



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 19, 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**

Chairperson Ken Clein called the meeting to order at 7:02 p.m.

2 **ROLL CALL**

Planning Manager Brett Lenart called the roll.

Present 6 - Clein, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, and Ackerman

Absent 3 - Woods, Briggs, and Mills

3 **INTRODUCTIONS**

Planning Manager Lenart recognized Chairperson Ken Clein for his dedicated service to the City, as a Planning Commissioner serving since July 1, 2012, with this being his last meeting.

Councilmember Zack Ackerman thanked Clein for his knowledgeable insight he brought to the table, as a long time resident of Ann Arbor, as well as an Architect, and dedicated public servant. Presenting Clein with a Resolution of Appreciation, he thanked him for his expertise, dedication, and heartfelt deep care, as a Commissioner, noting he will be greatly missed.

Chairperson Clein thanked the Commission, the City, as well as the public of Ann Arbor. He thanked the public for their participation into the public process, and for sharing how they feel about various projects, petitions, or proposed changes; he encouraged them to continue sharing their comments with the City, because it is most helpful to receive public participation. Clein also encouraged people to be open to change, noting that change is part of the process.

4 APPROVAL OF AGENDA

Moved by Commissioner Milshteyn, seconded by Weatherbee, to approve the agenda as presented. On a voice vote the Chair declared the motion passed unanimously.

5 MINUTES OF PREVIOUS MEETING

5-a [18-1082](#) June 5, 2018 City Planning Commission Meeting Minutes

Moved by Trudeau, seconded by Gibb-Randall, to approved the June 5, 2018 Planning Commission meeting minutes. Without objection, the minutes were approved by the Commission and forwarded to City Council.

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

6-a City Council

Councilmember Ackerman reported from last night's City Council meeting. Council approved petition language, regarding the Library Lot, that will be forwarded to the State. The developer will be hosting a public meeting at the downtown District Library. Council approved 1101 South University Site Plan, and they voted to adopt a new water rate structure.

6-b Planning Manager

Planning Manager Lenart reminded the public that there are Sign-In Cards available for them to fill out and drop off at the podium when they come to speak, or they can use the Sign-In Sheet at the podium.

He said per the Planning Commission Meeting Schedule, the first

meeting in July is cancelled.

He noted that last night one of the items on the Council Agenda was proposed amendments to the definition of Sorority and Fraternity; Council postponed the item until July 16th, directing staff to engage in more community engagement.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

18-1083 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.)

None

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

9 UNFINISHED BUSINESS

9-a 18-1085 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
City Planner, Jill Thacher, provided the staff report.

CONTINUED PUBLIC HEARING:

Dr. Kayla Bronkard, (not signed in) spoke against the proposal. She asked that the City extend the requirement that no medical marijuana facility be located within 1,000 feet of any site that has children, regardless of age.

Dr. Lauren Meers, 1233 Island Drive, said she was a 4th year medical student at University of Michigan, spoke of the need to buffer this center to K-12 school areas, noting there are other states that have extended their restrictions to include daycare centers as well. She said we should be careful in moving forward, as it is a new industry; echoing what Dr. Swindell stated in her letter to the Commission.

Elisha Perry, 957 Sheridan, Ypsilanti, spoke of going to a pharmacy, where she rang the doorbell, and then was let in, stating later she learned it was a dispensary. Perry said the business is not advertised, displayed, or known, that it is a dispensary, and she thinks the bigger issue is the bus stop located near the daycare center.

Christina Montague, 3152 Packard Road, Ann Arbor, Petitioner, thanked City employees for helping them get this far; she said she had numerous questions and staff from the Planning office and the Clerk's office were very helpful. She said there were many other people in the community that helped them. Montague stated that when the Commission addresses concerns, she wanted them to know that they have now fixed the fence, cleaned up the rear area, and added the bike parking. She said they think 'Huron View' is a community-based service. She stated their doors are locked 24/7, since a lot has happened to them, and they appreciate everything that has been done for them.

Jerome Watson, 1565 Balmoral Drive, Detroit, stated he is the brother of the petitioner, and proud of his sister and niece, who have learned about the medical marijuana business. He said they had been sued, followed, and he expressed concern for her safety. He said they don't see the danger to the mentioned 'school'.

Phil (not signed in) 2906 Marshall, Ann Arbor, said he didn't understand, since the location is a strip mall, across from a bar, a liquor store, and a pharmacy. He said he didn't understand when you put in a medical marijuana facility, that's locked, there is something going on anyhow, so why not regulate it. He said the daycare center popped up. He stated that Banfield's has a reputation of being seedy, so should we shut that down?

Meers (not signed in) 1233 Island drive, stated that some products are packaged as gummi bears, candies, and are different than alcohol.

Davis Strankowski, said he met Ms. Christina Montague, and she was interested in helping veterans; he explained that he went to the Veteran Association (VA) and they were interested in learning more and Ms.

Montague helped.

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

Moved by Milshteyn, seconded by Trudeau, 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, as shown on sheet C3 of the plan set. The bicycle parking space must be installed by August 30, 2018.

5. The petitioner will repair or replace the failing sections of privacy fence on the rear lot line, and remove all uncontained trash from the rear yard 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:

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

Trudeau stated he does not believe that the daycare center is a school under the zoning definition, and based on the work of other committees in drafting this ordinance.

Clein shared Trudeau's opinion, and that it meets the ordinance requirement.

Ackerman said he believes that based on the advice on the City Attorney, it would not be appropriate to deny this petition, based on the requirement of a school. He said our language for medical marijuana is based upon similar language that is used to regulate liquor permits; however, medical marijuana is more highly regulated than alcohol. Ackerman stated, when it comes down to our duty, it is based on whether it meets our ordinance.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

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

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

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

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

- 10-a** **18-1086** 151 East Hoover Rezoning and Site Plan for City Council Approval - A proposal to construct a 4-story, 171 unit apartment complex (182 bedrooms) with 2,460 square feet of ground floor retail space, and a 179 space parking deck under the structure. The project also includes a separate petition to rezone the western portion of the site from R4C (Multiple-Family Dwelling) to C2B (Business Service). Staff Recommendations: Approval

City Planner, Jeff Kahan, presented the staff report.

PUBLIC HEARING:

Jennifer Roth, REDICO, One Town Square, Suite 1600, Southfield Michigan, said they appreciate all the officials, and neighbors, noting they have hosted 6 public meetings. Roth explained REDICO is entering its 50th year as a company and look forward to a long relationship with the community. She said they are contributing to parks, and will be one of the first multi-family buildings to have solar panels on the roof.

John Myefski, 630 Davis Street, 5th Floor, Evanston, IL, Architect for the petition, explained it has been an 18-month process working with the neighbors, and he believes it was a positive experience for everyone. He said most of the concerns that were raised he thinks they addressed; massing of the buildings was addressed by articulation of buildings. Myefski said the materials are a combination of stone on Hoover, and metal, wood, and glass elsewhere. He explained with the site sloping, they adjusted from a 3 to 4-story building, and were able to add all of the

parking below grade. He said they worked hard to save two significant trees on the site, and the energy consumption will be off-set with solar panels on the roof, LED lighting, and other amenities.

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

Moved by Milshteyn, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 151 E. Hoover C2B (Business Service) Zoning, Site Plan, and Development Agreement.

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]

Weatherbee commenting on the staff report about mention of Green Road vs Greene Street, noting this location is on Greene Street. She said for her the zoning request is the largest issue; what worries her is what could happens if this building does not get built, and the parcel is zoned commercial. She wouldn't like to see a huge warehouse in her neighborhood, noting she lives one block from this site and worked one block on the other side of this site. She asked about potential protection with this parcel, if conditions or contingencies, could be added and put in place, for this proposal.

Numerous Commissioners echoed this concern.

Ackerman explained that per State law, conditional zoning can only be tied to a site plan if the petitioner voluntarily requests it

Myefski, representing the petitioner, stated they were voluntarily requesting a conditional rezoning, and they would be willing to work with staff to provide this language.

Weatherbee felt there was enough parking, and maybe too much. She asked about the ride sharing listed on the site plan, as well as electric charging stations, noting she sees this area as being great for both electrical charging and autonomous vehicles, once they become available. She asked about external bicycle parking, noting the need in this area is high for bicycle parking.

Myefski explained that they are open to rise sharing, but Zip Car will not

consider potential new locations until the building is build. He said they have two such stations now, and are open to considering additional sites, with electrical conduit already available. He said they have not only met the requirement but exceeded the requirement, adding they have most of them located in front of the retail. He said they find that most tenants now bring their bikes into their units, due to the high cost of bikes these days.

Gibb-Randall reported that on another project, located on Ashley and Main, they installed five bicycle hoops outside of the building, along with a generous interior bicycle storage. She said the ones facing Ashley are always full to capacity with bikes chained to nearby trees. She agreed that it would be a good idea to add additional hoops.

The Commission agreed.

Weatherbee asked about proposed Uber pick-up on Greene Street, noting the busyness of the street.

Myefski said they won't know if this proposed location will function as planned until they try it.

Weatherbee asked about University emergency routes, saying she believed both Greene and Brown are, which might need to be considered.

Myefski said they had considered this; noting it added an extra layer of complexity to their traffic study.

Weatherbee said the intersection of E. Davis and Brown was not listed in the traffic study, and given the number of minor accidents at that intersection it might be good to consider any added traffic at this intersection.

Myefski said the goal was to pull away as much as possible from E. Davis and Brown, which helped, saying there is no entrance on E. Davis, with the exception of a service vehicle entrance.

Weatherbee inquired about the sight lines at E. Davis and Greene; she hoped that the Transportation department had reviewed the issue. She asked about parking on Greene Street after 5 p.m., noting that parking is available currently.

Myefski responded that they are not taking away anything that is currently there.

Weatherbee asked about pedestrian crosswalks, and possible improvements to them in the area.

Clein commented that he believes contributions towards these improvements are a part of the project.

Weatherbee asked who would be facilitating the building, once completed.

Roth said they are currently interviewing for managers, saying they would be professionals who had experience in the field.

Weatherbee asked about short-term rental possibilities, noting the location is spectacular.

Roth said they are aiming for empty nesters, and professionals, and not students, directly.

Clein asked if the tenants would be renters.

Roth said yes.

Weatherbee asked about landscaping, saying she liked what she saw on the site plan, and hoped it would be maintained and kept up beyond the first year.

Roth said it would be maintained by the facility managers company.

Ackerman said the issue of maintenance on new building projects has been of concern to City Council.

Samantha Eckhart, REDICO, said they intend to lease by the year, and won't accept co-signers. She explained that their tenant income would need to average between \$ 50,000 - \$ 60,000 per year in order to reside here.

Clein asked about the location of mechanical units.

Myefski said mostly they will have V-tack units that are within the units; some of the units will have traditional units with condensers on the roof, and then they will have larger units on top of the roof as well, located towards the center (out of visual view) with the solar panels along the

outside.

Clein asked what assurance could be provided to the Commission that the solar panels will be incorporated in this project.

Myefski said they are incorporated into the Development Agreement between them and the City. He said they are investing a lot into this project, noting that they will have 15 percent in solar panels, which is a lot.

Clein asked about exterior materials.

Myefski explained they worked with residential neighbors to give them something that feels softer, while the elevation towards the Stadium will be more commercial.

Gibb-Randall suggested they consider the landscaping by the entrance/exits, because they are the areas hardest hit by dogs. She also suggested they think about providing a dog station.

Roth said they are planning on a dog station.

Gibb-Randall asked how many levels would be above the courtyard, considering lighting

Myefski said there would be three levels above; however, given the elevated courtyard, the sunlight study showed there will be more light than originally, when the courtyard was sunken. He said REDICO has asked them to push the landscaping further, to include a water feature and a yoga area that will be an amenity for the residents.

Gibb-Randall suggested added tree planters between the facing windows; she said she looks forward to seeing an enhanced version of the landscaping.

Weatherbee asked about pedestrian benches along the Greene Street circular pocket park, on both sides.

Myefski said there are benches on both sides along that pocket park.

Weatherbee asked about construction staging, and traffic flow.

Roth said they are in the process of working with a construction company to create such a construction schedule, and they will be working with the

University as well as the City's Building Department on details.

Weatherbee said she had some concern about stormwater runoff, given their proximity to the creek during excavation.

Myefski said they need to get the stormwater management in place before the above grade construction. He said they plan on this being a wood panel construction, which is more quiet and faster, because the panels will be pre-manufactured off site, brought in and assembled.

Clein asked about the duration of the construction, and if it would be built in one phase.

Myefski said they are working diligently to have all construction plans completed, and if possible begin in October 2018, with completion set for 2020.

Weatherbee asked about potential recycling of materials from the historic fabric contained within the old homes that are slated for demolition. She said there is so much history in the homes and it is hard to watch them go.

Myefski said they could use a third party auction for any historic materials, noting that all demolition material will be sorted and recycled, making the process as environmentally friendly as possible.

Clein enquired about possible contaminants.

Roth responded the environmental assessment found one heating oil tank, intact, without contaminants.

Weatherbee thanked the Petitioner and team for working so hard with her neighborhood and listening to them during the design process. She said this project will change her neighborhood, but she expressed support for the project if the conditional zoning would be included.

Gibb-Randall asked staff about re-paving Hoover, noting the heavy impact of construction on road networks.

Kahan explained that each year the City's Public Services Department puts forth a list of streets to be re-surfaced for the following year.

Lenart said the City requires right-of-way permits whenever

streets/sidewalks are opened by contractors, allowing discussion on reconstruction/repair.

Milshteyn said the proposed building is really attractive; he asked about any potential retail plans at this point.

Roth said, while a little early, their thoughts are that the retail should not only be great for the neighborhood, but also an amenity for their residents; likely a grab and go type business because the space is small. She said they will work with a broker to see what is the best use of that space.

Clein commended the petitioner on meeting six times with the community when only once is required. He said he hoped that others could learn from them, noting that there were no neighbors whom came out to speak against the project this evening, and he believed it was because the petitioner had already met their concerns.

AMENDMENT:

Amendment offered by Ackerman, seconded by Milshteyn, for the amended motion to read:

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 151 Hoover C2B Conditional Zoning, with the condition that the site shall only be developed as the 151 E. Hoover Site Plan, as approved by City Council, as well as any administrative amendments to the Site Plan.

On a voice vote, the Chair declaring the amendment approved. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

VOTE ON MAIN AMENDED MOTION:

On a voice vote, the Chair declaring the amendment motion carried unanimously. Vote: 6-0

- 10-b** [18-1087](#) 2247 West Liberty Special Exception Use and Site Plan for City Planning Commission Approval - A request to allow the existing space at 2247 W. Liberty to be used as a Medical Marijuana Provisioning Center by issuance of a Special Exception Use Permit, with an accompanying site plan that

provides improved pedestrian access, bicycle parking and new barrier free parking spaces. The 0.40-acre site is zoned C2B (Business Service). Staff Recommendation: Approval with Conditions

City Planner, Jeff Kahan, presented the staff report.

PUBLIC HEARING:

Darryl Mynes, 3088 Bent Oak Highway, Adrian, Michigan, representative for the petitioner, said they have been in operation for 8 years, and are continuing to make improvements. He provided photos of the improvements to the Commission. He said they are happy to work with a forward thinking city like Ann Arbor, and look forward to continuing working with staff.

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

Moved by Ackerman, seconded by Milshteyn, 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 2247 West Liberty 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 C2B (Business Service) 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 Liberty Street provides 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 2,407 square feet of 2247 West Liberty 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, bumper blocks, an access easement, delineated pedestrian pathways, new barrier free parking spaces, new striping of existing parking spaces, and a relocated dumpster.
5. Hours of operation will be limited to Monday-Saturday: 10am to 8pm and Sunday: noon to 5pm., 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]

Weatherbee asked about pedestrian striping in the parking lot, if it was per City requirement.

Kahan responded he wasn't familiar with the requirements of the City's Public Services Department.

Gibb Randall asked about the moved dumpster.

Mynes responded the proposed dumpster location is improved as it

relates to servicing the containers. Mynes said they will work with staff to improve signage indicating the pedestrian walkway, if necessary, adding they have been at this location for several years, and will do whatever improvements to continue being good neighbors to those around them as well as the City.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

- 10-c** **18-1088** 115 Research Drive Offices Site Plan for City Council Approval - A proposed two story, 14,115 square foot office building with 46 parking spaces on this 0.61-acre site, zoned O (Office). Eight landmark trees are proposed to be removed and replaced. Staff Recommendations: Approval
City Planner, Jeff Kahan, presented the staff report.

PUBLIC HEARING:

Wayne Chubb, Hobbs + Black Architects, 100 N. State Street, Ann Arbor, Representative for the petitioner, 100 N. State Street, Ann Arbor, presented the project owners and team.

Dan Kohler, Hobbs + Black Architects, explained the design, noting some of the challenges of the site with over 20 feet of fall going from east to west, and with many trees on site, leaving limited areas for planting. He said the owner wanted a more timeless, building with architecture that harkens back to the 40s with a thread of modernity that would be a nice, substantial building, weathering the test of times and that acts as a gateway when coming into Ann Arbor, from Highway 23.

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

Moved by Milshteyn, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 115 Research Drive Site Plan.

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 said the renderings of the proposed building looked very nice; he really liked the setback depth of the windows, saying he was hopeful they could push the design to build it as shown on the renderings. He asked about the location of mechanicals and proposed brick material.

Wayne Chubb, said they are hoping to locate them the mechanicals under the mansard sloped roof, or else they would be located inside. He said the building would be made of full brick with some metal accents.

Clein asked about the stormwater.

Joe Maynard, 3526 W. Liberty, Suite 400, Ann Arbor, Washtenaw Engineering, explained the site would not allow infiltration because of the depth of the parking lot and the water table being so high, so they had to do an all underground 120 percent stormwater detention with an outlet.

Trudeau asked about parking, noting the City has a maximum for office uses.

Wayne Chubb said that 13 of the spaces will be shared with neighboring businesses.

Gibb-Randall expressed support for the sidewalk even while it currently won't connect to other sidewalks, but will in the future.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

- 10-d** [18-1090](#) Steinman Magic Carpets Special Exception Use (Temporary Outdoor Sales) for City Planning Commission Approval - A request to allow a special exception (temporary outdoor sales by others) on this 15.47-acre site located at 700 Briarwood Circle for the sale of rugs and carpets in a 4000-square foot tent, to be erected in the Briarwood Mall parking lot, for 31 to 90 days each year. Staff Recommendations: Approval with Conditions

City Planner, Chris Cheng, provided the staff report.

PUBLIC HEARING:

Erika Williams, Simon Properties, 100 Briarwood Circle, Ann Arbor, mall manager for Briarwood mall, said Steinman Magic Carpets has been a longterm tenant at this property and other Simon properties, and given the current zoning, she was hopeful this request could be granted.

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

Moved by Gibb-Randall, seconded by Trudeau, 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 therefore approves the Steinman Magic Carpet Special Exception Use for Temporary Outdoor Sales at 700 Briarwood Circle. This approval is based on the following findings:

- 1. The proposed use will be consistent with the C2B (Business Service) District which allows mixed uses including residential, office and commercial use.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections. There is adequate access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.**
- 3. Through documentation submitted by the applicant, the temporary outdoor sales 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. Sales are permitted for up to 90 days between June 1 and November 30 of each year.**
- 2. A zoning compliance permit, as well as any other required approvals such as building permits or Fire Marshal permits, are obtained for each occurrence.**

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 asked for clarification on the request.

Cheng clarified.

Weatherbee asked about pedestrian and bicycle paths, expressing concern for all types of customers to the destination.

Williams said there was no pedestrian walkway nearby, but the vehicular directionals such as cones and signs would clearly indicate where they could go. She said the tent has been in this same location before and there has never been any issues.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

- 10-e** [18-1091](#) 3430 Washtenaw Avenue Special Exception Use Permit and Site Plan for City Planning Commission Approval - A request to allow the existing space at 3430 Washtenaw 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 0.34-acre site is zoned C3 (Fringe Commercial). Staff Recommendation: Approval with Conditions
City Planner, Chris Cheng, provided the staff report.

PUBLIC HEARING:

Britt-Marie Martinsson, 2262 Parkwood, Ann Arbor, said she lives within a few hundred feet of this site and she's not in favor of this proposal, noting

that Pittsfield Village is a family community, with a neighborhood school. She said; we have expressed concern regarding intrusive lighting into our residences, odor, parking, and other aspects. Martinsson stated; no one is excited about this development, but she is concerned where things are headed in the future with all these provisioning centers. She said Arborland Mall would be a better location for this business, where there is already a lot of traffic. Further, she said the staff report noted that there are 10 spaces behind this building; she expressed concern that this could happen, unless intruding into other business spaces or residential yards. She said when grading was done in this parking lot before, a neighbor's home began to flood. She asked for the parking issue to be looked at seriously.

Remy Moore, representative of the petitioner, 2804 Orchard Lake Road, thanked the City for a clear articulated ordinance. He explained they have held a community meeting, despite it not being required; they have addressed odor through systems that will prevent them, adding they will not be handling loose inventory, rather only pre-packaged; lighting will be downward-directed and will not be directed onto adjacent property. Moore said the property they are purchasing is both lots, and parking will encompass the entire lot. He said dumpster enclosures will be added to improve the appearance and function of the rear property. Moore said this site will be a world-class design, as he showed an example elevation from another community.

Dr. Margarita Garcia-Roberts, 2335 Parkwood Ann Arbor, said she has lived in her unit for 29 years and they just had to install sump pumps last year along Parkwood and Fern Avenue because of the water issue. She stated she did not receive a postcard for a community meeting. She asked why the City is allowing so many provisioning center. She asked why so close to each other, noting one in Arborland. She said this proposed center is too close to a residential area, pointing out a wooded area on Parkwood. She said there is also a footpath that leads from Redbud to Denny's, along Mallett's Creek, explaining that it fills up with garbage in the springtime. She commended the Commission and staff for their thoughtful analysis, urging them not to pass the request.

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 3430 Washtenaw 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 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. Washtenaw Ave. 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 SP1.0.**
- 4. The petitioner will install two Class C bicycle parking hoops as shown on sheet c1.0 The parking spaces must be installed by August 31, 2018.**
- 5. The special exception use may occupy no more than 3,500 square feet of the entire building.**

6. The petitioner will maintain the operating hours of 9:00 am to 8:00 pm Monday thru Sunday.

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 thanked the neighbors for coming out and providing a tangible list of concerns. He explained the current and proposed distance requirement between centers, clarifying that the proposed center across the street had not been approved at the time of this meeting. He said the odor issue is something that is heavily regulated by the State; the lighting issue can and will be enforced through staff making site visits and measuring it with light meters.

Ackerman stated there are huge concerns for flooding in the area; he asked staff how the Commission can be assured that there won't be additional stormwater run-off into the neighborhood behind this building.

Cheng responded there won't be additional stormwater, since the building and parking are existing and there is no new impervious surface being added. He said if there are improvements proposed on the site, he could verify with the City's grading inspector, to see if they would need a review and permit issued for the work. He reviewed the process with the Commission.

Gibb-Randall asked if the parking lot would be re-graded and/or resurfaced, noting that the pictures do not clearly show if it is currently partial gravel or paved, with potholes that are acting as a form of drainage. She asked the petitioner if they would be willing to create some form of stormwater catch-basin system.

Moore said they don't own the parking, and will only have approximately 10 percent usage of the full parking lot, so they wouldn't be able to make plans for property they don't own. He said they only have plans to re-strip

the parking lot.

Clein asked about the current condition of the parking lot.

Michael Boggio Associates, 30150 Telegraph Road, Suite 150, Bingham Farms, Architect for the site plan explained that the petitioner has about 60 feet of parking, out of hundreds of feet, along the rear of the building, and they will have little impact on the overall drainage of the stripmall. He clarified that there is an easement on the alleyway so they couldn't use that for any bio swale.

Ackerman suggested adding the following onto Condition 3; and will not worsen off-site drainage.

Ackerman noted that in areas close to residential they closely consider proposed operating hours; he noted the traffic on Washtenaw Avenue, and proposed changing them to 10:00 am to 8:00 pm Monday thru Saturday, and 11:00 am to 5:00 pm Sunday.

Lenart clarified that the mentioned provisioning center application for a site on the other side of Washtenaw Avenue, had been withdrawn; however, there is another application for a proposed center to be located at 3720 Washtenaw Avenue, depending on Council's direction on the radius requirement between centers, that will be the deciding factor if that center is allowed to move forward.

AMENDMENT:

Moved by Ackerman, seconded by Milshteyn to amend the following conditions [added or changed language within brackets];

3. The petitioner will stripe all parking spaces on the site according to the site plan sheet SP1.0, [and will not worsen off-site drainage].

7. The petitioner will maintain the operating hours of [10:00] am to 8:00 pm Monday thru [Saturday, and 11:00 am to 5:00 pm Sunday].

VOTE ON AMENDMENT:

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

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]

VOTE ON MAIN MOTION:

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

- 10-f** [18-1092](#) 3521 Washtenaw Avenue TNT Fireworks Tent Sale Special Exception Use for Temporary Outdoor Sales for Planning Commission Approval - A request to erect a temporary 1,600 square foot tent for firework sales from June 20 until July 8. The 35.17-acre site is zoned C3 (Fringe Commercial). Staff Recommendations: Approval

City Planner, Chris Cheng, provided the staff report.

PUBLIC HEARING:

Jo Wilson, 3855 Merrit Street, Dearborn, explained the site plan, and ensured that the tent will be cordoned off so that cars are at least 10 feet from the tent. She said the State of Michigan also regulates these uses.

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

Moved by Milshteyn, seconded by Weatherbee, 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 hereby approves the TNT Fireworks Special Exception Use for the temporary outdoor sales of fireworks and seasonal items with a maximum tent size of 1,350 square feet, subject to receiving a permit and inspection from the Fire Marshal each time the tent is erected.

COMMISSION DISCUSSION:

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

Gibb-Randall asked about the parking spaces, close by the drive isle.

Wilson explained that they will be cordoned off. She said City Planner, Matt Kowalski had been a tremendous help in working with them on the reviews and requirements.

Weatherbee asked about tent location on the parking lot.

Wilson explained that the Arborland managers together with the State had approved the existing site, as being the most optimum, within 250 feet of a fire hydrant.

Weatherbee asked about the July 8th date for close down and removal of the tent.

Wilson indicated the added days provide some flexibility to close down and wrap up operation. She assured the Commission no sales would occur after July 4th of each year.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

- 10-g** [18-1093](#) Proposed Zoning Amendment to Chapter 55, Article 12, Citizen Participation standards to require additional public engagement for all special exception uses. Staff Recommendations: Approval
Planning Manager, Brett Lenart provided the staff report.

The proposed amendment would add Special Exception Use petitions as a Type I Application (formerly "major" petition) under the Citizen Participation Requirements. Under current ordinance, the majority of special exception use petitions are a Type 2 (i.e. minor) petition which require applicants to notify all property owners and residents within 500 feet of the proposed site that a petition has been submitted and that recipients will be provided an opportunity to discuss the petition with the applicant.

With this proposed amendment, special exception use permit applicants

would be required to notify all property owner and residents within 1,000 feet, and to hold a citizen participation meeting to present the proposed project to any interested citizens. A record of this meeting would then need to accompany any submitted application.

PUBLIC HEARING:

Joe Maynard, Washtenaw Engineering Company, 3526 W. Liberty, Suite 400, Ann Arbor, said that adding this requirement to small operators, some that are temporary, will be a considerable expense. He asked that the Commission consider the temporary operators.

Erika Williams, Simon Properties, manager for Briarwood Mall, 100 Briarwood Circle, Ann Arbor, agreed with former speaker, asking if the Planning Manager would have the right to waive the requirement for temporary uses.

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 relevant information, recommend approval of the proposed amendment to Chapter 55, Citizen Participation Requirements.

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 asked if the current language would allow the Planning Manager to waive the requirements for temporary operators.

Lenart said he did not believe so.

Clein commented that he was glad to see the addition of the waiver, because without it, he felt it would be onerous and he would not have supported it.

AMENDMENT:

Moved by Ackerman, seconded by Milshteyn to amend the Waiver of Requirements to include 'Temporary Uses' and the amendment

carried unanimously.

VOTE ON MAIN MOTION:

On a voice vote, the Chair declaring the motion carried unanimously.

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

MEETING EXTENSION:

Ackerman moved to extend the meeting to 11:05 p.m. Seconded by Weatherbee. On a voice vote, the Chair declaring the motion carried unanimously.

10-h [18-1094](#)

Proposed Zoning Amendment to Chapter 55, Section 5:50.1 (3) (c) Regulations concerning the Medical Use of Marijuana to require a 1,000 feet separation between medical marijuana provisioning centers. Staff Recommendations: Approval

Planning Manager, Brett Lenart gave the staff report.

The proposed amendment would increase the minimum separation requirement of medical marijuana provisioning centers from 600 feet to 1,000 feet. This separation requirement is measured from the two nearest parcel boundaries on which existing and/or proposed provisioning centers are located.

PUBLIC HEARING:

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

Moved by Gibb-Randall, seconded by Ackerman, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing relevant information, recommend approval of the proposed amendment to Chapter 55, Section 5:50.1 Regulations Concerning Medical Use of Marijuana as presented. (To increase the minimum separation requirement of medical marijuana provisioning centers from 600 feet to 1,000 feet.)

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]

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 3 - Wendy Woods, Erica Briggs, and Sarah Mills

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

12 COMMISSION PROPOSED BUSINESS

Chairman Clein expressed appreciation and gratitude to the Planning Commission for its service. He said they are doing a wonderful job that shows and it has been a privilege for him to serve alongside them.

The Commission thanked Clein.

13 ADJOURNMENT

Moved by Gibb-Randall, seconded by Milshteyn, that the meeting be adjourned at 11:02 p.m. Unanimously Approved.

Ken Clein, Chairperson

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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).

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