved by Mills, seconded by Gibb-Randall 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 3152 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 C2B Business Service 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 special exception use may occupy no more than 1,150 square feet of the entire building.

4. The petitioner will install a minimum of one class B bicycle parking space behind the building. The parking space 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.

COMMISSION DISCUSSION:

Lenart explained that City Council approved a list of provisioning centers, which directed City Planning Staff to develop an attestation to the State of Michigan. At that time, the state of Michigan was considering how to handle provisioning centers that might have been operating prior. The State of Michigan then provided a framework that allowed cities to recognize and provide an acknowledgement of their eligibility for the provisioning centers. Planning Commission did not make that list, Planning Staff created the list and City Council chose to enact the list, 3152 Packard Road was on that list.

Chair Clein inquired about the operation history at 3152 Packard Road.

Lenart explained that the facility at 3152 Packard Road was on a list the City Staff recommended that City Council not approve, and City Council chose to approve it.

Commissioner Milshteyn inquired if any provisioning centers had Certificates of Occupancy prior to the new licensing laws.

Lenart answered, no.

Milshteyn discussed the consideration of the nearby preschool and daycare as a school.

Lenart explained that the 1000 foot radius is applied to K-12 schools and preschools and daycares are not considered.

Woods, Mills, and Clein continued to discuss the preschools and daycares as they relate to being considered K-12 schools.

Weatherbee pointed out that the Commission has previously approved provisioning centers that are within a 1000 foot proximity to daycares.

Ackerman requested evaluation of the nearby daycare as it relates to being a K-12 school by the City Attorney's office.

Commissioner Briggs inquired about the licensing for age groups for pre-schools. She also discussed the history of the status of the provisioning center at 3152 Packard Road.

Clein and Ackerman discussed the radius buffers for provisioning centers in the city.

Moved by Ackerman, seconded by Milshteyn to postpone decision to the June 19, 2018 Planning Commission meeting.

COMMISSION DISCUSSION ON MOTION TO POSTPONE:

Mills discussed the conditions in the motion as they relate to the provisioning center operating in a multi-tenant building.

Christina Montague, owner of the provisioning center at 3152 Packard Road, explained that the center is discrete and community oriented. She explained partnerships between her provisioning center and the local Veteran's Hospital, she explained her experience being part of the state legislative process for medical marijuana. She also explained that she was a Social Worker in Ann Arbor until she was diagnosed with cancer. She explained that she has done everything with the City correctly, and that her center has been visited by the City as well as the State Police.

VOTE ON MOTION TO POSTPONE:

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

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

Nays: 1 - Kenneth Clein

- 10-c** [18-0995](#) 702 S Main Street Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 702 S 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. The 0.30-acre site is zoned C1 (Local Business). Staff Recommendation: Approval with Conditions

Attachments: 702 South Main Staff Report LATEST for 6-5-18.pdf, 702

S Main St Aerial Map.pdf, 702 S Main St Zoning Map.pdf,
702 S. Main Provisioning Center/School Locator Map.pdf

Thacher presented the Staff Report.

PUBLIC HEARING:

Seeing no speakers, Chair Clein closed the Public Hearing.

Moved by Mills, 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 to 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 702 South Main 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 C1 (Local Business) 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. South Main Street and West Mosley Street provide access to the site, and the proposed use is consistent with other surrounding uses.**
- 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 the current 5,382 square feet of 702 South Main Street.

4. Approval of the Special Exception Use is subject to the petitioner providing site improvements as shown on the site plan including new bicycle parking and relocating a barrier free parking space. 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:

Gibb-Randall discussed landscaping and waste disposal.

The petitioner explained the waste disposal methods as required by the State of Michigan.

Woods discussed the entrances of the building.

Weatherbee discussed the provisioning center's occupied space.

AMENDMENT TO MAIN MOTION:

Moved by Weatherbee, seconded by Woods, to amend conditions three and four of the Main Motion to read as follows:

3. The special exception use may only occupy 2,2000 square feet of 702 South Main Street.

4. Approval of the Special Exception Use is subject to the petitioner providing site improvements as shown on the site plan including bumper blocks, new bicycle parking, and relocating a barrier free parking space.

COMMISSION DISCUSSION ON AMENDMENT I TO MAIN MOTION:

The Commission discussed the hours of operation.

VOTE ON AMENDMENT I TO MAIN MOTION:

On a roll call vote, the vote was as follows, with the Chair declaring the motion approved.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

AMENDMENT II TO MAIN MOTION:

Moved by Woods, seconded by Milshteyn to restrict the Sunday hours of operation to 10:00 AM to 6:00 PM

DISCUSSION ON MOTION II OF MAIN MOTION:

The Commission discussed the time limit.

The petitioner would like to keep the hours as proposed.

VOTE ON AMENDMENT II TO MAIN MOTION:

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

Yeas: 4 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, and Zachary Ackerman

Nays: 5 - Erica Briggs, Kenneth Clein, Sarah Mills, Scott Trudeau, and Julie Weatherbee

VOTE ON MAIN MOTION AS AMENDED:

On a roll call vote, the vote was as follows with the Chair declaring the motion approved.

AMENDED MOTION READS AS FOLLOWS:

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including

an accompanying site plan, finds the petition to 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 702 South Main 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 C1 (Local Business) 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. South Main Street and West Mosley Street provide access to the site, and the proposed use is consistent with other surrounding uses.**
- 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 2,2000 square feet of 702 South Main Street.**
- 4. Approval of the Special Exception Use is subject to the petitioner providing site improvements as shown on the site plan including bumper blocks, new bicycle parking, and relocating a barrier free**

parking space.

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.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

10-d [18-0996](#) 2394 Winewood Avenue Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 2394 Winewood Avenue 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. The 0.36-acre site is zoned M1 (Limited Industrial) Staff Recommendation: Approval with Conditions

Attachments: 2394 Winewood Staff Report LATEST for 6-5-18.pdf, 2394 Winewood Ave Aerial Map.pdf, 2394 Winewood Ave Zoning Map.pdf

Moved by Ackerman, seconded by Mills, to extend the meeting until 11:10 p.m.

COMMISSION DISCUSSION ON MOTION TO EXTEND THE MEETING:

None.

On a roll call vote, the vote was as follows with the Chair declaring the motion approved.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Thacher presented the Staff Report.

PUBLIC HEARING:

Seeing no speakers, the Chair closed the Public Hearing.

Moved by Ackerman, seconded by Mills, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including an accompanying site plan, finds the petition to 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 2394 Winewood 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 M1 (Limited Industrial) District, which allows for industrial, limited retail, and office uses.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. South Maple Street and Winewood Street provide access to the site, and the proposed use is consistent with other surrounding uses.**
- 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 2394 Winewood Street.**

4. Retail sales will not exceed 10% of the total floor area of 2394 Winewood.

5. Approval of the Special Exception Use is subject to the petitioner providing site improvements as shown on the site plan including new bicycle parking, relocating a barrier free parking space providing a barrier free sidewalk to a building entrance, and replacing some asphalt with landscaping.

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 discussed vehicle and bicycle parking at the site and improving the streetscape.

On a roll call vote, the vote was as follows with the Chair declaring the motion approved.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

10-e [18-0997](#) Appointment of Commissioner Gibb-Randall as Planning Commission Representative to the Environmental Commission through June 30, 2020.

Moved by Mills, seconded by Milshteyn to appoint Commissioner Gibb-Randall as the representative to the Environmental Commission.

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

AUDIENCE PARTICIPATION:

Seeing no speakers, Chair Clein closed the Public Hearing.

12 **COMMISSION PROPOSED BUSINESS**

None.

13 **ADJOURNMENT**

Moved by Milshteyn, seconded by Woods to adjourn the meeting at 11:04 PM, approved unanimously.

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Ken Clein, Chair
kvl

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