1. February Planning Commission Regular Meeting Agenda

   Documents:

   01-21 FEB 2018 AGENDA.PDF

2. February Planning Commission Regular Meeting Items

   Documents:

   02-1-17-18 DRAFT PLANNING MEETING MINUTES.PDF
   03- BK RESIDENTIAL - REZONE.PDF
   04- BK VACANT - REZONE.PDF
   05-BK WELL RESTRICTION.PDF
   06- MMJ- STATE UPDATES - AMENDTEXT.PDF
   07-MMJ - GC- AMENDTEXT.PDF
   08.1-75 CATHERINE-TAKE 2- SPRSUP - 2014ZO.PDF
   08-75 CATHERINE-FULL PLANS-2-5-18.PDF
   09-HOUSINGCOMMITTEE CHARTER RECOMMENDED CHANGES.PDF

3. February Full Packet
   All agenda items combined into one PDF.

   Documents:

   2018-02_FULL_PACKET.PDF

Agenda
Planning Commission
Wednesday, 21 February 2018 – 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Heidi Jugenitz, Chair	P	A
Liz Dahl MacGregor, Vice Chair	P	A
Anthony Bedogne	P	A
Toi Dennis	P	A
Matt Dunwoodie	P	A
Phil Hollifield	P	A
Chris Madigan	P	A
Jared Talaga	P	A
Cheryl Zuellig	P	A

III. Approval of Minutes

- January 17, 2018

IV. Audience Participation

Open for general public comment to Planning Commission on items for which a public hearing is not scheduled.

V. Presentations and Public Hearing Items

- Bell-Kramer Neighborhood: PMD to CN-Mid
  Public Hearing: Map Amendment
- Bell-Kramer Neighborhood: PMD and GC to Park
  Public Hearing: Map Amendment
- Bell-Kramer Neighborhood: Well Restriction Ordinance
  Presentation
- Medical Marijuana Provisioning Centers and Growing &/or Processing Facilities
  Public Hearing: Zoning Text Amendments
- General Corridor- Addition of Special Use for Medical Marijuana Provisioning Centers
  Public Hearing: Zoning Text Amendment
- 75 Catherine
  Public Hearing: Special Use and Site Plan

VI. New Business

- Master Plan: Housing Subcommittee charter modifications

VII. Old Business

- None

VIII. Future Business Discussion / Updates

- Capital Improvements Plan: annual update process/committee formation

IX. Committee Reports

- Master Plan: Housing Affordability and Access subcommittee report

X. Adjournment

PLANNING COMMISSION
MEETING MINUTES
January 17, 2018
CITY COUNCIL CHAMBER
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

II. ROLL CALL

Present: H. Jugenitz, T. Dennis, M. Dunwoodie, P. Hollifield, J. Talaga, C. Madigan, A. Bedogne,

Absent: C. Zuellig (excused) T. Bedogne (excused) L. MacGregor (excused)

Staff: Bonnie Wessler, City Planner
Cynthia Kochanek, Presentation Planner
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES

Commissioner Dunwoodie moved to approve the minutes of December 20, 2017 (Support: P. Hollifield) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Rod Johnson, 310 N. Grove – former member of the Planning Commission. Thanked commission for all the years they have given of their time. He spoke about Master Plan update and added that it looked like there was a substantial committee volunteered to do this. This is affordable housing and he has looked at the Master Plan that we passed and he is surprised to see that affordable housing was not prominently displayed even although on Page 6 there is an article that covers it. Affordable housing seems to be part of Ypsilanti DNA and "affordable" housing means different things to different people. We have people in Ypsilanti that feel that we are not affordable enough and he supports that but in our Master Plan we go through our ideals and the various matrices to guide us and back it up with true data. He feels we have to make decisions based on the Master Plan which has good detail – he would guard against politics and we should be steadfast in the decisions that are made.

Chairperson Jugenitz thanked Mr. Johnson for his input and perspective. She appreciated the spirit of his comments.

DRAFT

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. 75 Catherine – Special Use and Site Plan

Ms. Wessler gave a staff presentation stating that this is a medical marijuana growing and processing facility that is licensed by the city and working under the Michigan Medical Marijuana Act which is a caregiver model for single producers. This Act was recently enacted and coming up this year the State is going to be licensing commercial growth facilities, etc. This gives existing businesses an opportunity to expand. 75 Catherine is interested in expanding and that is what is before us today. They are proposing a significant expansion to the south and square off the front of their building. They would be locating most of their parking toward the rear of the building. Landscaping requirements have been met; we don't have the letter from the engineer yet but it does look like engineering standards are ok; screening standards have been met; however, in order to enlarge the building they need to be granted three variances; one from the street side setback on Chichester; one from the front yard setback side on Catherine and one from the rear yard standard of 25ft from any residential. They have a hearing with the Zoning Board of Appeals on the 27th January. At this time staff is recommending that Planning Commission postpone any action until after the Zoning Board of Appeals meeting.

Commissioner Dunwoodie asked staff if anything has changed from the packet with approval recommendations of special use and Ms. Wessler responded that staff is recommending to postpone both, however, in the event both various are granted, we would have no issues with the special use and site plan application and would recommend approval.

Commissioner Dennis if it is possible to make our approval conditional on the various being granted by Zoning Board of approval and Ms. Wessler responded in the affirmative.

Todd Ballou, Project Architect – stated that he is aware of the variance and it makes sense to postpone but if they didn't get the variances, it would still be a simple change.

Ms. Wessler added that one of the features in the Zoning Ordinance is that if an applicant has to modify the site plan after approval, there are a certain number of changes that can be approved administratively. She enumerated these significant changes.

Commissioner Dennis moved to open the public portion of the hearing (support: P. Hollifield) and the motion carried unanimously. Since there were no comments, Commissioner Hollifield moved to close the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Commissioner Dunwoodie moved that the Planning Commission table the Special Use for the expansion of the medical marijuana growth facility of Aspen Gardens, until after the appearance before the Zoning Board of Appeals scheduled for January 24, 2018 (Support: T. Dennis). A roll call vote was taken and carried unanimously 6:0.

Commissioner Dunwoodie moved that the Planning Commission table the Site Plan for the expansion of the medical marijuana growth facility of Aspen Gardens, until after the appearance before the Zoning Board of Appeals scheduled for January 24, 2018 (Support: P. Hollifield). A roll call vote was taken and carried unanimously 6:0.

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VI. NEW BUSINESS

1. Master Plan Updates

Ms. Wessler stated that there were some issues that the Planning Commission had indicated they would like to cover in the revision of the Master Plan Updates: Water St, Bell/Kramer/two way traffic Hamilton/ Huron Traffic and Washtenaw/W. Cross and the train stop. The two lane is the last place where we want to be but we do want to have two lane downtown. We skipped a few steps in between but we need to do a capacity reduction. She elaborated on that. On the train stop, we need to ensure that there is a public space at the stop. On Water St, she would like board members to look at that for any tweaks they may want to consider. On Bell/Kramer in the Master Plan, the future land use map is a little bit vague – we can talk about that in future business since next month there will be a rezoning for the Bell/Kramer area, which hopefully will take care of that issue. She would like everyone to read the Master Plan and let her know what they want to do –possibly make a note of some things that need to be brought up for a larger discussion – then maybe do a parallel committee process for those things and then consider group resolution at the end for the end of October.

2. 2017 Annual Report

Commissioner Hollifield moved to adopt the 2017 Annual Report (Support: J. Talaga) and the motion carried unanimously. They liked the format and agreed that it should be kept the same.

Commissioner Dennis moved to adopt the additions to the annual report that was discussed at the table, i.e. that the Vice Chair has to be changed from Cheryl Zuellig to Liz MacGregor for half of the year; and also the addition of discussion of Water St, Hamilton/Huron, train stop and the existing Bell/Kramer in the upcoming Master Plan edition (Support: M. Dunwoodie) and the motion carried unanimously.

VII. OLD BUSINESS

1. 400 N. River - Amendment of condition regarding barrier-free space in right-of-way

Ms. Wessler stated that she had print-out where we had initially talked about bumping in a proper barrier free space on River St just north on the north edge of the building. After looking it over with engineers, we don't think we can safely provide that space. The most significant concerns with the proposed location are:

1. A curb ramp to access the space could be misinterpreted as a crossing location.
2. It is likely that vehicles would impede the accessible route to the ramp if not parked properly.
3. Grading constraints do not allow the sidewalk to be constructed flush with the parking space to eliminate the need for ramp access.
4. The single bump out space and associated ramp present winter maintenance concerns.

DRAFT

For these reasons, alternative solutions were evaluated. Relocating the space approximately 100' north would provide accessible access at the existing curb ramp at the cross walk. This can be accomplished with appropriate signage and pavement markings. This appears to be the most practical solution.

Chairman Jugenitz was concerned about snow removal. Commissioner Talaga gave some input since he requires barrier-free parking spaces and pointed out some issues that he could foresee with the recommendation from the engineer.

After further discussion by the board members, Commissioner Dennis moved that the Planning Commission approve two handicap spots – one closest to the end of Maple where ramp is and one closest to the entrance bump-out subject to feasibility analysis by engineer (Support: J. Talaga). A roll call vote was taken and carried unanimously 6:0.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

1. Rezoning Bell/Kramer Neighborhood
2. Proposed rezoning of Medical Marijuana Facilities (Ms. Wessler gave a short update)
3. 75 Catherine

IX. COMMITTEE REPORTS

1. Master Plan: Housing Affordability and Access subcommittee

Chair Jugenitz gave an update on potential members stating that since the meeting in December, she had reached out to representatives to each of the organizations to explain the background of the committee, provide them with copy of the charter and asked for qualifications from either themselves or their organizations. She noted the ones she had heard back from and the names of those she is still waiting for. Ms. Wessler has accepted the applications for the at-large seats and Ms. Jugenitz and Bonnie will go through these. Still recruiting for a landowner and business owner slot and wondered if anyone on the board had recommendations. The most likely date for the first meeting will be Wednesday, February 7th. She anticipates the meetings will be 2 hours once a month.

Chair Jugenitz asked for interest from board members realizing that some could attend on a rotating basis – we are limited to four spots. Commissioner Hollifield stated that he would be interested in a rotating basis, as well as Commissioner Dennis. Chair Jugenitz hopes to send out something to Planning Members the end of this week once she gets a commitment from members on who can participate on a regular basis.

2. Non-motorized Committee

X. ADJOURNMENT

Since there was no further business, Commissioner Dennis moved to adjourn the meeting (Support: J. Talaga) and the motion carried unanimously. The meeting adjourned at 7:47 pm.

DRAFT

City of Ypsilanti

Community & Economic Development Department

February 16, 2018

Staff Review of Rezoning Application
Bell-Kramer Neighborhood-CN-Mid

11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd.

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Map Amendment to rezone 11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd. from PMD to CN-Mid.

PROJECT AND SITE DESCRIPTION

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. This also had the effect of making existing residential uses in the neighborhood nonconforming, thus making it challenging for prospective buyers to obtain a mortgage. The residents and owners of the area requested a right-to-rebuild clause in the PMD zoning while additional testing was performed, to mitigate the sales issue while further information was gathered regarding risk. In 2017, the City performed additional testing.

Based on the results of that testing, the City is proposing two zoning changes and a well prohibition ordinance. The zoning changes are before you tonight. This report concerns the zoning changes from PMD to CN-Mid of the majority of the neighborhood parcels.

Figure 1: Subject Site Location & Current Zoning

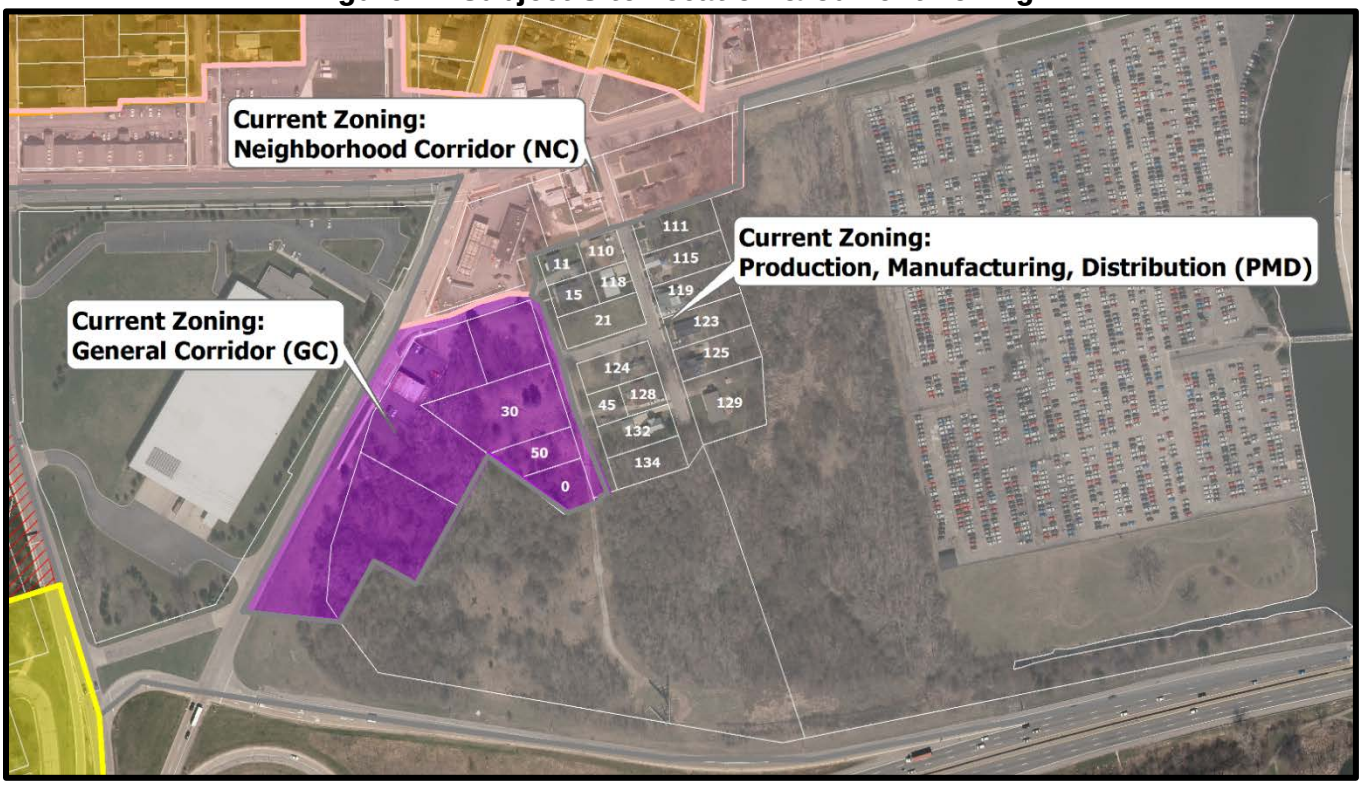
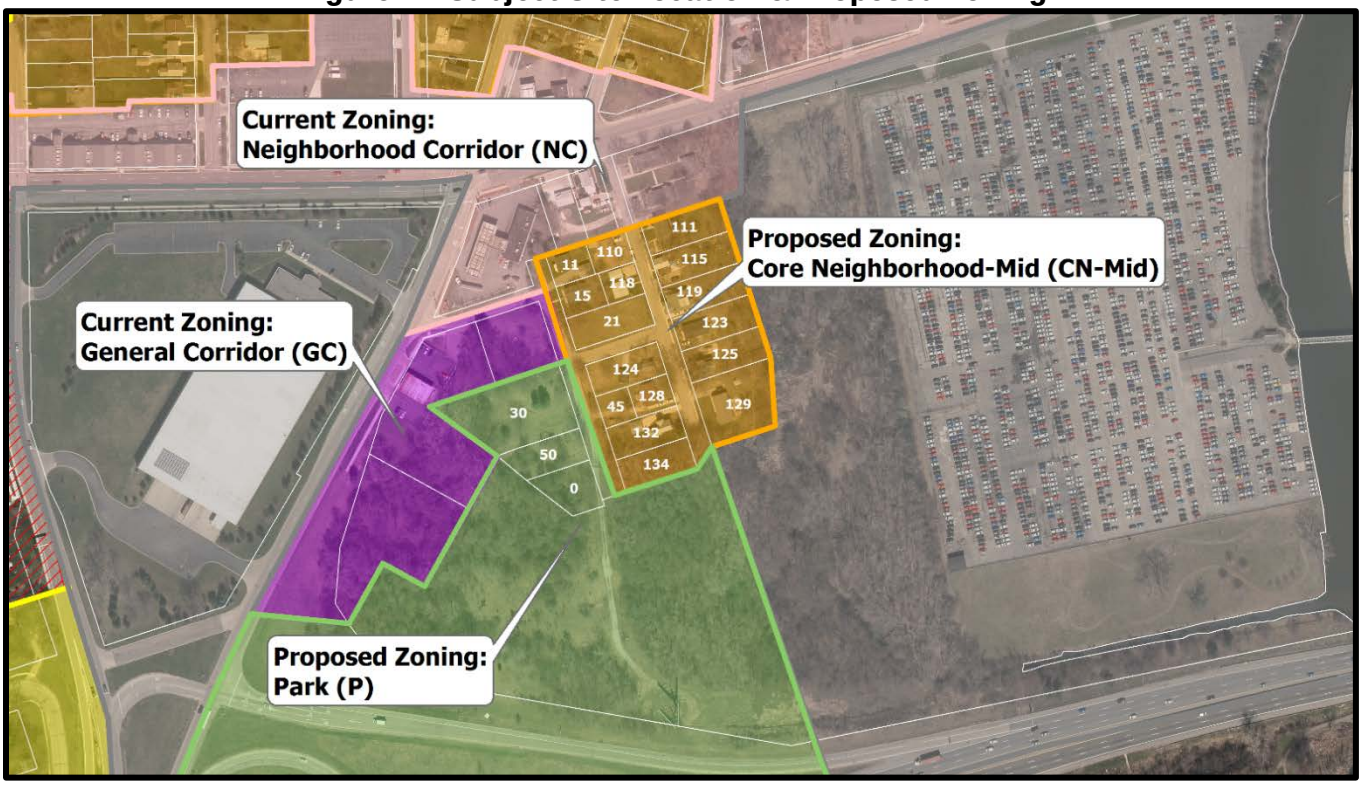


Figure 2: Subject Site Location & Proposed Zoning

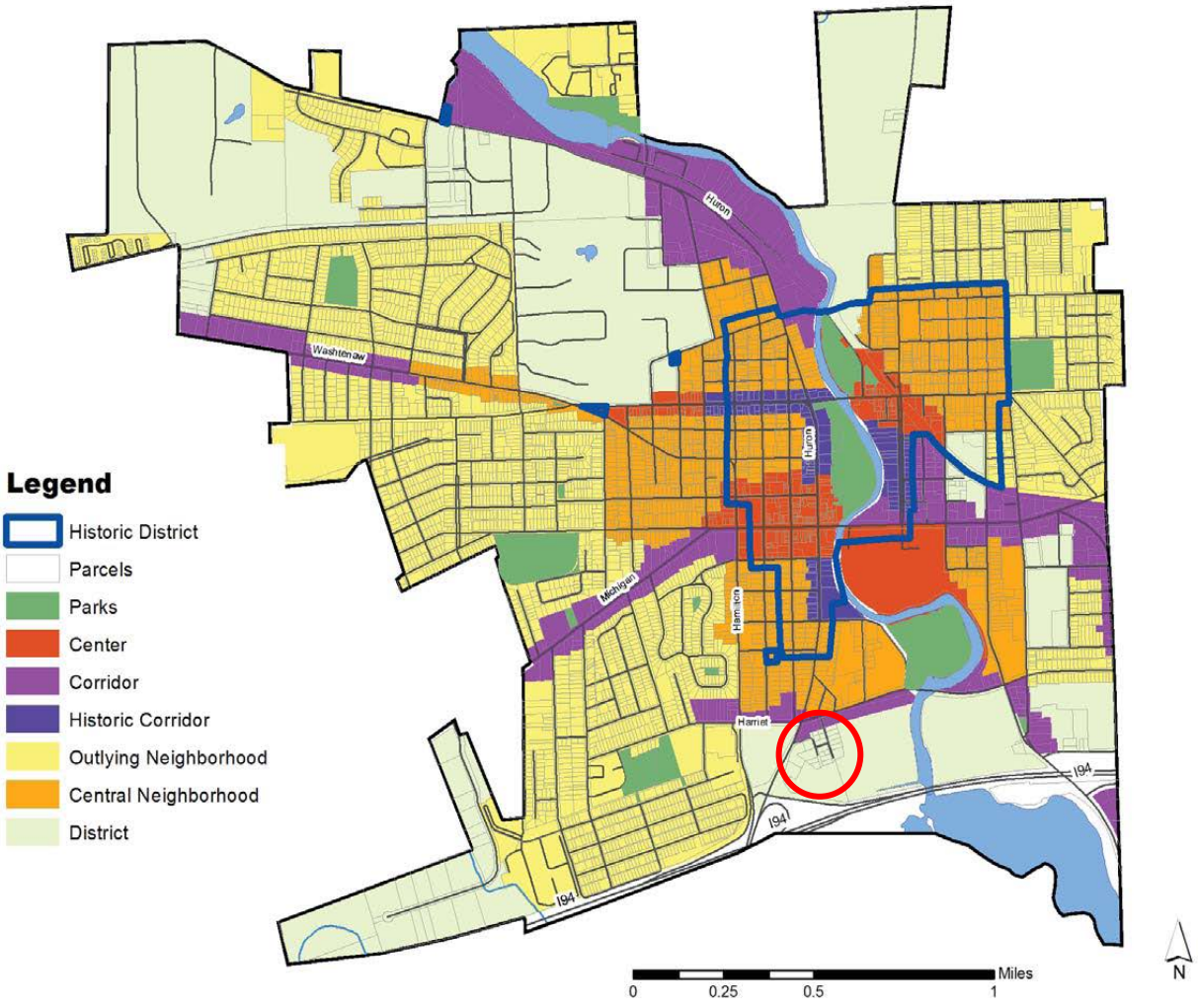


MASTER PLAN

The subject property is within the “District” future land use. These areas are parts of the city dedicated to a single type of activity, like Eastern Michigan University, the office and medical area on Towner, and the industrial areas of the City in the south. The challenge is to use the street network design to integrate them into the City while assuring that students, faculty, workers and suppliers can reach their destinations easily.

The future land use map, below, shows the property as District.

Figure 3: Future Land Use Designations



REZONING IMPLICATIONS

The areas proposed to be rezoned are smaller lots, generally containing single-family homes, with one to two two-family homes. CN-Mid accommodates the mix of existing uses as well as the smaller lot sizes.

REZONING CONSIDERATIONS 122-362(b)

*(b) **Zoning Map Amendment**. For a change in the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:*

(1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

At the time of the adoption of the future land use map, soil and water pollution concerns had not yet been fully explored. Now that testing has occurred, we have more and better knowledge of the soil and water conditions. As these conditions have changed, residents and property owners have expressed a desire for their homes to be rezoned back to a residential classification. This fits with the existing character of the neighborhood.

(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

This rezoning does not create any additional demands on the area's natural features.

(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.

It can. The properties' current use is aligned with the zoning classification proposed.

(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

The properties' current use and proposed zoning classification is aligned with the neighborhood.

(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.

The capacity is sufficient.

(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.

It will not be detrimental.

(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

Staff does not believe a negative impact would result.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
The rezoning does not disturb the expansion or growth of nearby businesses, nor does it prevent any anticipated developments.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.
The property was zoned in accordance with the knowledge the City held at the time; as the City has gained more knowledge, the City believes this rezoning to be appropriate.

(10)Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.
The rezoning is consistent with the City's desire to preserve the existing residential neighborhood.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend ***approval*** of the rezoning of Recommendation to City Council to approve a Map Amendment to rezone 11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd. from PMD to CN-Mid. to City Council with the following findings:

(1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
(9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

Applicant

City of Ypsilanti

Community & Economic Development Department

16 February 2018

Staff Review of Rezoning Application
Bell-Kramer Neighborhood- Parks

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Map Amendment to rezone 30 Kramer, 50 Kramer, and 0 Bell (11-11-37-101-013) from GC, General Corridor, to Park, and to rezone 599 S Huron from PMD to Park.

PROJECT AND SITE DESCRIPTION

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. This also had the effect of making existing residential uses in the neighborhood nonconforming, thus making it challenging for prospective buyers to obtain a mortgage. The residents and owners of the area requested a right-to-rebuild clause in the PMD zoning while additional testing was performed, to mitigate the sales issue while further information was gathered regarding risk. In 2017, the City performed additional testing.

Based on the results of that testing, the City is proposing two zoning changes and a well prohibition ordinance. The zoning changes are before you tonight. This report concerns the zoning changes from GC and PMD to Park on the vacant City-owned parcels on the west side of Kramer and the former City landfill.

Figure 1: Subject Site Location & Current Zoning

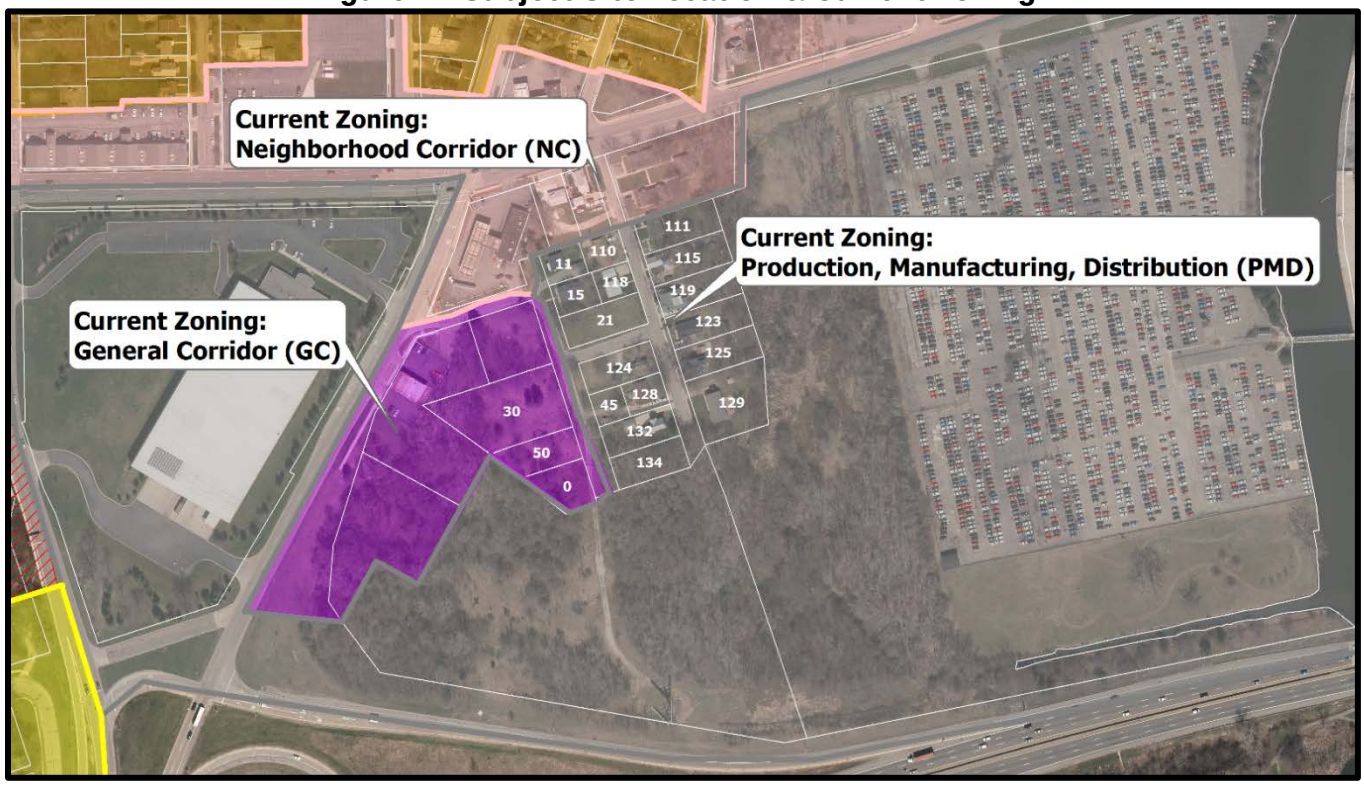
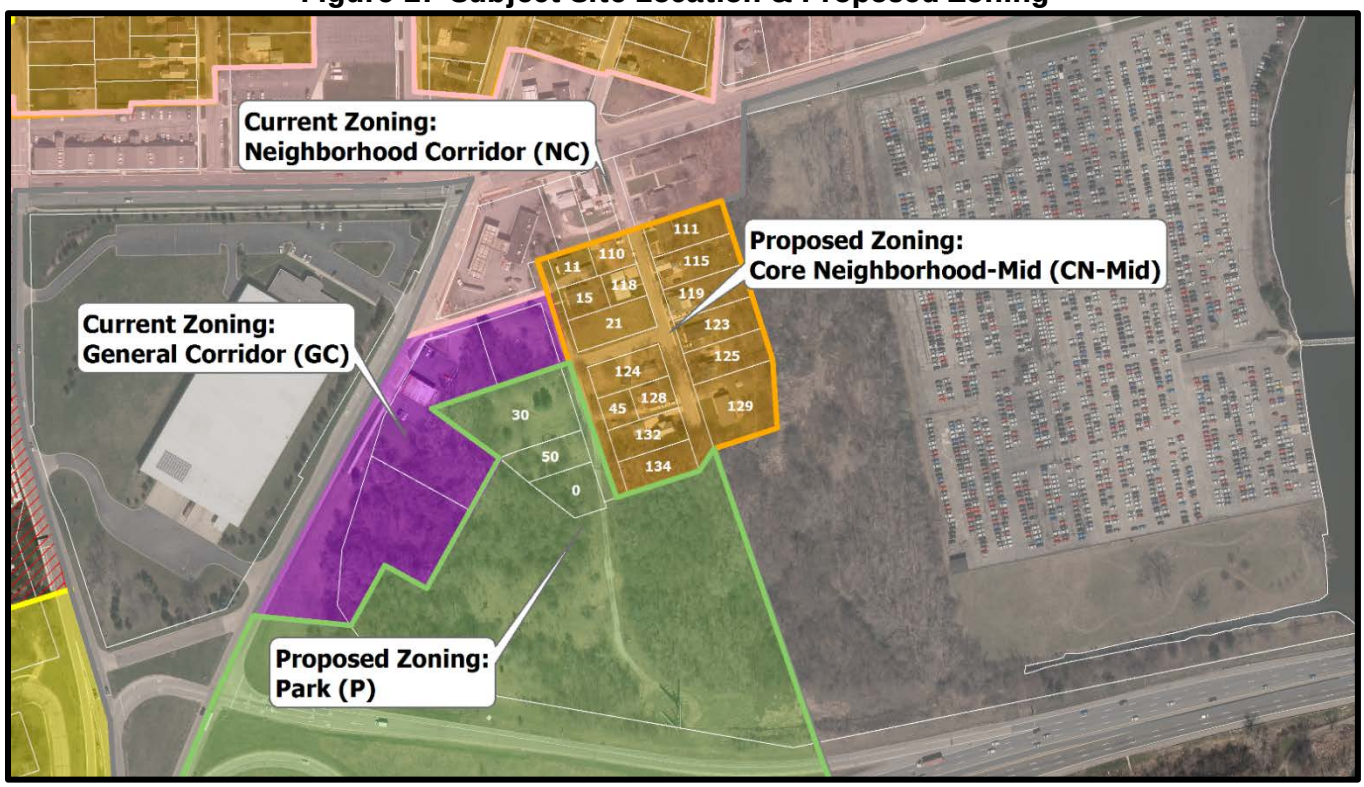


Figure 2: Subject Site Location & Proposed Zoning

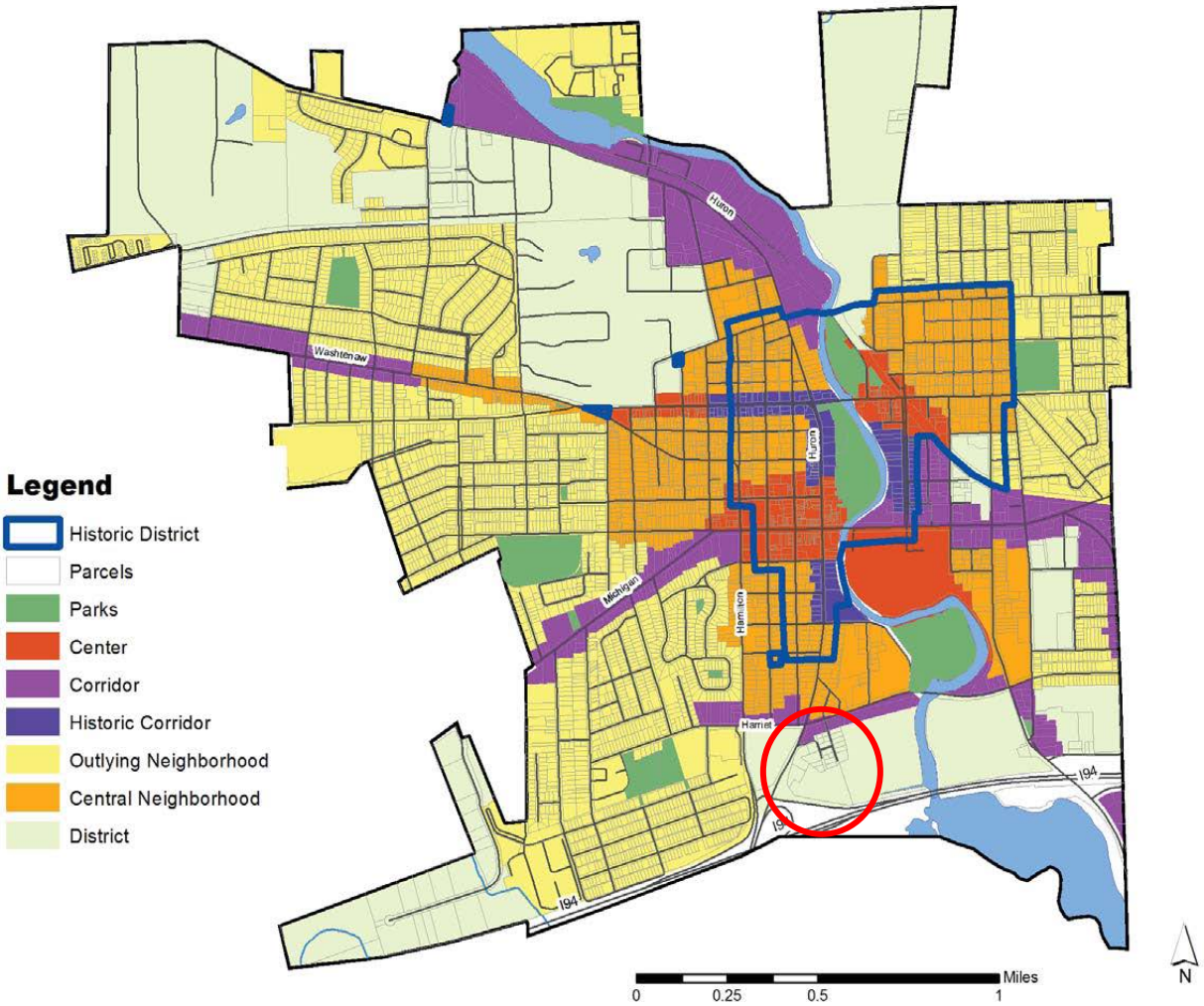


MASTER PLAN

The subject property is within the "District" future land use. **Districts** are parts of the city dedicated to a single type of activity, like Eastern Michigan University, the office and medical area on Towner, and the industrial areas of the City in the south. The challenge is to use the street network design to integrate them into the City while assuring that students, faculty, workers and suppliers can reach their destinations easily.

The future land use map, below, shows the property as District.

Figure 3: Future Land Use Designations



REZONING CONSIDERATIONS §122-362(b)

*(b) **Zoning Map Amendment**. For a change in the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:*

(1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

At the time of the adoption of the future land use map, soil and water pollution concerns had not yet been fully explored. Now that testing has occurred, we have more and better knowledge of the soil and water conditions. As these conditions have changed, residents and property owners have expressed a desire for the vacant areas to remain vacant or low-intensity; zoning these areas from GC and PMD to Park satisfies that request, and limits potential soil and water disturbance.

(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

Limiting development in these currently-vacant, City-owned lots helps to create a buffer between the residential neighborhood and the freeway, as well as limiting the potential soil and water disturbance on these properties.

(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.

Indeed they can. Note also that zoning to Park does not open the parcels to recreational use; they will not be maintained as City parks.

(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

The limited slate of potential uses within the Park district serves to help buffer the residential neighborhood from the freeway and the businesses along Huron Street, and will preserve the existing aesthetic. The limited slate of uses also minimizes any potential negative environmental impacts.

(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.

The capacity is sufficient.

(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.

It will not be detrimental.

(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

Staff does not believe a negative impact would result.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.

The rezoning does not disturb the expansion or growth of nearby businesses, nor does it prevent any anticipated developments.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.

The property was zoned in accordance with the knowledge the City held at the time; as the City has gained more knowledge, the City believes this rezoning to be appropriate.

(10)Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.

The rezoning is consistent with the City's desire to provide a buffer around the residential neighborhood from adjacent business and the freeway, as well as to minimize the disturbance to these specific sites. It does not preclude future use as a solar field.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend ***approval*** of the rezoning of 30 Kramer, 50 Kramer, and 0 Bell (11-11-37-101-013) from GC, General Corridor, to Park, and the rezoning of 599 S Huron from PMD to Park, to City Council with the following findings:

(1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
(9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

City of Ypsilanti

Community & Economic Development Department

Memo

To: Planning Commission

From: Bonnie Wessler, City Planner

Date: February 16, 2018

Subject: Bell-Kramer Neighborhood: Well Restriction Ordinance

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As you know, environmental testing has taken place in the Bell-Kramer neighborhood over the past year, due to concerns about migrating contamination from the former City landfill to the south. Based on those results, our environmental and legal consultants have recommended that we pass an ordinance restricting well installation or usage within the potentially affected areas. The proposed ordinance and a map outlining the areas affected have been attached.

No action is required from Planning Commission; this item is advisory only.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

ORDINANCE NO:

CITY OF YPSILANTI

WASHTENAW COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF YPSILANTI BY ADDING ARTICLE _____ OF CHAPTER _____ TO REGULATE THE USE OF GROUNDWATER IN CERTAIN AREAS OF THE CITY. THE CITY OF YPSILANTI ORDAINS:

Section 1: Amendment. The Code of Ordinances of the City of Ypsilanti, Michigan is hereby amended by adding Article _____ of Chapter _____, entitled "Water Well Restriction Ordinance" to read as follows:

ARTICLE _____. WATER WELL RESTRICTION ORDINANCE.

SEC. 1. FINDINGS. The City Council has been informed and hereby finds that an aquifer in certain areas of the City is adjacent to and possibly hydrogeologically connected to a long-abandoned landfill and thus may be or has been contaminated or otherwise adversely impacted by hazardous substances and that identified public health, safety and welfare risks may affect drinking water drawn from certain areas of such impacted aquifers. The City Council has determined that it is necessary and appropriate to prohibit and/or otherwise restrict the use of wells to supply water in and from the affected areas in order to protect City residents by minimizing the health, safety and welfare risks and minimizing the potential for migration of contaminated groundwater into presently unaffected groundwater.

SEC. 2. DEFINITIONS. The following definitions shall apply to terms used in this Article:

(1) "Affected Parcel" means a parcel of land, any part of which is located within a Restricted Zone.

(2) "Applicant" means a person who applies or applied for the establishment of a Restricted Zone pursuant to this Article.

(3) "City" means the City of Ypsilanti.

(4) "City Property" means any interest in real property owned or held by the City and shall include but not be limited to the following: (i) Real property owned by the City; (ii) Real property leased by the City as Lessee; and (iii) City streets, alleys or other City rights-of-way or easements.

(5) "Contaminated Groundwater" means groundwater in which there is or may be present concentrations of materials that exceed drinking water criteria under the Safe Drinking Water Act, 1976 PA 399, as amended, or the residential drinking water criteria established by the MDEQ in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL § 324.20101, *et seq*.).

(6) "Domestic Use" means the use of water by humans for drinking, cooking, food preparation and other food-related services, cleaning, washing, bathing and similar household-type water uses in any dwelling, or in any building in which commercial/business, governmental/public or industrial activities are conducted. The term does not include water used solely for closed-loop heat pumps, non-contact cooling, or production and/or processing purposes of commercial or industrial enterprises.

(7) "Irrigation Use" means the use of water for lawn, garden, or landscaping irrigation on a residential parcel of land. The term does not include water used for commercial, agricultural or farm irrigation, except as specifically directed by the MDEQ.

(8) "MDEQ" means the Michigan Department of Environmental Quality, or its successor agency.

(9) "Owner" means the holder of record title for a parcel of land and also the occupant of a parcel of land in possession under a land contract or lease.

(10) "Person" means any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(11) "Restricted Zone" means an area or areas described within Section 3 of this Ordinance for which the prohibition of Wells and the use of groundwater applies and includes parcels of land that are legally described on the attached Schedule 1 and that are depicted in the map(s) attached as Schedule 2, as amended from time to time as provided in this Ordinance.

(12) "WRD" means the Water Resources Division of the MDEQ, or its successor agency.

(13) "Well" means an opening in the surface of the earth for the purpose of removing fresh water through non-mechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA"), the Comprehensive Environmental Response, Compensation and Liability

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Act, the Resource Conservation and Recovery Act, or other applicable statute.

SEC. 3. RESTRICTED ZONE. The following described areas in the City shall be Restricted Zones under this Article. They may be referred to by reference to the names provided in the caption preceding their descriptions. Additional Restricted Zones, along with a map illustrating the Restricted Zone, may be added by amending the Ordinance in accordance with Sections 11 and 12 and all other applicable laws.

(1) Bell Kramer Neighborhood Restricted Zone – legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

(2) The Former City Landfill Restricted Zone – legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

SEC. 4. PROHIBITION. Except as provided in Section 5, no person shall install or utilize, or allow, permit, or provide for the installation or utilization of a Well on any Affected Parcel. Any existing Well at the time of the enactment of a Restricted Zone on any Affected Parcel within that Restricted Zone shall be plugged/abandoned at the expense of the Applicant for that particular Restricted Zone and as provided for in Section 6 and in accordance with applicable laws, regulations and ordinances, unless such existing Well falls within one of the exceptions listed in Section 5. Except as provided in Section 5, no person shall use any groundwater from an Affected Parcel.

SEC. 5. EXCEPTIONS. A person may install or utilize, or allow, permit, or provide for the installation or utilization of a Well in any Restricted Zone if any of the following exceptions applies and the requirements of the exception are complied with. The party proposing an exception to the Well prohibition shall conduct all appropriate inquiry and prepare a due care analysis pursuant to Part 201 of NREPA.

(1) *Proof of No Influence*. If the MDEQ determines based on information provided to it by the person seeking this exception that the use of a Well in a Restricted Zone will not exacerbate any existing groundwater contamination related to the former landfill adjacent to the affected area, facilitate the migration of groundwater into uncontaminated areas, and that water from the proposed Well will not be affected by Contaminated Groundwater, and proof of those determinations is delivered to the City, the Well may be so used.

(2) *Groundwater Monitoring/Remediation.* A Well may be used for groundwater monitoring and/or remediation as part of a response activity approved by the MDEQ or the United States Environmental Protection Agency.

(3) *Construction Dewatering*. A Well may be used for construction dewatering if the following conditions are satisfied: (i) the use of the dewatering Well

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will not result in unacceptable exposure to Contaminated Groundwater, possible cross-contamination between saturated zones, or exacerbation of Contaminated Groundwater, as defined in Part 201 of NREPA; and (ii) the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction. Any exacerbation caused by the use of the Well under this exception shall be the responsibility of the person operating the de-watering Well, as provided in Part 201 of NREPA.

(4) *Processing Activities*. If the MDEQ determines that the use of a Well for non-contact heating, cooling, production, or processing involved in industrial or commercial activities will not cause migration or exacerbation of Contaminated Groundwater, and proof of that determination is delivered to the City, such use of the Well under terms and conditions specified by the MDEQ will be allowed. All information necessary for the MDEQ determination described in this subsection shall be provided by the person seeking this exception.

(5) *Public Emergencies*. A Well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

SEC. 6. SOURCES OF WATER SUPPLIED FOR DOMESTIC USE AND IRRIGATION USE.

(1) For Affected Parcels that are not already connected to the City water system on the day of enactment of a Restricted Zone, the Applicant of the Restricted Zone shall be responsible for the costs to connect those Affected Parcels within that Restricted Zone to the City water system. Furthermore, for Affected Parcels that have a Well on the day of enactment of a Restricted Zone which is used primarily for Irrigation Uses, the Applicant of the Restricted Zone shall be responsible for the costs to connect the irrigation system on the Affected Parcel within that Restricted Zone to the City water system.

(2) This Section shall not be deemed as affecting the rights and remedies of an Owner, or any other person or entity and/or of any federal, state or local government that may exist under any law, regulation, rule, ordinance, order, agreement and or/remedial action plan addressing groundwater within the City.

(3) In no event shall the City be required to incur any expense or cost under this Ordinance, except as may otherwise be approved by the City Council for a public works project or by a separate agreement with the Applicant, Owner, other person or entity, or a governmental body or agency.

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SEC. 7. ENFORCEMENT. The City Manager, or his/her designee, shall be the official having the authority to enforce this Ordinance. After the Effective Date of this Ordinance, the enforcement official shall contact all Owners of Affected Parcels, which from the information available to the City, appear to have Wells prohibited under this Ordinance, giving written notice of the need to cease using such Wells and of the need for establishment of a Domestic Use water source as prescribed under Section 6, or to obtain approval or acknowledgment of an exception under Section 5. The Owner shall immediately take steps so as to comply with the provisions of this Ordinance with regard to provision of Domestic Use water within sixty (60) days from the date of such notice. Any existing Well in violation of this Ordinance shall then be plugged or abandoned in conformance with applicable legal requirements. Where, upon information available to the enforcement official, it is suspected that a Well is being used on an Affected Parcel in violation of this Ordinance, the enforcement official may inspect such Affected Parcel and serve an appropriate notice and order of such violation requiring that action be taken promptly by the Owner to bring the Affected Parcel into compliance. If the Owner fails to act in accordance with such order, the enforcement official my seek remedies and penalties as provided in Section 8.

SEC. 8. SEC. 7. RECORDING OF NOTICE WITH REGISTER OF DEEDS. Within 30 days of the adoption of this ordinance, the city shall record a Notice of Water Well Restriction with the Register of Deeds to be recorded against all parcels in the Restricted Zone as defined by this ordinance. The Notice shall include a copy of this ordinance and the attached Schedule 1 and Schedule 2.

SEC. 9. PENALTY. Any person who violates any provision of this Ordinance shall be liable for a municipal civil infraction under the provisions of Ordinance Number _____. In addition, the City may seek an order from a court of appropriate jurisdiction requiring compliance with this Ordinance and may also seek collection of costs and attorney fees associated with such enforcement action. Any violation of this Ordinance is a public nuisance, subject to abatement, and any Well in violation of this Ordinance shall be immediately taken out of service and lawfully abandoned in compliance with applicable legal requirements. A court of competent jurisdiction may order any person violating any provision of this Ordinance to properly and lawfully remove or abandon a Well.

SEC. 10. BUILDING AND ZONING PERMITS. No permit for the construction or alteration of a building or structure nor any permit for any zoning approval shall be issued by the City Building and Zoning Administrator for any improvement on an Affected Parcel which has, or proposes, a water supply from a Well in violation of this Ordinance.

SEC. 11. ADMINISTRATIVE LIABILITY. No officer, agent or employee of the City or member of the City Council shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision

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performed in the discharge of his or her duties and responsibilities pursuant to the Ordinance.

SEC. 12. AMENDMENT; REPEAL. The MDEQ, an Applicant, an Owner, an entity involved in a RAP or other interested party may request in writing to add parcels to or delete parcels from a Restricted Zone or to establish an additional Restricted Zone or to otherwise amend or repeal this Ordinance, and shall provide advance notice to the MDEQ and any Applicant for such Restricted Zone of any proposed change hereunder, including the reasons supporting such request. The City on its own motion and upon advance notice to the MDEQ and any Applicant for such Restricted Zone, may also take action to amend or repeal this Ordinance as it deems appropriate. The amendment or repeal of this Ordinance shall be by an appropriate ordinance adopted in the same manner as this Ordinance, and any such action shall be in the sole legislative discretion of the City Council.

SEC. 13. SEVERABILITY AND CAPTIONS. If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City that this Ordinance shall be fully severable. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

SEC. 14. REPEAL. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SEC. 15. REIMBURSEMENT OF ADDITIONAL CITY CONSTRUCTION COSTS. The Applicant of a Restricted Zone shall reimburse the City for the reasonable additional costs the City incurs for dewatering Contaminated Groundwater or disposing of soils impacted by Contaminated Groundwater in connection with construction activity undertaken by the City on City property in that Restricted Zone, provided that the City supplies the Applicant with documentation confirming the amount and necessity of such additional costs, including the extent to which they exceeded the cost of dewatering or disposing of materials not impacted by Contaminated Groundwater.

SEC 16. EFFECTIVE DATE. This Ordinance shall take effect upon ____

This Ordinance is enacted by the City of Ypsilanti, County of Washtenaw, State of Michigan, at a meeting of the City Council held at _____, this _____ day of _____, 201_.

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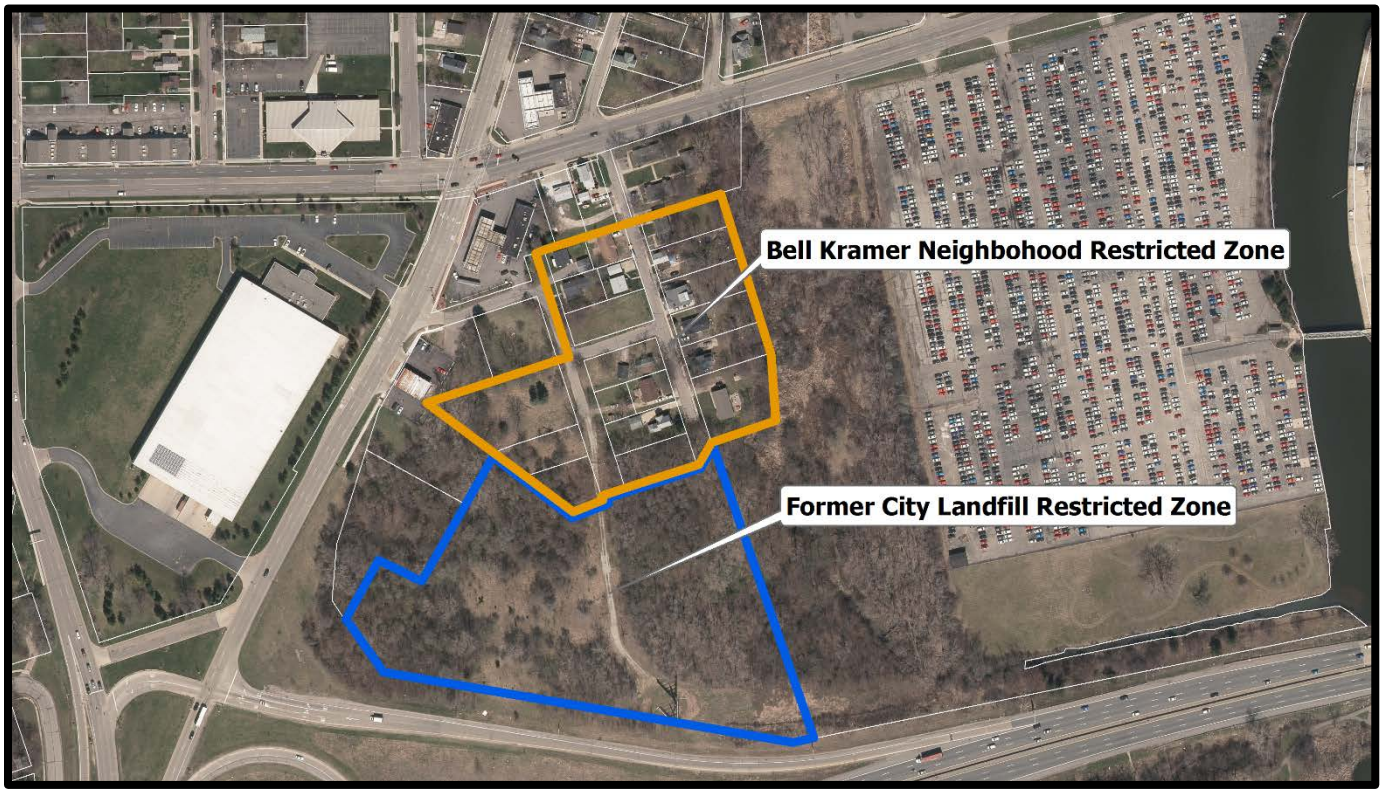
Proposed Well Restriction Areas:



City of Ypsilanti

Community & Economic Development Department

14 February 2018

Staff Review of Rezoning Application
Medical Marijuana Text Amendments
Alignment with State MMFLA

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Text Amendment to 122-203, 122-446, 122-527, 122-532, 122-533 to align Marijuana Facilities ordinances with State law.

SUMMARY

State regulations regarding medical marijuana facilities have recently changed with the adoption of the Medical Marijuana Facilities Licensing Act (MMFLA). These regulations allow for commercial facilities, whereas the previous MMMA allowed only for caregiver facilities. The changes proposed

BACKGROUND

In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing groups of caregivers to grow under one roof; and caregivers to connect with patients at dispensaries. The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under corporate ownership, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments. In November 2017, Council passed an ordinance opting-in to the MMFLA. At the time, Council also directed staff to recommend updates to the Code to accommodate existing facilities under the new MMFLA. Two updates to the zoning code are being proposed at this time; one, to permit provisioning centers (dispensaries) as a Special Use in the GC zoning district, and another, generally updating the specific standards and definitions for medical marijuana facilities. This is the latter.

DISCUSSION

This is intended to be a straightforward update of the zoning ordinance as it regards medical marijuana facilities within the City. No policy changes or other major changes are being proposed at this time.

122-203 (definitions)	
Medical marijuana dispensary means a facility, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law.	**Medical marijuana dispensary or provisioning center** means a facility~~, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law.~~ that sells, supplies, or provides marijuana to registered qualifying patients, directly or through a registered primary caregiver; and as defined by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended.
Medical Marijuana Growing/Manufacturing Facility. A facility for the cultivation and processing of medical marijuana into a usable form by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met.	**Medical Marijuana Growing~~/Manufacturing~~ and/or Processing Facility**. A facility for the cultivation and/or processing of medical marijuana into a usable form~~ by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met.~~ and "grower" or "processor" as defined by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended.
Medical Marijuana Home Occupation means the cultivation of medical marijuana by a registered	**No changes proposed.**

primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL §333.26423(e), within a single family dwelling that is the registered primary caregiver's primary residence and which cultivation is in conformity with the restrictions and regulations contained in the Act and in the State Regulations developed by the Michigan Department of Community Health (MCDH). Medical Marijuana Home Use does not include any multi-family dwelling. (State Law reference(s)--Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.264 et seq)	
New	**Medical Marijuana Facility.** A "marihuana facility" as defined by the Michigan Medical Marihuana Facilities Licensing Act.
Explanation: updating language to be reflective of the state act yet legible in situ. Home occupation will continue to be regulated under the MMMA; provisioning centers, growers, and processors under the MMFLA.	
122-446: Center	
Medical Marijuana Dispensary (permitted)	Medical Marijuana ~~Dispensary~~ Provisioning Center (permitted)
Explanation: language change only.	
122-451: General Corridor	
Medical Marijuana Growing/Manufacturing Facility (Special Use)	Medical Marijuana Growing~~/Manufacturing~~ and/or Processing Facility (special use)
Explanation: language change only.	
122-527: Home Occupation	
Sec. 122-527. Home occupations. (c) Medical Marijuana Home Occupation. In addition to the requirements in §122-527, Medical marijuana home occupations must be subject to the following requirements: (1) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time. (2) A registered primary caregiver operating a medical marijuana home occupation must not be located within 1,000 feet of a school, as measured from the outermost boundaries of	**No changes proposed.**

the lot or parcel on which the home occupation and school is located. (3) Not more than one (1) primary caregiver per parcel may be permitted to grow or cultivate medical marijuana. (4) Not more than five (5) qualifying patients may be assisted with the medical use of marijuana within any given calendar week. (5) All medical marijuana must be contained within an enclosed, locked facility inside a primary or accessory building. (6) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located. (7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm and 7am must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties. (8) That portion of the building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code. (9) The premises must be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.	
Explanation: no changes were made to the caregiver structure by the MMFLA.	

122-532: Dispensaries -> Provisioning Centers

Sec. 122-532. Medical Marijuana Dispensaries.

(a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.

(b) The following Standards for Medical Marijuana Dispensaries shall apply:

(1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;

(2) The dispensary shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the dispensary and school are located;

(3) The dispensary shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed dispensary and lawfully existing dispensary or growing/manufacturing facility is located;

Sec. 122-532. Medical Marijuana ~~Dispensaries~~ Provisioning Centers.

(a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally**. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with ~~the Act or the General Rules~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~

(b) The following Standards for Medical Marijuana ~~Dispensaries shall~~ Provisioning Centers apply:

(1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;

(2) The ~~dispensary~~ provisioning center shall not be located within one thousand (1,000) feet

(4) Smoking and/or use of medical marijuana shall be prohibited at the dispensary; (5) All activity related to the dispensary shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended. (9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire; (10) Dispensary drive-through facilities shall be prohibited; (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended; (12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an	of a school, as measured from the outermost boundaries of the lot or parcel on which the ~~dispensary~~ provisioning center is located ~~and~~ to the outermost boundaries of the lot or parcel on which the school is located; (3) The ~~dispensary~~ provisioning center shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana ~~dispensary or growing/manufacturing~~ facility as measured from the outermost boundaries of the lot or parcel on which the proposed ~~dispensary~~ medical marijuana facility and to the outermost boundaries of the lot or parcel on which the lawfully existing ~~dispensary or growing/manufacturing~~ medical marijuana facility is located; (4) ~~Smoking and/or u~~Use of medical marijuana ~~shall be~~ is prohibited ~~at the dispensary~~ on the premises; (5) All activity related to the dispensary shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~ ~~(8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~

application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; (13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal; (14) Growing or cultivation of medical marijuana in a dispensary is prohibited.	~~(9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;~~ ~~(10) Dispensary d~~ (7) Drive-through and walk-up or similar facilities shall be prohibited; ~~(11)~~ (8) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with~~ the Michigan Medical Marijuana Act~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein; ~~(12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council;~~ All provisioning centers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances; ~~(13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal;~~ ~~(14)~~ (9) Growing~~,~~ ~~or~~ cultivation, or processing of medical marijuana in a ~~dispensary~~ provisioning center is prohibited.
Explanation: minor language updates and naming of current correct state administrative body. #7 is redundant with the previous statement (#6). #8, logging and tracking is now regulated under the MTA. #9, redundant with the City's permitting ordinance. #12, redundant with the City's permitting ordinance. Replaced with general obligation to obtain all necessary state licenses and city permits. #13, redundant with permitting ordinance.	

122-533: Growing/Manufacturing -> Growing/Processing

Sec. 122-533. Medical Marijuana Growing/Manufacturing Facility.	**Sec. 122-533. Medical Marijuana Growing~~/Manufacturing~~ and/or Processing Facility.**
(a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules,. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.	(a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally**. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with~~ the Act or the General Rules~~ State of Michigan laws and rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~
(b) The following standards for Medical Marijuana Growing/Manufacturing Facilities shall apply: (1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time; (2) The growing/manufacturing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing facility and school are located; (3) The growing/manufacturing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured from the outermost boundaries of the lot or	(b) The following standards for Medical Marijuana ~~Growing/Manufacturing~~ Growing and/or Processing Facilities ~~shall~~ apply: (1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein; (2) The growing~~/manufacturing~~ and/or processing facility site shall not be located within one thousand (1,000) feet of a school,

parcel on which the proposed growing/manufacturing facility and lawfully existing dispensary or growing/manufacturing facility is located; (4) Smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility; (5) All activity related to the growing/manufacturing facility shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended. (9) If the growing/manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire; (10) Growing/manufacturing facility drive-through facilities shall be prohibited; (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended; (12) All necessary building, electrical, plumbing and mechanical permits shall be	as measured from the outermost boundaries of the lot or parcel on which the growing~~/manufacturing~~ and/or processing facility is located and to the outermost boundaries of the lot or parcel on which the school ~~are~~ is located; (3) The growing~~/manufacturing~~ and/or processing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana ~~dispensary and/or lawfully existing growing/manufacturing~~ facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing~~/manufacturing~~ and/or processing facility and to the outermost boundaries of the lot or parcel on which the lawfully existing ~~dispensary or growing/manufacturing~~ medical marijuana facility is located; (4) ~~Smoking and/or u~~Use of medical marijuana ~~shall be~~ is prohibited on the premises ~~at the growing/manufacturing facility~~; (5) All activity related to the growing~~/manufacturing~~ and/or processing facility shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~ ~~(8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility~~

obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located; (13) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code; (14) Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; (15) The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal; (16) The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited. (17) There shall be no other accessory uses permitted within the same building.	~~shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~ ~~(9)~~(7) If the growing~~/manufacturing~~ and/or processing facility ceases operation for a length of time of sixty (60) days or greater, ~~the~~ any Special Use permit shall expire; ~~(10)~~ (8) ~~Growing/manufacturing facility d~~Drive-through and walk-up or similar facilities shall be prohibited; ~~(11)~~ (9) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with ~~the Michigan Medical Marijuana Act~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein~~., as amended~~; ~~(12) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;~~ ~~(13)~~ (10) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code; ~~(14)~~ (11) ~~Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council~~ All growing and/or processing facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances; ~~(15) The police department shall review the proposed application to operate a dispensary~~

	~~or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal;~~ ~~(16)~~ (12) The dispensing of medical marijuana ~~at the medical marijuana growing/manufacturing facility~~ shall be prohibited. ~~(17)~~ (13) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
Explanation: minor language updates and naming of current correct state administrative body. #7 is redundant with the previous statement (#6). #8, logging and tracking is now regulated under the MTA. #9, clarified that it means the Special Use permit; #12, redundant – all such activities are required to get a permit, and redundancy here invites confusion; #11, redundant with the City's permitting ordinance. Replaced with general obligation to obtain all necessary state licenses and city permits. #15, redundant with permitting ordinance.	

STANDARDS FOR AMENDMENTS §122-362(a)

*(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:*

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and
Applicable guiding values of the Master Plan include:

- Diversity is our strength: per the decision-making rubric. This maintains and potentially improves the diversity of the mix of businesses in Ypsilanti.
- Ypsilanti is sustainable: per the decision-making rubric, this action maintains, and has the potential to create, job opportunities for Ypsilantians.
- Great place to do business, especially green and creative: This action retains and fosters the growth of local businesses.

(2) The rezoning is consistent with description and purpose of the proposed district, and.
The amendment is an update only and does not materially change the existing zoning; it is consistent with existing zoning.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
Per §122-100, the intent of the ordinance is to promote the public health, safety, and welfare. In particular, to:
• create a safe, diverse, and sustainable city;
• meet the needs of the City's residents for food, fiber, energy, and other natural resources;
• guide the location of places of residence, recreation, industry, trade, service, and other uses of land;
• ensure that uses of the land shall be situated in appropriate locations and relationships;
• limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;

• facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;"
The amendment is an update only and does not materially change the existing zoning; it is consistent with existing zoning.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and
Staff anticipates that this amendment will enhance functionality of the City.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and
Staff does not anticipate that this amendment will negatively or positively affect the historic nature of the City.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and
Staff does not anticipate that this amendment will negatively affect the natural features or environmental sustainability of the City.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or
Staff anticipates that this amendment will indeed do so by bringing the zoning code into closer alignment with state law.

(8) The proposed amendment is needed to correct an error or omission in the original text; or
This amendment does not correct an error.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and
Staff does not anticipate that this change will significantly impact a community need in physical or economic conditions.

(10)The proposed amendment will not result in the creation of significant nonconformities in the City.
The proposed amendment will not result in nonconformities.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend ***approval*** of the proposed text amendments to sections 122-203, 446, 451, 532, and 533 with the following findings:
(1) The proposed amendment is consistent with the guiding values of the Master Plan;
(2) The rezoning is consistent with description and purpose of the proposed district;
(3) The proposed amendment is consistent with the intent of this Zoning Ordinance;
(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City;
(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City;
(6) The proposed amendment will enhance the natural features and environmental sustainability of the City;
(7) The proposed amendment will protect the health, safety, and general welfare of the public;

(9) The proposed amendment will address a community need in physical or economic conditions or development practices;
(10) The proposed amendment will not result in the creation of significant nonconformities in the City;
(11) The proposed amendment is needed to align with recent changes in State law.

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Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

City of Ypsilanti

Community & Economic Development Department

14 February 2018

Staff Review of Rezoning Application
Medical Marijuana Text Amendments

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Text Amendment to GC, General Corridor Zoning District, permitting Marijuana Provisioning Centers (Dispensaries) as a Special Use (§122-451)

SUMMARY

State regulations regarding medical marijuana facilities have recently changed, allowing provisioning centers an opportunity for long-term stability and growth. However, several provisioning centers within the City, although legal at their establishment, have been made legal nonconforming due to zoning changes. Council has expressed a desire to allow these establishments an opportunity to become conforming, thus helping to ensure their long-term stability.

BACKGROUND

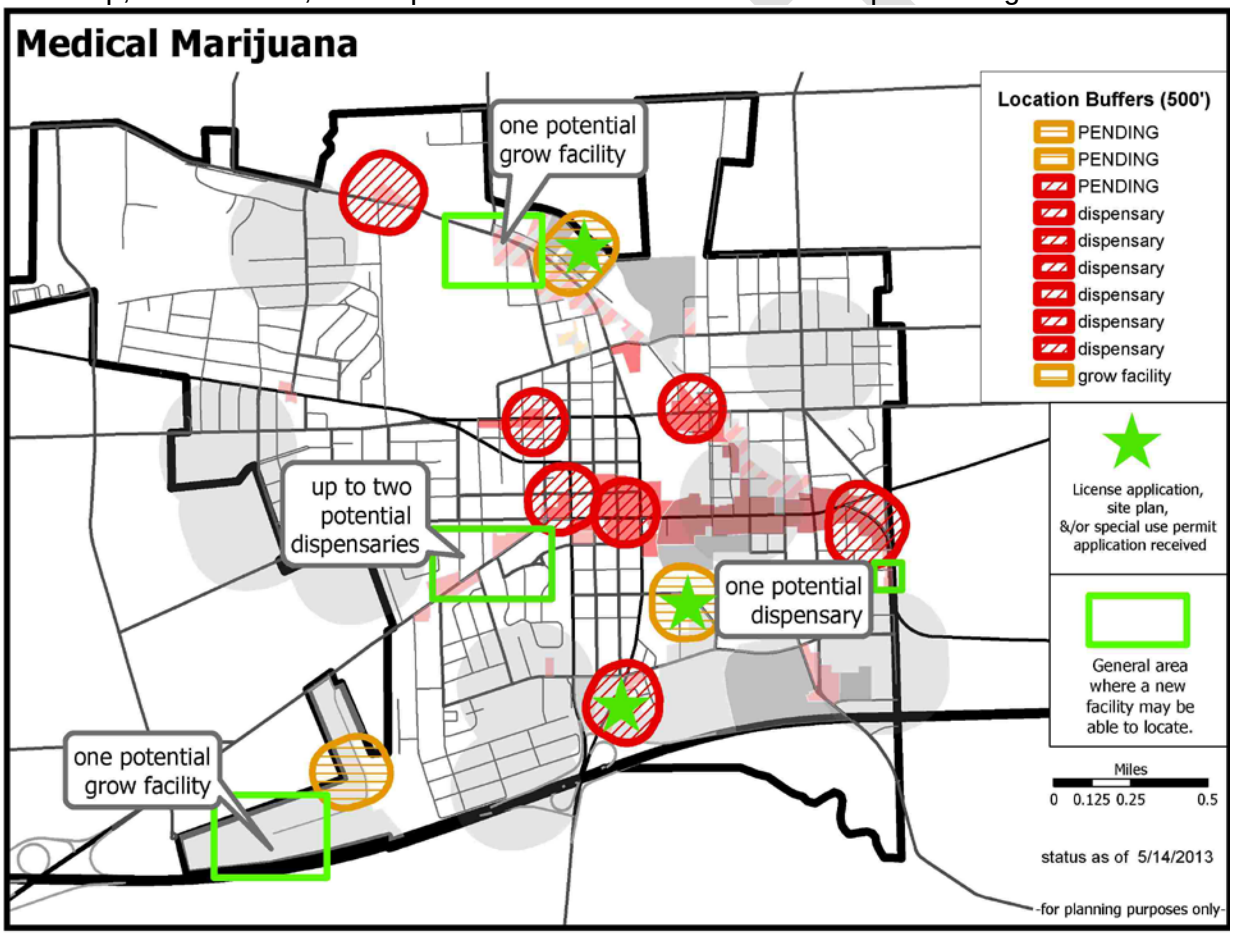
In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing groups of caregivers to grow under one roof in the M1, M2, WS, and CI zoning districts with a Special Use Permit; and caregivers to connect with patients at dispensaries in the B2, B3, and B4 zoning districts by right. Three growing facilities located in the City; two in the M1 zoning district and one in the M2 zoning district. Seven dispensaries located in the City; two in the B2 zoning district, four in the B3 district, and one in the B4 district. In 2014, the zoning ordinance shifted to a hybrid form-and-use-based schema. Of the grow facilities, one was now zoned PMD, one GC, and one CN (later rezoned to PMD); in these new zoning districts, grow facilities were permitted as a Special Use in GC and PMD only. Of the dispensaries, four were zoned C, and three zoned GC; in these new zoning districts, dispensaries were only permitted by-right in C, and not permitted in GC. Thus, the three dispensaries in GC were then considered legal nonconforming. The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under one corporate owner, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments. In November 2017, Council passed an ordinance opting-in to the MMFLA, allowing up to three grow/processors and seven provisioning centers (dispensaries). At the time, Council also directed staff to recommend updates to the Code to accommodate existing facilities under the new MMFLA. Two updates to the zoning code are being proposed at this time; one, to permit provisioning centers

(dispensaries) as a Special Use in the GC zoning district, and another, generally updating the specific standards and definitions for medical marijuana facilities.

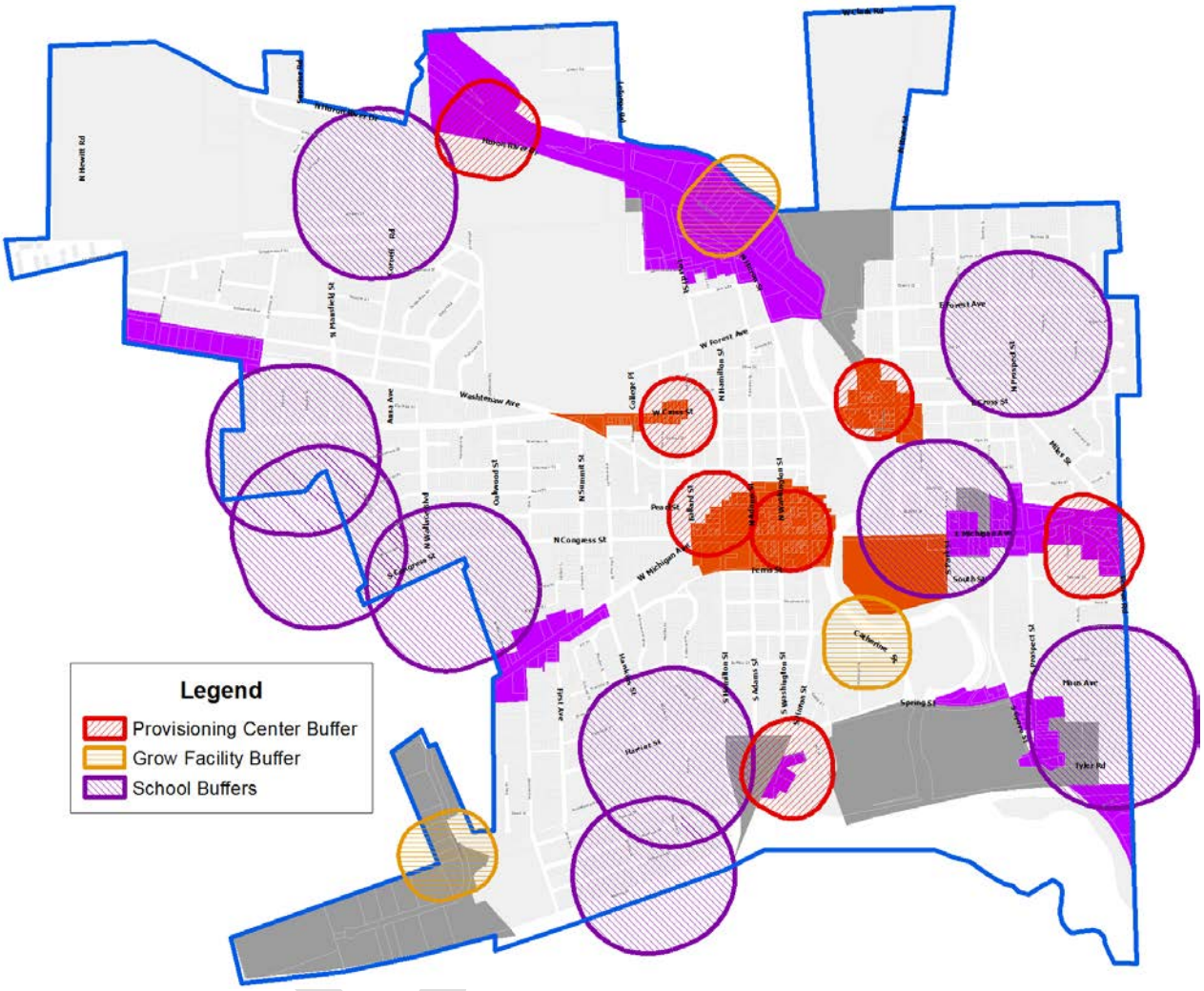
DISCUSSION

When the 2011 zoning amendments permitting dispensaries and grow facilities were adopted, there was no cap on the number of facilities, and the industry was untested and highly stigmatized. A cap on the number of facilities was introduced in 2013, as Council felt the local market was satisfied, and further increases in the number of facilities were unwise due to uncertainty in the State and Federal regulation. Many of these facilities have been operating since 2011; the newest opened in 2013. These facilities have, overall, been in compliance with local ordinances, including permitting on-demand inspections. The crime rate at these businesses is equivalent to other retail &/or industrial businesses.

This map, as of 5/2013, shows potential locations for additional dispensaries/grow facilities.



This map shows the *current* existing school buffers, facility buffers, and zoning districts. As a reminder, grow facilities are currently permitted only with a Special Use permit in GC and PMD; dispensaries are permitted by right in Center. The proposal on the table would add dispensaries as a special use in the GC district. Recall also that Planning Commission has discretion in granting Special Use permits under §122-324.



STANDARDS FOR AMENDMENTS §122-362(a)

*(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:*

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and
Applicable guiding values of the Master Plan include:

- Diversity is our strength: per the decision-making rubric. This maintains and potentially improves the diversity of the mix of businesses in Ypsilanti.

- Ypsilanti is sustainable: per the decision-making rubric, this action maintains, and has the potential to create, job opportunities for Ypsilantians.
- Great place to do business, especially green and creative: This action retains and fosters the growth of local businesses.

(2) The rezoning is consistent with description and purpose of the proposed district, and.
The description of GC is as follows: "Corridors are mixed-use and commercial areas located along the arteries of the City, such as Washtenaw, Huron, Hamilton, Michigan, Harriet, and River. General Corridor (GC). General corridors are located along roads with heavy traffic and have commercial establishments, restaurants, offices, and other businesses that are geared toward automobile traffic. Multiple-family residential building types and uses are appropriate in this district.
The amendment does not conflict with this.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
Per §122-100, the intent of the ordinance is to promote the public health, safety, and welfare. In particular, to:
• create a safe, diverse, and sustainable city;
• meet the needs of the City's residents for food, fiber, energy, and other natural resources;
• guide the location of places of residence, recreation, industry, trade, service, and other uses of land;
• ensure that uses of the land shall be situated in appropriate locations and relationships;
• limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
• facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;"
Given the tenure of the existing businesses, it would appear that they are indeed meeting area residents' needs for medical support. GC is a district which covers a significant amount of area within the City; by allowing provisioning centers with a special use permit, Planning Commission will be able to ensure compatibility on a site-by-site basis.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and
The change to the zoning ordinance has the long-term potential to do so. In the short-term, it will simply preserve the existing character of the City.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and
Staff does not anticipate that this amendment will negatively or positively affect the historic nature of the City.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and
Staff does not anticipate that this amendment will negatively affect the natural features or environmental sustainability of the City.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or
The proposed change to the zoning ordinance will help maintain residents' access to medical marijuana, as prescribed by their doctor. As noted, medical marijuana facilities in the city have had good track records of compliance, and the City has established licensing/permitting, inspection, and

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enforcement procedures regarding the businesses. As the industry develops in the coming years, so too shall these processes.

(8) The proposed amendment is needed to correct an error or omission in the original text; or
One could indeed argue that failure to include provisioning centers in the GC district was an oversight, not given much attention at the time due to the instability of the industry overall. GC was a combination of the B4 and CI districts, with elements of B2. Dispensaries were permitted in two of those three districts.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and
Staff does not anticipate that this change will significantly impact a community need in physical or economic conditions. However, if the industry continues to grow, it is likely that we would see significant reinvestment at dispensary sites in the GC zoning district.

(10)The proposed amendment will not result in the creation of significant nonconformities in the City.
The proposed amendment will enable resolution of nonconformities within the City.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend ***approval*** of the proposed text amendment to add "Marijuana provisioning centers" as a special use to the GC (General Corridor) zoning district, section 122-451, with the following findings:

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and
(2) The rezoning is consistent with description and purpose of the proposed district, and.
(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City
(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City;
(6) The proposed amendment will enhance the natural features and environmental sustainability of the City
(7) The proposed amendment will protect the health, safety, and general welfare of the public; or
(8) The proposed amendment is needed to correct an error or omission in the original text; or
(9) The proposed amendment will address a community need in physical or economic conditions or development practices;
(10)The proposed amendment will not result in the creation of significant nonconformities in the City.

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Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

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City of Ypsilanti
Community & Economic Development Department

February 13, 2018

Staff Review of Special Use Application
Aspen Garden Phase 3
75 Catherine

GENERAL INFORMATION

Applicant:	Anthony LaRussa AZ Holdings, L.L.C. 75 Catherine St. Ypsilanti, MI 48197
Project:	Aspen Gardens Phase 3
Application Date:	November 15, 2017 (incomplete); December 20, 2017, February 2, 2018 (corrected plans reflecting ZBA decision)
Location:	Southeast corner of the intersection of Catherine St and Chidester St.
Zoning:	Production, Manufacturing & Distribution (PMD)
Action Requested:	Approval of Special Use and site plan
Staff Recommendation:	Approval

PROJECT AND SITE DESCRIPTION

Parcel #11-11-39-402-001 has a total area of 1.03 acres. There is an existing 7,615 square foot building on site. A special use permit was granted for the site for its use as a medical marijuana grow facility back in March 2013 with a certificate of occupancy issued in February 2015. The property was rezoned from CN to PMD in October 2017. The applicant requested a variance from the front, street side and rear setbacks and was seen by the Zoning Board of Appeals at their January 24th meeting. The ZBA approved the front and street side setback variances but denied the rear setback. The applicant has since corrected the rear setback on the plans to conform to the zoning ordinance. The current plans indicate a building expansion to 19,062 square feet; with a north addition of 3,121 sf and a south addition of the 8,326 sf. New concrete curbing and asphalt paving, dumpster, landscaping and lighting will be installed on site.

Zoned **PMD- Production, Manufacturing & Distribution,** which allows for medical marijuana grow/manufacturing facility after approval as a special land use. This would be an expansion of the existing Special Use Permit for Medical Marijuana Grow/Processing. This expansion is being requested due to changes in State law with the passage of the Medical Marijuana Facilities Licensing Act

(MMFLA), which now allows for commercial growing and processing of medical marijuana, instead of the smaller caregiver model. Aspen Gardens is pursuing a commercial grow license from the State; an expansion would allow them to remain competitive in the newly opened market.

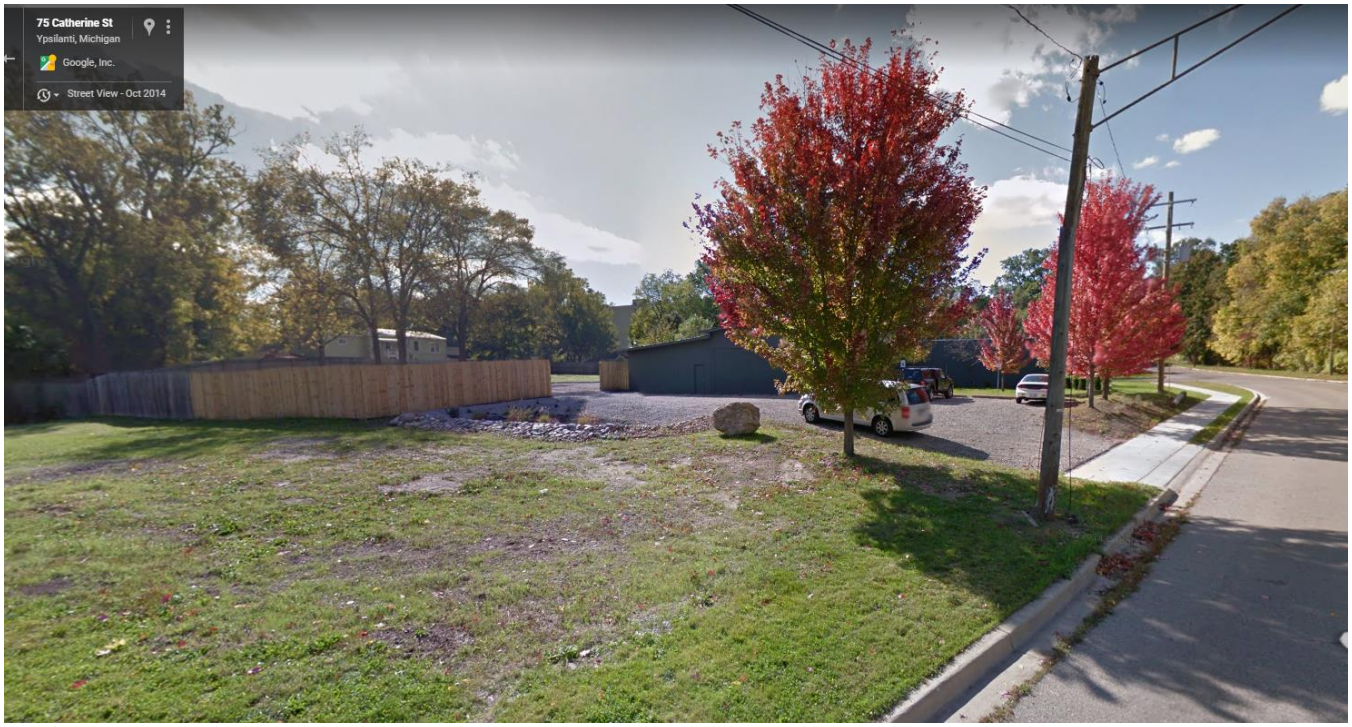
Figure 1: Subject Site Location

Figure 2: Site Aerial (2015)

Figure 3: photographs of site

Northwest corner of property looking southeast from corner of Chidester & Catherine

Southwest corner of property looking northeast from Chidester



East side of property looking west from Catherine

North side of the property looking south from Catherine

Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Nursing Home Vacant Land	HC- Historic Corridor C- Center
EAST	Vacant Land Waterworks Park	CN- Core Neighborhood P-Park
SOUTH	Single and Multi-family uses Chidester Place	CN- Core Neighborhood
WEST	Garage	CN- Core Neighborhood

SPECIAL USE: CRITERIA AND REVIEW §122-324(b)

(1) The proposed use conforms with all the provisions and requirements of this chapter, including site plan or sketch plan review standards, as applicable, and the applicable site development standards for the specific use, as well as the spirit and intent of this chapter and the Master Plan. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land. Height, location and size of buildings shall be compatible with uses and buildings on adjacent properties. The intensity of the proposed use, such as volume, frequency and times of operation, and its compatibility shall be considered. If nonconformities are present, all reasonable effort has been made to eliminate them.

COMMENTS: This property has been industrially used since it was initially developed. It was briefly zoned CN, Core Neighborhood, pursuant to the 2013 Master Plan; however, it was rezoned to PMD in 2017 due to the extensive history of industrial use of the parcel, as well as the other parcels fronting onto Catherine. The proposed use conforms to the provisions of the zoning code regarding marijuana cultivation, and the property currently does have a Special Use permit for such. The proposed expansion would increase production significantly, but the use would not generate a significant amount of increased vehicle traffic. The applicant was approved for variances from the front and street side setbacks.

(2) The proposed use shall promote the use of land in a socially and economically sustainable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare. Noise, odor, smoke and potential contamination of air, soil and water and its potential effect on neighboring uses, persons and property, as well as public welfare, shall be considered.

COMMENTS: Commercial medical marijuana cultivation is a new use in Michigan. The MMFLA, which authorizes it, was adopted after the relative success of the Michigan Medical Marihuana Act (MMMA), which permitted small-scale marijuana cultivation. Medical marijuana's overall social and economic impact is yet to be seen, but Ypsilanti voters overwhelmingly supported the initial MMMA's passage in 2008, and there have been very few issues with grow facilities since they were first permitted in 2011. Ypsilanti's first grow facility opened in late 2011.

(3) The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.

COMMENTS: As noted before, the applicant sought variances from the front, street side, and rear setback requirements of PMD. Only the front and the street side setbacks were approved by the ZBA. The front of the building faces Catherine, a non-residential street, and traffic is also off Catherine, a fair distance from the more residential Chidester. The building currently has a blank face and a required screening fence on Chidester, has landscaping screening on the front and east side, and the rear yard is gated and enclosed wholly within a screening fence.

(4) The proposed special land use shall not present unreasonable adverse impacts on the transportation system. Consideration shall be given to the estimated pedestrian, bicycle and vehicular traffic generated by such use,

access to transit, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian and bicycle traffic.

COMMENTS: The proposed use is a potential employer, and is conveniently located to bus transit as well as local roads and trunklines. It is also conveniently located to the Border-to-Border Trail, which, when open, connects to Waterworks Park. Employee traffic can be reasonably expected to be minimal, and the proposed use does not regularly make use of long-wheelbase vehicles, such as box trucks or semi-trucks.

(5) The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic sustainability of the community.

COMMENTS: No additional costs are anticipated at this time.

CONDITIONS OF APPROVAL §122-326

"Reasonable conditions may be required in conjunction with an approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed must do all of the following:

(1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being.

(2) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purposes of this chapter, be related to standards established in this chapter, and be necessary to ensure compliance with those standards."

Items to be addressed: None to be addressed at this time.

SITE PLAN: CRITERIA AND REVIEW §122-311

STANDING §122-311(a)

The applicant is legally eligible to apply for site plan review, and all required information has been provided.

REQUIREMENTS **§122-311(b)**

"The proposed site plan conforms with all the provisions and requirements, as well as the spirit and intent of this chapter and the Master Plan. The proposed development will meet all the regulations of the zoning district in which it is located."

Figure 5: Requirements

ORDINANCE REFERENCE	REQUIRED		EXISTING CONDITIONS	PROPOSED
PMD: LOT REQUIREMENTS §122-432				
Coverage %	**Min** -	**Max** 90%	Building footprint: 7,615 sf 17.7%	Building footprint: 19,062 sf 44.3%
BUILDING ENVELOPE AND HEIGHT				
Catherine St setback ft	**Min** 25	**Max** n/a	28.09'	12.79' variance approved by ZBA
Chidester St setback ft	**Min** 15	**Max** n/a	0	5.12' variance approved by ZBA
Side setback ft	**Min** 15	**Max** n/a	62.72'	61.45'
Rear setback ft	**Min** 25 if adjacent to existing SF	**Max** n/a -	130.53'	25.15'
Height	**Min** n/a	**Max** 60'	1 story 16' 9"	1 story 16' 11"
PARKING PROVISIONS	Location: Any.			
Catherine St setback ft	**Min** 10		10.89'	unchanged
Chidester St setback ft	**Min** 10		40.94	34.31'
Side setback ft	**Min** 10		40.83	28.02'
Rear setback ft	**Min** 15 if adjacent to existing SF		86.24	15.72'
§122-533 USE-SPECIFIC	The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;			LARA is now the administrative body for medical marijuana. Applicant shall seek, obtain, and retain all necessary licensure.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	The growing/manufacturing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing facility and school are located;		Met
	The growing/manufacturing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing/manufacturing facility and lawfully existing dispensary or growing/manufacturing facility is located;		Met
	Smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility;		Note on site plan.
	All activity related to the growing/manufacturing facility shall be done indoors;		No outdoor activity proposed.
	The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.		This will be a condition of approval.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;		
	Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.		Establishment must comply with the State mandated tracking system.
	If the growing/ manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;		Note on site plan. This will be a condition of approval.
	Growing/manufacturing facility drive-through facilities shall be prohibited;		None proposed.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended;		Met
	All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;		This will be a condition of issuance of a Certificate of Occupancy.
	That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;		This will be a condition of approval.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council;		The "license" is now referred to as a permit. Applicant to seek, obtain, and retain all necessary local licenses or permits for operation.
	The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal;		Pending.
	The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.		This will be a condition of approval.
	There shall be no other accessory uses permitted within the same building.		This will be a condition of approval.
MASTER PLAN	Ypsilanti is sustainable (p9)		This action creates job opportunities.
	Great place to do business, especially green and creative		This action retains an existing business and fosters "locally grown" business.

Items to be Addressed:

1. Applicant shall seek, obtain, and retain all necessary state licensure and all necessary local licenses or permits for operation.
2. Applicant to note on the site plan that smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility.
3. The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
4. Establishment must comply with the State mandated tracking system.
5. Applicant to note on the site plan that if the growing/ manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire.
6. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code.
7. The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.
8. There shall be no other accessory uses permitted within the same building.

BUILDING LOCATION AND SITE ARRANGEMENT §122-311(c)

"All elements of the site plan shall be harmoniously and efficiently organized in relation to the character of the proposed use, the size and type of lot, the size and type of buildings, and the character of the adjoining property. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter."

The building is generally oriented towards Catherine, and traffic (both vehicle and pedestrian) come from that direction. A parking area is proposed in the rear. The orientation and layout generally remain unchanged.

Items to be Addressed: None.

SITE ACCESS, TRAFFIC, AND PARKING §122-311(d)

"With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; circulation shall to the extent possible create potential cross-and joint-access to adjacent parcels and the existing block layout. Special attention shall be given to the location, number and spacing of ingress and egress points; general interior circulation including turnaround areas; adequate provisions for delivery of services (trash removal, school buses, mail and parcel delivery); separation of pedestrian and vehicular traffic; avoidance of building corners next to access drives; identification of addresses; storage of plowed snow; and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties, pedestrian and bicyclist safety, access to transit and flow of traffic on adjacent streets. All buildings or groups of buildings shall be so arranged as to permit adequate access by emergency vehicles as required by the city building code."

Site access is from Catherine, and exclusive to this site. The parking and travel area are proposed to be concrete.

	ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-685	**PARKING Dimensions**	• 9'x18' minimum, exceptions if adjacent to wall or overhang provided • May have 20% small car (8'x16', signed) • May have 10% motorcycle (5x8', signed)		9 x 18 proposed.
§122-683	**Access**	5' walkway from parking lot to parks, commercial, transit, walkways, institutions; raised/marked crosswalks within parking lot		Access to the building is primarily through the rear, and through the parking lot. Parking lot(s) have access to either the building or the public sidewalk along Catherine.
	Ingress & Egress	• Aligned across ROW, or offset by 25' • >50' from intersection • 20'-30' driveway		meets
	Internal Maneuvering			22' aisles provided. meets
	Surfacing			Concrete. Two barrier-free spaces are proposed; one for the parking area inside the rear yard, and another in the presumed visitors area.
	Drainage			See engineering review.
	Striping			meets
	Wheel Stops			Concrete curbing provided, meets
	Lighting			Provided, meets.
	Screening & Landscaping (internal)	1 tree per 8 spaces		Two new evergreen trees are proposed to the rear of the site.
		1 landscape island for each 16 spaces		n/a
		Islands w trees: 9' wide min and 160' sf Islands w 5' min walkway: 11' wide min Islands: curbed or used for stormwater		n/a

		All aisle-ends & corners protected w curbed island		Met
		3' between curb and planting (5' if vehicle overhang)		Met
	Screening & Landscaping (perimeter)	Screened if abutting R1, MD, CN, CN-Mid, CN-SF		Met
		3'-4' screen 80% opacity where visible from ROW		Met
		Landscaped areas, walls, structures, walks- must be protected by curbing		Met
§122-691	**Motor spaces**	Assembly, processing, or manufacturing: 5 plus 1 for every 1.5 people on the largest shift, OR 1 per 1,000 sf gross floor area for non-office and 1 per 300 sf for office.		10 employees on the largest shift 12 spaces required 12 spaces provided
	Bicycle spaces	1 per 5 motor spaces, minimum of 2		3 hoops provided, 6 spaces.
§122-672	**SIDEWALKS**	provide a sidewalk or shared-use path		Provided
§122-675	**TRAFFIC VISIBILITY**	Maintain shrubs/other obstructions lower than 30" and trees/other obstructions higher than 8': At driveway: within a 10'x10' triangle formed by the street ROW line and the edge of the driveway At intersection: within a 25' x 25' triangle formed by an extension of the property lines, as measured from the pavement edges.		Met

Items to be Addressed: None.

ENGINEERING & STORMWATER §122-311(f), §122-311(g)

(6) Adequate services and utilities including sanitary sewers shall be available or provided, with sufficient capacity to properly serve the development. Appropriate measures will be taken to ensure that site drainage will not adversely affect adjoining properties or the capacity of the public storm drainage system, or nearby bodies of water. Provisions shall be made to accommodate stormwater and prevent soil erosion. All stormwater management facilities, including but not limited to storm sewers and detention/retention facilities, shall be designed in accordance with the "Rules of the Washtenaw County Water Resources Commissioner," together with any special provisions established by the city.
(7) Natural resources will be protected to the maximum feasible extent. The proposed development will not cause soil erosion or sedimentation problems, and will respect floodways or floodplains on or in the vicinity of the subject property.

Engineering review required. Pending review.

Items to be Addressed: *See engineer's remarks.*

SCREENING §122-311(h)

"The site plan shall provide reasonable visual and sound privacy for all dwelling units on or adjacent to the property. Fences, walks, barriers, and landscaping shall be used, as appropriate, for protection and enhancement of the property. All outdoor storage of materials, loading and unloading areas, and refuse containers shall be screened or located so as not to be a nuisance. Outdoor lighting shall be shielded so as to not adversely affect neighboring properties or traffic on adjacent streets."

Figure 7: Screening

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-609 Lighting	• Dark Sky compliant; may be full cutoff where affecting residential uses • not >0.5 fc @ lot line • not >16'in height • not < 0.3 fc		Lighting indicated on the landscape plan, meets height and is dark sky complaint. **Applicant to submit photometric plan for administrative review.**
§122-608 Refuse Containers	masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad	Not shown	Met
§122-631 Landscape plan			Provided
§122-634 Screening Between Land Uses *if conflicting use*	visual buffer of at least 80% opacity and 6' height		An 8' wooden privacy fence will be maintained.
§122-636 Street Trees	1 tree per 30' of lineal frontage, centered between sidewalk and back of curb: 160'/30' = 6 trees		**No street trees are provided on Chidester or Catherine frontage due to space constraints. Waiver requested.** 4 existing trees to remain in front yard
§122-432(a)(6) Greenbelts	1 tree per 30' of lineal frontage abutting public road ROW		Existing landscaping meets requirements on Catherine frontage, **waiver requested from Chidester due to space constraints.**
§122-638 Site Landscaping	10%	None	~16,900/27,849 = 60%

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-640 Exterior Electrical	Screen when visible from any primary visual exposure area	n/a	n/a
§122-632 Landscape Elements	Quality, composition, berms, spacing, species		
	Credit for existing vegetation		
§122-633 (d)(e) Maintenance	Readily available and acceptable water supply; may install underground sprinkler system		Maintenance schedule noted on site plan.
§122-635 Fencing, hedges, walls, berms	*Per district*		8' wooden privacy fence to remain.

Items to be Addressed:

1. *Applicant to submit photometric plan for administrative review and approval.*
2. *Waiver requested from 122-636, Street Trees, due to lack of available space on both Chidester and Catherine.*
3. *Waiver requested from 122-436(a)(6), greenbelt, along the Chidester frontage due to lack of available space.*

OTHER DEPARTMENT AND AGENCY APPROVALS §122-311(j)

"Site plans shall conform to all applicable requirements of state and federal statutes, including health and pollution laws, fire or explosion hazards, toxic and hazardous materials, and barrier-free requirements. Site plan approval may be conditioned on the applicant receiving necessary county, state, or federal permits before a local building permit or occupancy permit is granted."

STATE OF MICHIGAN

The applicant is responsible for obtaining licensure under the Michigan Medical Marijuana Facilities Licensing Act.

STAFF RECOMMENDATIONS: SPECIAL USE

Staff recommends the Planning Commission **approve** the expansion of the Special Use Permit for medical marijuana growing/processing for Aspen Gardens, with the following finding and condition:

Finding: The application is substantially in compliance with §122-324(b).

Condition: Special use approval shall be subject to approval of site plan.

STAFF RECOMMENDATIONS: SITE PLAN

Staff recommends the Planning Commission **approve** the Site Plan for the expansion of Aspen Gardens, with the following finding, waivers and conditions:

Finding

1. The application substantially complies with §122-310.

Waivers

1. Waiver requested from §122-636, Street Trees, due to lack of available space on both Chidester and Catherine.
2. Waiver requested from §122-432(a)(6), greenbelt, along the Chidester frontage due to lack of available space.

Conditions

1. Applicant shall seek, obtain, and retain all necessary state licensure and all necessary local licenses or permits for operation.
2. Applicant to note on the site plan that smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility.
3. The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
4. Establishment must comply with the State mandated tracking system.
5. Applicant to note on the site plan that if the growing/ manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire.
6. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code.
7. The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.
8. There shall be no other accessory uses permitted within the same building.
9. Applicant to address all engineering conditions. NOTE: AT THE TIME OF THIS REVIEW, ENGINEERING REVIEW IS NOT YET COMPLETE.
10. Applicant to submit photometric for administrative review and approval.

Bonnie Wessler
City Planner, Community & Economic Development Department

Cynthia Kochanek
Preservation Planner, Community & Economic Development Department

CC File
Applicant

ASPEN GARDENS PHASE 3

YPSILANTI, MI

SHEET INDEX	
SHEET NO.	SHEET TITLE
S1	SHEET INDEX, SITE PLAN, ZONING DATA
S2	SITE DEMOLITION PLAN
S3	LANDSCAPE & SITE LIGHTING PLAN
S4	STORM WATER PLAN
S5	GRADING PLAN
S6	SITE DETAILS
A1	FLOOR PLAN
A2	BUILDING ELEVATIONS

DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015 EDITION.

LEGAL DESCRIPTION: Part of the Southeast Quarter of Section 9, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as: Commencing at the Iron Pipe at Southwest Corner of Chidester Street and Catherine Street; thence North 89°58'20" East 33.00 feet to the Southeast Corner of Chidester Street and Catherine Street and to the Point of Beginning; thence along the South Line of Catherine Street (formerly Race Street) the following two (2) courses: one (1) North 89°58'20" East 68.78 feet and two (2) South 70° 56'40" East 106.50 feet; thence South 04°00'00" East 220.18 feet; thence South 88°24'19" West 181.40 feet; thence along the East Line of Chidester Street, 33.00 feet wide, North 00° 46'00" West 259.45 feet to the Point of Beginning. Contains 0.989 Acres. Subject to Easements and Restrictions of record. PROPERTY ID 11-11-39-402-001

PROJECT DESCRIPTION: TWO 1-STORY ADDITIONS ON NORTH AND SOUTH SIDE OF EXISTING BUILDING. NEW CONCRETE CURB/ ASPHALT PAVING, DUMPSTER, LANDSCAPING AND LIGHTING TO MEET ZONING ORDINANCE REQUIREMENTS.

PROPERTY OWNER: AZ HOLDINGS, LLC
75 CATHERINE ST.
YPSILANTI, MI 48197
(313) 995-3121
alarussa78@yahoo.com

AREA ANALYSIS

EXISTING		PROPOSED	
EX. BUILDING AREA	7,615SF	EX. BUILDING AREA	7,615 SF
		NORTH ADDITION	+ 3,121 SF
EX. FRONTAGE (CATHERINE)	108.58' / 68.78' + 106.50' = 62%	SOUTH ADDITION	+ 8,326 SF
		PROP. BUILDING AREA	19,062 SF
EX. LOT AREA	43,069 SF (0.99 ACRES)		
EX. LOT COVERAGE	7,615 SF / 43,069 SF = 17.7 %	PROP. LOT COVERAGE	19,062 SF / 43,069 SF = 44.3 %

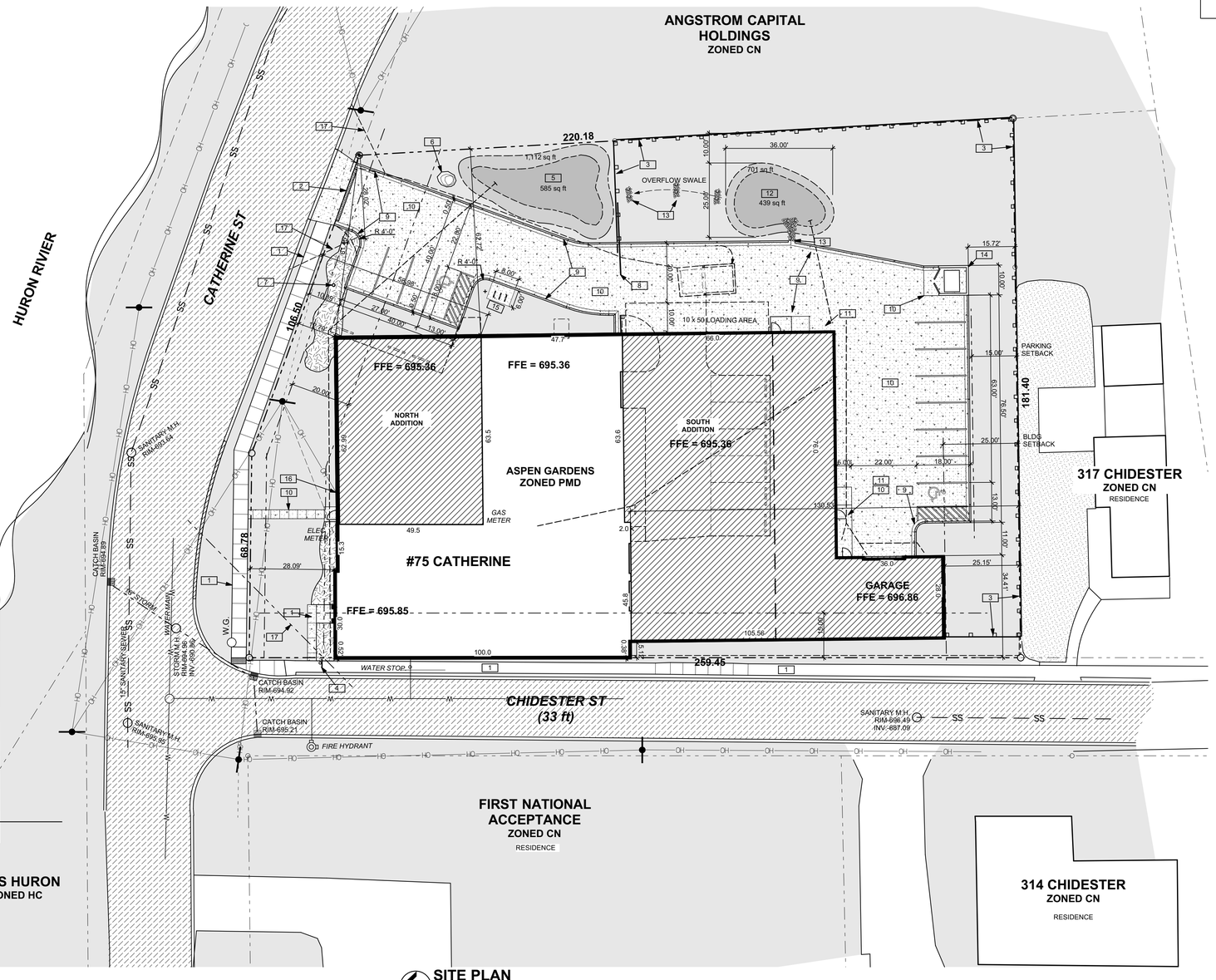
SCHEDULE OF REGULATIONS

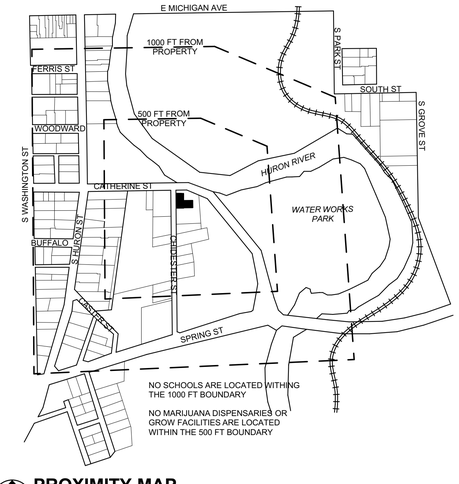
	ZONED PMD PRODUCTION/ MANUFACT./ DISTRIBUTION	REQ'D	EXISTING	PROPOSED	VARIANCE
PARKING	LOT COVERAGE	MAX. 90%	17.7%	44.0%	NONE
PARKING	FRONT SETBACK/ CATHERINE	MIN 10.0 FT	10.89 FT	10.89 FT	NONE
PARKING	SIDE STREET/ CHIDESTER	MIN 10.0 FT	40.94 FT	34.31 FT	NONE
PARKING	SIDE SETBACK/ EAST	MIN 10.0 FT	40.83 FT	28.02 FT	NONE
PARKING	REAR YARD/ SOUTH (1)	MIN 15.0 FT (1)	82.64 FT	15.72 FT	NONE
PARKING	LOT WIDTH	--	173.36 FT	NO CHANGE	NONE
PARKING	LOT AREA	--	43,069 SF	NO CHANGE	NONE
BUILDING	BLDG HEIGHT	MAX 60.0 FT	16'-9"	16'-11"	NONE
BUILDING	STREET SETBACK/ CATHERINE	MIN 25.0 FT	28.09 FT	12.79 FT	12.21 FT VARIANCE (3)
BUILDING	STREET SIDE SETBACK/ CHIDESTER	MIN 15.0 FT	-0.52 FT	5.12 FT (2)	EX. NON-CONFORMITY AND 9.88 FT VARIANCE (3)
BUILDING	INTERIOR SIDE/ EAST	MIN 15.0 FT	62.72 FT	61.45 FT	NONE
BUILDING	REAR YARD/ SOUTH (1)	MIN 25.0 FT (1)	130.53 FT	25.15 FT	NONE

(1) FROM ADJACENT CN ZONING DISTRICT
(2) AT NEW CONSTRUCTION
(3) TWO VARIANCES GRANTED AT ZBA MEETING 1/24/2018

PARKING/ LOADING REQUIREMENTS

122-691	**ASSEMBLY, PROCESSING, OR MANUFACTURING** 5 SPACES REQUIRED, PLUS 1 FOR EVER 1 1/2 EMPLOYEES IN LARGEST WORKING SHIFT (10/ 1.5 =6.7 SPACES) 5+6.7 = **12 SPACES REQUIRED** **12 SPACES PROVIDED**
122-693	1 BIKE HOOP PER 5 CAR SPACES IS REQUIRED 12 SPACES/ 5 = 2.4 BIKE HOOPS. (3 EXISTING BIKE HOOPS REMAIN IN NEW LOCATION)
122-693	COMMERICAL/ INDUSTRIAL USE BETWEEN 5,000 SF AND 19,999SF REQUIRES (1) 10x50 LOADING SPACE, LOCATED AT LEAST 50FT FROM CN DISTRICT IN THIS CASE, A LARGE LOADING SPACE IS NOT NEEDED. DELIVERIES/ SHIPMENTS WILL BE BY A BOX TRUCK. A 10x50 LOADING SPACE IS PROVIDED, BUT WITHOUT THE ASSOCIATED TURNING RADIUS FOR A LARGE SEMI TRUCK





PROXIMITY MAP

SITE PLAN 1" = 20'

GRASS OR LANDSCAPE · MULCH
EXISTING CONCRETE · NEW CONCRETE
EX. ASPAHLT · NEW ASPHALT
EX. GRAVEL · NEW. GRAVEL
FENCE
SS SANITARY SEWER
W WATER SUPPLY
G GAS SUPPLY
E UNDERGROUND ELECTRICAL
OH OVERHEAD ELECTRICAL

GENERAL SITE PLAN NOTES

1. THIS SITE IS NOT WITHIN A FLOOD ZONE
2. LARGEST SHIFT WILL HAVE 10 EMPLOYEES
3. NO OUTDOOR STORAGE AREAS ARE PROPOSED FOR THIS PROPERTY

KEYED SITE NOTES

1. EX. CONCRETE WALK
2. EX. TRENCH DRAIN
3. EX. 8FT TALL WOOD FENCE. FENCE ON SOUTH AND EAST PROPERTY LINE TO BE REMOVED FOR BUILDING
4. EXISTING STOP SIGN
5. EXISTING RAIN GARDEN #1
6. EXISTING ROCK
7. EX. GAS OUTLET
8. EX. AUTOMATIC SLIDING GATE
9. NEW CONCRETE CURB
10. NEW CONCRETE WALK/ PAVEMENT
11. CONCRETE RAMP
12. NEW RAIN GARDEN #2
13. RIP RAP/ DRAINAGE PATH
14. 10' x 10' DUMPSTER ENCLOSURE, 6 FT HIGH
15. 3 BIKE HOOPS MOUNTED TO CONCRETE SIDEWALK
16. PROPOSED ELECTRIC METERS
17. UNOBSTRUCTED AREA FOR TRAFFIC VISIBILITY

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BALLOU ENTERPRISES PLLC

SITE PLAN REVIEW	2 FEB 2018
SITE PLAN REVIEW	20 DEC 2017
SITE PLAN REVIEW	14 NOV 2017
PRELIMINARY	16 OCT 2017

focus / design
Todd Ballou, Registered Architect
(734) 276-2110
www.focusdesign.us
focusdesign@comcast.net
3300 Berry Rd, Ypsilanti, MI 48198

PROJECT: ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE: SITE PLAN

JOB NO: 1702

STATE OF MICHIGAN · TODD R. BALLOU · ARCHITECT · No. 48808 · LICENSED ARCHITECT

SHEET NO. S1

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BALLOU ENTERPRISES PLLC

SITE PLAN REVIEW	2 FEB 2018
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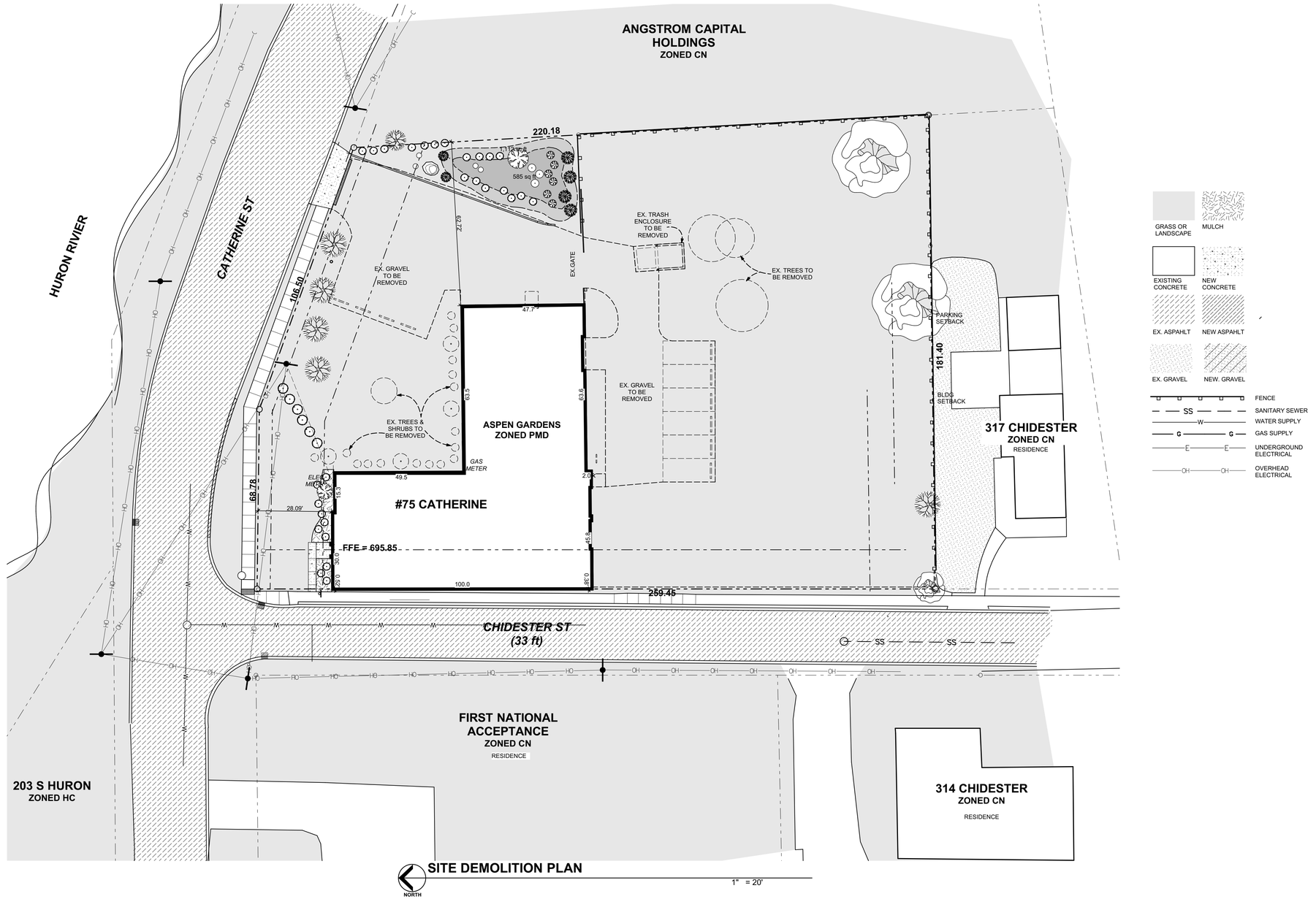


SITE DEMOLITION PLAN
NORTH
1" = 20'

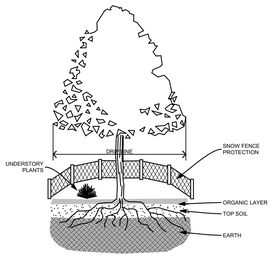
PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE:
SITE DEMOLITION PLAN

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

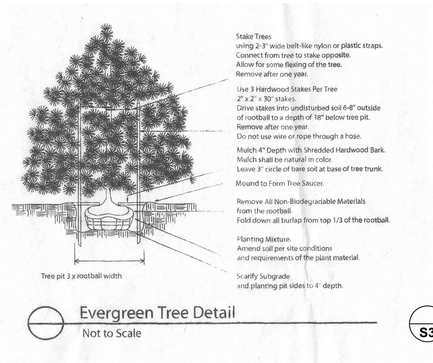
SHEET NO.
S2



TREE PROTECTION DETAIL

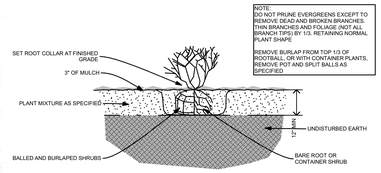
S3

Scale 1/8" = 1' - 0"



Evergreen Tree Detail

Not to Scale

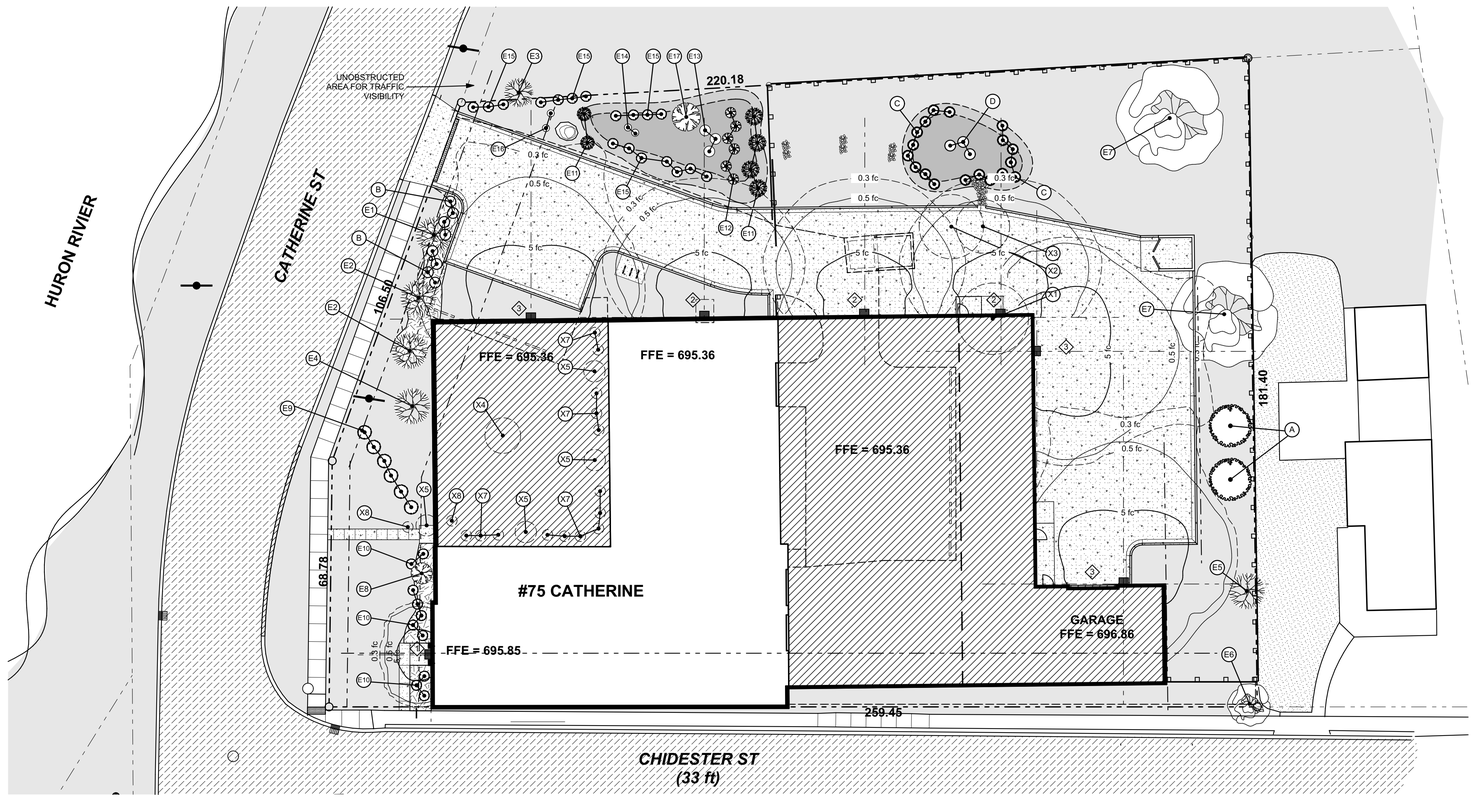


SHRUB PLANTING- BED

S3

Not to Scale

PLANTING SCHEDULE						
ID	COMMON NAME	FORMAL NAME	LOCATION	PLANT TYPE1	SIZE	QTY
A	EVERGREEN TREE	PICEA GLAUCA	PARKING LOT	EVERGREEN TREE	MIN 2 1/2"	2
B	GREEN VELVET BOXWOOD	BUXUS SEPERVIRENS "GREEN VELVET"	PARKING LOT SCREEN	SHRUB	MIN 24"	8
C	FOUNTAIN GRASS	ANDROPOGON GERARDII	RAIN GARDEN	SHRUB	2 GAL	18
D	PAMPAS GRASS		RAIN GARDEN	SHRUB	2 GAL	3
E1	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	5"	1
E2	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	6"	2
E3	EX. MAPLE	ACER...	PARKING LOT TREE	EXISTING TREE	7"	1
E4	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	8"	1
E5	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	10"	1
E6	EX. BLACK WALNUT	JUGLANS NIGRA	GENERAL SITE	EXISTING TREE	12"	1
E7	EX. BLACK WALNUT	JUGLANS NIGRA	GENERAL SITE	EXISTING TREE	16"	2
E8	EX. DOGWOOD	CORNUS...	FOUNDATION	ORNAMENTAL TREE		1
E9	EX. ARBOR VITAE		FOUNDATION	SHRUB		6
E10	EX. HIX YEW	TAXUS MEDIA HIXSII	FOUNDATION	SHRUB		10
E11	EX. BUTTERFLY BUSH	BUDDLEIA	RAIN GARDEN	SHRUB		6
E12	EX. RUSSIAN SAGE	PEROVSKIA ATRIPLICIFOLIA	RAIN GARDEN	PERRENIAL		6
E13	EX. PAMPAS GRASS	CORTADERIA SELLOANA	RAIN GARDEN	TALL GRASS		3
E14	EX. SWAMP MILKWEEK	ASCLEPIAS INCARNATA	RAIN GARDEN	PERRENIIAL		2
E15	EX. FOUNTAIN GRASS	PENNISETUM	RAIN GARDEN	GRASS		18
E16	EX. JUNIPER	JUNIPERUS PROCUMBENS "NANA"	RAIN GARDEN	SHRUB		2
E17	EX. WISTERIA	WISTERIA	RAIN GARDEN	SHRUB		1
X1	DECIDUOUS TREE REMOVED	UNIDENTIFIED	TO BE REMOVED	EXISTING TREE	24"	1
X2	DECIDUOUS TREE REMOVED	UNIDENTIFIED	TO BE REMOVED	EXISTING TREE	18"	1
X3	BLACK WALNUT R	JUGLANS NIGRA	TO BE REMOVED	EXISTING TREE	15"	1
X4	MAPLE TREE REMOVED	CORNUS...	TO BE REMOVED	ORNAMENTAL TREE		1
X5	DOGWOOD REMOVED	CORNUS...	TO BE REMOVED	ORNAMENTAL TREE		4
X7	BURNING BUSHES REMOVED	EUONYMUS ALATUS	TO BE REMOVED	SHRUB		14
X8	HIX YEW REMOVED	TAXUS MEDIA HIXSII	TO BE REMOVED	SHRUB		2



LANDSCAPE & SITE LIGHTING PLAN

NORTH

1" = 20'

LANDSCAPING REQUIREMENTS

		PROPOSED TREES	PROPOSED SHRUBS
122-634	A WALL OR FENCE IS REQUIRED TO SEPARATE PMD ZONING FROM OTHER USES. AN EXISTING 8FT FENCE IS LOCATED ON THE SOUTH AND EAST PROPERTY LINE. OTHERWISE, THE VIEW IS BLOCKED BY THE BUILDING ITSELF	--	--
122-637	STREET TREES ARE REQUIRED FOR ALL PROJECTS THAT REQUIRE SITE PLAN REVIEW. 1 TREE PER 30 LF OF FRONTAGE: CATHERINE STREET = 175.28LF/ 30 = 5.8 TREES CHIDESTER ST = 259.45 LF/30 = 8.6 TREES DUE TO LIMITED SPACE, NO TREES ARE PROPOSED	--	--
122-637	FOUNDATION PLANTING IS NOT REQUIRED IN PMD ZONING. EXISTING PLANTINGS AT NORTH ENTRANCE WILL REMAIN.	--	--
122-638	10% SITE LANDSCAPING IS REQUIRED. THE SITE IS 43,069 SF, REQUIRING 4,307 SF OF LANDSCAPED AREA. THE PERVIOUS AREAS TOTAL 13,251 SF, OR 30.8% OF THE SITE	--	--
122-684	OFF STREET PARKING REQUIRES 1 TREE FOR EVERY 8 PARKING SPACES 12 SPACES/ 8 = 1.5 TREES	2	--
	SCREENING IS REQUIRED TO SHEILD PARKING FROM CATHERINE ST. (EVERGREEN HEDGE PROPOSED)	--	11

LANDSCAPE MAINTENANCE NOTES PER ZONING ORDINANCE 122-712

1. COMPLETE LANDSCAPING INSTALLATION IS REQUIRED TO OBTAIN A CERTIFICATE OF OCCUPANCY.

2. ALL LANDSCAPING AND LANDSCAPING ELEMENTS SHALL BE PLANTED, AND EARTH MOVING OR GRADING PERFORMED, IN A SOUND WORKMANLIKE MANNED, ACCORDING TO ACCEPTED PLANTING AND GRADING PROCEEDURES

3. ALL PLANT MATERIALS SHALL BE MAINTAINED IN GOOD CONDITION SO AS TO PRESENT A HEALTHY, NEAT, AND ORDERLY APPEARANCE, AND SHALL BE TRIMMED OR PRUNED IN SUCH A MANNER SO AS TO NOT ALTER THEIR NATURAL GROWTH POTENTIAL.

4. THE OWNER OF THE PROPERTY SHALL MAINTAIN LANDSCAPING IN A STRONG AND HEALTHY CONDITION.

5. ALL REQUIRED LANDSCAPING MATERIALS WHICH BECOME UNHEALTHY OR DEAD SHALL BE REPLACED WITHIN SIX MONTHS OF DAMAGE OR DEATH, OR THE NEXT APPROPRIATE PLANTING PERIOD, WHICHEVER COMES FIRST.

6. ALL LANDSCAPED AREAS MUST BE PROVIDED WITH A READILY AVAILABLE AND ACCEPTABLE WATER SUPPLY. (AN UNDERGROUND IRRIGATION DOES NOT EXIST, AND IS NOT PROPOSED)

	EXISTING	CHANGE	PROPOSED
IMPERVIOUS AREAS	**16,112 SF**	**+13,706 SF**	**29,818 SF**
EX. BUILDING	7,815 SF	+11,447 SF	19,062 SF
GRAVEL	7,345 SF	-7,345 SF	---
CONCRETE CURBS, WALKS	303 SF	+876 SF	1,179 SF
CONCRETE PAVEMENT	---	+8,437 SF	8,437 SF
RAIN GARDEN (WATER)	849 SF	+291 SF	1,140 SF
PERVIOUS AREAS	**26,957 SF**	**-13,706 SF**	**13,251 SF**
GRASS/ MULCH	62.6% OF SITE		30.8% OF SITE
SITE AREA	**43,069 SF** 0.99 ACRES		**43,069 SF** 0.99 ACRES

SITE LIGHTING SCHEDULE

ID	FIXTURE	MOUNTING HEIGHT
1	RAB LIGHTING/ WP1-CH50 (WHITE WITH PHOTOCELL) FULLY- SHEILDED WALLPACK WITH 50 WATT METAL HALIDE LAMP	8'-6" FT
2	RAB LIGHTING/ WP3C (WHITE WITH PHOTOCELL) FULLY- SHEILDED WALLPACK WITH 200 WATT METAL HALIDE LAMP	10 FT
3	RAB LIGHTING/ WP4FC (WHITE WITH PHOTOCELL) FULLY- SHEILDED WALLPACK WITH 400 WATT METAL HALIDE LAMP	14 FT

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3300 Berry Rd, Ypsilanti, MI 48198

PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE:
LANDSCAPE & SITE LIGHTING PLAN

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
S3

W1 Determining Post Development Cover types, Areas, Curve numbers, and Coefficients

Total site area	43,069	ft2	0.99	ac
Total site area excluding "self crediting BMPs"	43,069	ac	0.99	ac

Post development Rational Method variables

cover type	soil type	Area (ft2)	Area (ac)	Runoff coeff C	AC
grass	A	13,251	0.30	0.15	0.05
building	A	19,062	0.44	0.95	0.42
conc. curbs	A	1,179	0.03	0.95	0.03
conc. Pavmt	A	8,437	0.19	0.95	0.18
Rain gardens	A	1,140	0.03	1.00	0.03
		0	0.00	0.00	0.00
		Total- Σ CA			0.70
		Area Total -Σ(ac)			0.99
		Weigthed C = Σ AC/ Σ area			0.71

Post Development NRCS Variables- Pervious cover

Pervious cover type	soil type	Area (ft2)	Area (ac)	Curve number	CN X Area
Lawn	A	13,251	0.30	80	24.34
			Total Σ (CN)(Area) =		24.34
			Area Total -Σ(ac)		0.30
			Weighted CN = Σ (CN)(Area)/ Σ (area)		80.00

Post development NRCS Variables- Impervious cover

Impervious cover type	soil type	Area (ft2)	Area (ac)	Curve number	CN X Area
conc. curbs	A	1,179	0.03	98	2.65
conc. Pavmt	A	8069	0.19	98	18.15
building	A	19,062	0.44	98	42.89
Rain garden	A	8,437	0.19	98	18.98
			Total Σ (CN)(Area) =		82.67
			Area Total -Σ(ac)		0.84
			Weighted CN = Σ (CN)(Area)/ Σ (area)		98

W2 First Flush

Vff = (1") (1'/12")(43560 ft3/1ac)AC

Total Area (A)	0.99	ac
Weighted C	0.71	
Vff =	2,531	ft3

W3 Pre-development bankfull run-off calculation (Vbf-pre)

2 yr/ 24 hr storm event P=	2.35	inch
Curve Number for Good cover woods or meadow CN =	32	
S = (1000/CN) -10	21.25	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	0.19	inch
Total site area (sf) excluding self crediting BMPs	43,069	sf
Vbf-pre = Q (1/12) Area	669.59	ft^3

W4 Post development Pervious Cover bankfull run-off calculation (Vbf-per post)

2 yr/ 24 hr storm event P=	2.35	inch
Pervious Curve number from W1	80.00	
S = (1000/CN) -10	2.50	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	0.79	inch
Pervious curve area from W1	13,251	sf
Vbf-per post = Q (1/12) Area	868.80	ft^3

W5 Post development Impervious Cover bankfull run-off calculation (Vbf-imp post)

2 yr/ 24 hr storm event P=	2.35	inch
Impervious Curve number from W1	98	
S = (1000/CN) -10	0.20	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	2.12	inch
Impervious curve area from W1	27,499	sf
Vbf-imp post = Q (1/12) Area	4,862	ft^3

W6 Pervious Cover post-development 100 year storm run-off calculation (V100-per post)

100 yr/ 24 hr storm event P=	5.11	inch
pervious Curve number from W1	80.00	
S = (1000/CN) -10	2.50	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	2.99	inch
Pervious curve area from W1	13,251	sf
Vbf-imp post = Q (1/12) Area	3,301	ft^3

W7 Impervious Cover post-development 100 year storm run-off calculation (V100-imp post)

2 yr/ 24 hr storm event P=	5.11	inch
Impervious Curve number from W1	98	
S = (1000/CN) -10	0.20	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	4.87	inch
Pervious curve area from W1	36,747	sf
Vbf-imp post = Q (1/12) Area	14,922	ft^3

W8 Determine Time of Concentration for applicable flow types (Tc- hrs)

Flow Type	K	Change in elevation (ft)	Length (L)	Slope % (S)	S$^{2.5}$	V=K*S$^{0.5}$; = L/(V*3600)	
Sheet flow*	0.48	6.78	170	3.99%	2.00	0.96	0.05
waterway	1.2						
small trib	2.1						
					Total Tc		0.05 hr

*Sheetflow cannot exceed 300ft. Anything beyond this is considered waterway

W9 Run-off Summary & Onsite infiltration requirement

W2	First Flush Volume Vff =	2531	ft^3
W3	Pre-development bankfull run-off calculation (Vbf-pre)	670	ft^3
W4	Pervious Cover post development bankfull run-off calculation (Vbf-per po	869	ft^3
W5	Impervious Cover post development bankfull run-off calculation (Vbf-imp	4,862	ft^3
	Total Bank Full Volume	**5,731**	ft^3
W6	Pervious Cover post-development 100 year storm run-off calculation (V1	3,301	ft^3
W7	Impervious Cover post-development 100 year storm run-off calculation (\	14,922	ft^3
	Total 100 Year Volume	**18,223**	ft^3

Determine On-site Infiltration requriement

Subtract the Pre-development Bankfull from the Post Dev Bankfull volume			
Bankfull Volume Difference		5,061	ft^3
Compare the bankfull Volume Difference with the first flush	Vff	2530.98	
The greater of the two is the Bankfull Volume difference			
Onsite Infiltration Reqment Vinf =		5,061	ft^3

W10 Detention/ Retention Requirement

Detention			
Peak of Unit Hydrograph Qp = 238.6 Tc$^{-0.82}$		2817.14	cfs/ in
Total site area (ac) excluding "self-crediting BMPs		0.99	ac
Q100 = Q100-perv + Q100-imp		7.86	in
Peak Flow PF = Qp * Q100 *Area / 640		34.22	cfs
Δ = PF-0.15		34.07	cfs
Vdet = (Δ/PF)*V100-post - Vinf	Required Detention	13,082	ft^3

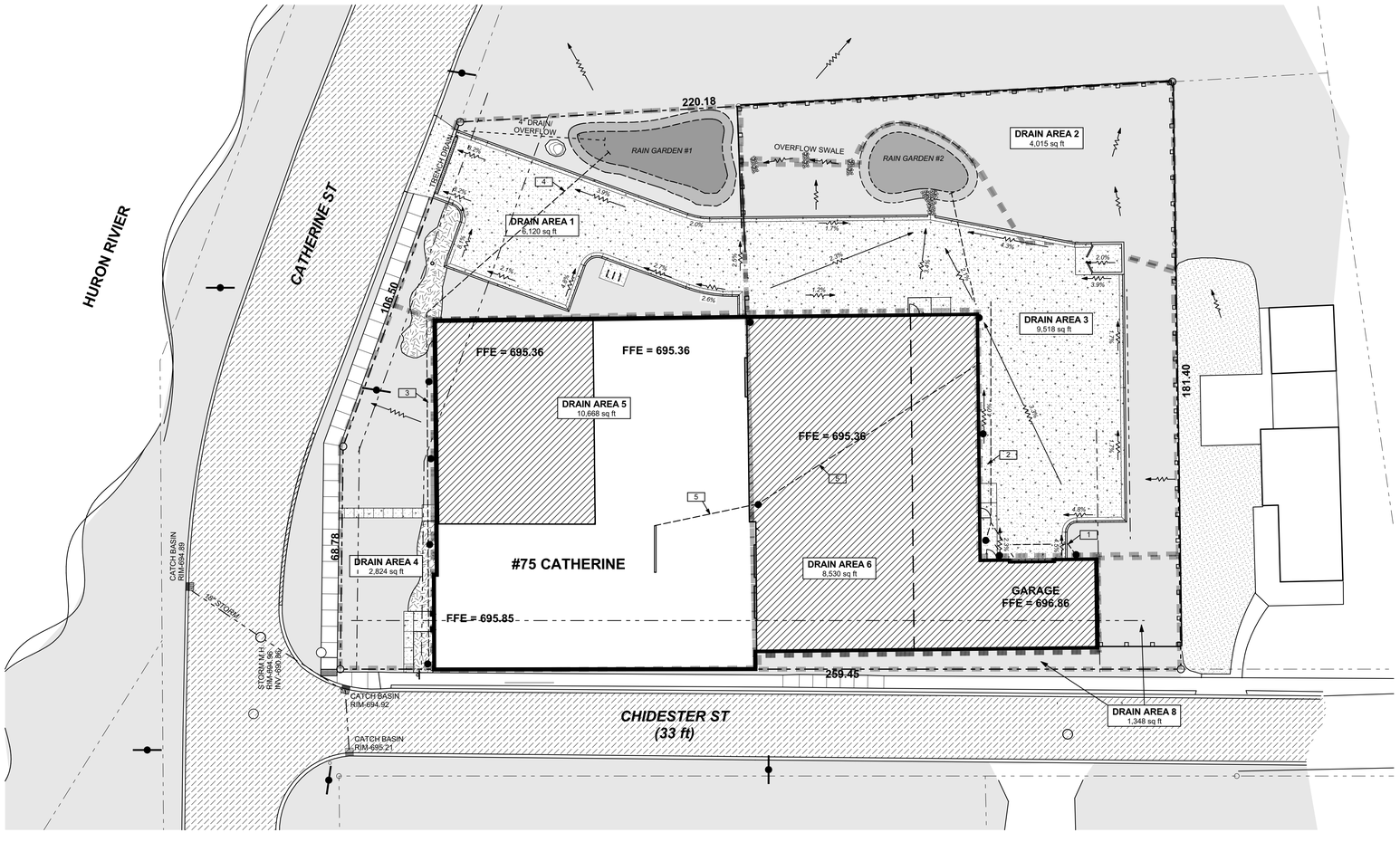
W11 Determine Applicable BMPs and associated volume credits

Proposed BMP	Area ft2	Storage Volume ft3	Avg Design Infilt Rate in/hr	Infilt Vol during Storm (ft3)	Total Volume Reduction
Rain Garden #1	849	916	5.00	2,121	3,037
Rain Garden #2	570	643	5.00	1,425	2,068

Total volume reduction credit by proposed Structural BMP	5,105	ft^3	
Run-off Volume Infiltration Requirement Vinf from W9	5,061	ft^3	
Run-off Volume credit	44	ft^3	OK
Required V100 for 100% infiltration	5,105	ft^3	

FEASIBILITY ANALYSIS OF RAIN GARDENS

	Rain Garden #1	Rain Garden #2	TOTAL	
Bottom Area	585	439		sf
Ponding Area	1,112	701	1,813	sf
Infiltration Area = Average Bed Area	849	570	1,419	sf
Surface Storage Volume =				
Maximum Design Water Depth	0.666	0.666		ft
Avg Bed Area * Max Ponding Depth	565	380		ft^3
Soil Storage Volume =				
Design Soil Depth	3.00	3.00		ft
Soil Porosity	0.1	0.1		
Bed Area X Depth X Porosity	176	132		ft^3
Gravel Storage Volume				
Design Gravel Depth	1.00	1.00		ft
Soil Porosity	0.3	0.3		
Bed Area X Depth X Porosity	176	132		ft^3
Infiltration Volume over 6 hr period				
Design Infiltration Rate	5.00	5.00		in/hr
Inf Area X Inf Rate X 6hr X (1/12")	2,121	1,425		ft^3
Total Basin Volume				
Surface + Soil + Gravel	916	643	1,559	ft^3
Surface + Soil + Gravel + Infiltration	3,037	2,068	5,105	ft^3
Total Time to Infiltrate 100 year storm should be less than 48 hours				
V100 from Worksheet 9	18,223			ft3
Tinf= V100/(Inf Area X Inf Rate (1'/12"))	30.8			hr OK



STORM WATER PLAN

NORTH 1" = 20'

STORM WATER NOTES:

THIS IS A CONCEPTUAL STORM WATER PLAN FOR SITE PLANNING PURPOSES, TO BE COMPLETED DURING THE ENGINEERING REVIEW PHASE.

ACCORDING TO EWASHTENAW MAPS, THIS SITE CONTAINS SpB "SPINKS" SOIL (HYDROLOGIC SOIL GROUP A WITH 0-6% SLOPES) AND EXPECTED TO HAVE A HIGH INFILTRATION RATE. THIS IS CONSISTANT WITH THE EXISTING RAIN GARDEN ON THE SITE, WHICH HAS PERFORMED VERY WELL.

1. ROOF DRAIN: 6" PVC, 42 LF @ 2% SLOPE
2. ROOF DRAIN: 6" PVC, 115 LF @ 2% SLOPE
3. ROOF DRAIN: 6" PVC, 45 LF @ 2% SLOPE
4. ROOF DRAIN: 6" PVC, 75 LF @ 2% SLOPE
5. EXISTING INTERNAL ROOF DRAIN TO BE ABANDONED

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PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE: **STORM WATER MANAGEMENT**

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
S4

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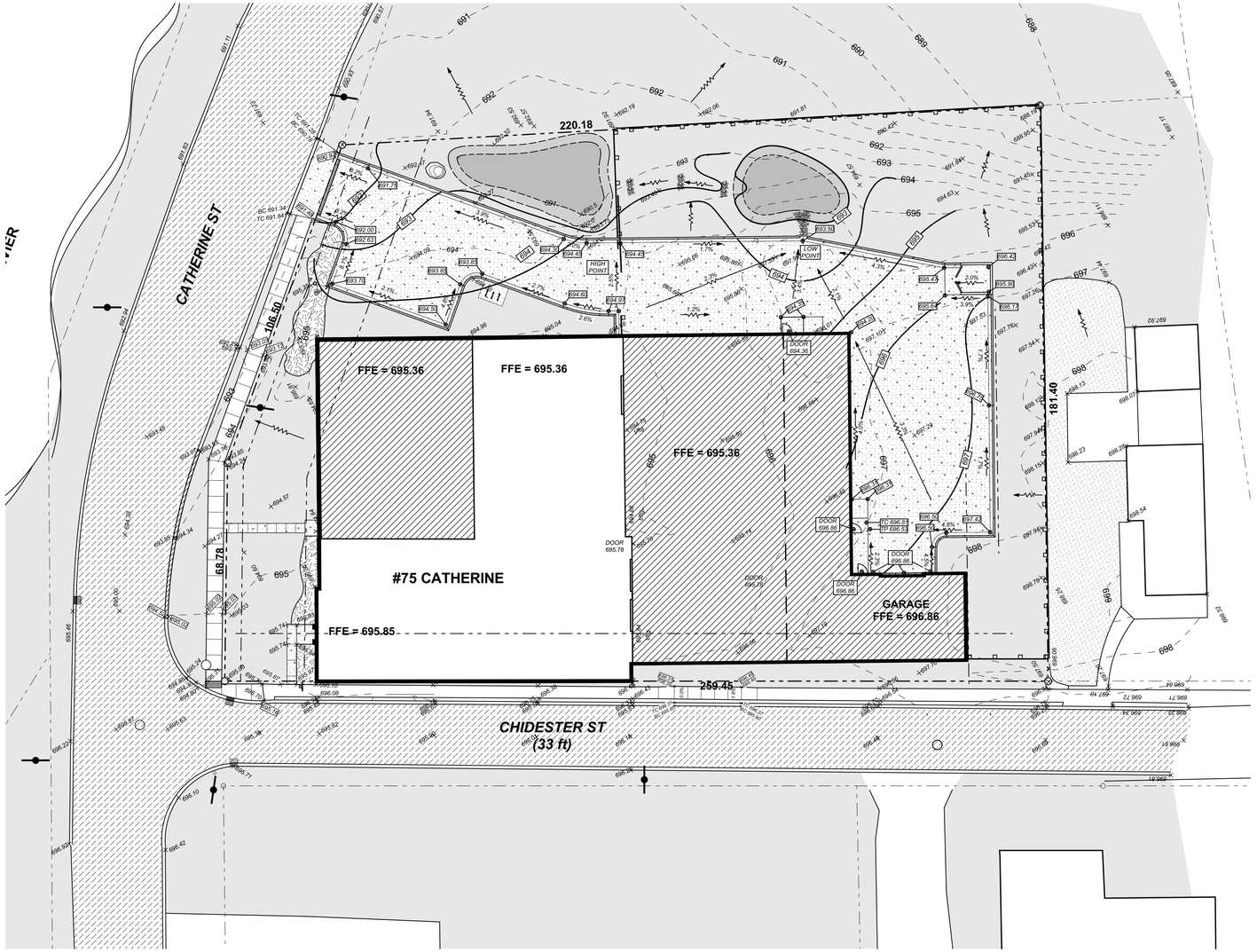
GRADING NOTES

- EXISTING CONTOUR (780)
- PROPOSED CONTOUR (691)
- DIRECTION & SLOPE OF RUN-OFF (2.3%)
- TOP OF PAVEMENT (TP)
- BACK OF CURB (BC)
- PROPOSED ELEVATION (779.35)
- EXISTING ELEVATION (779.35)



GRADING PLAN
NORTH
1" = 20'

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SHEET NO.
S5

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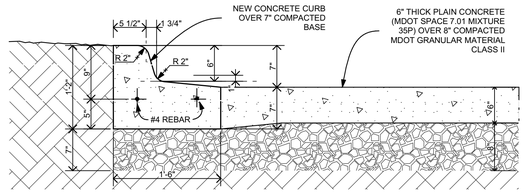
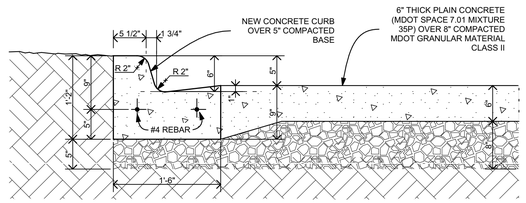


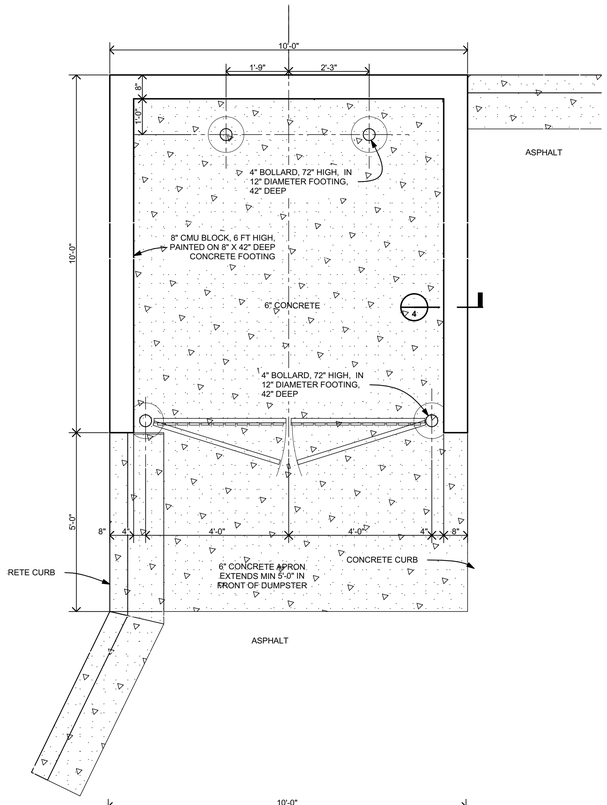
3 / S6 TYPE F2 CURB- PITCH OUT

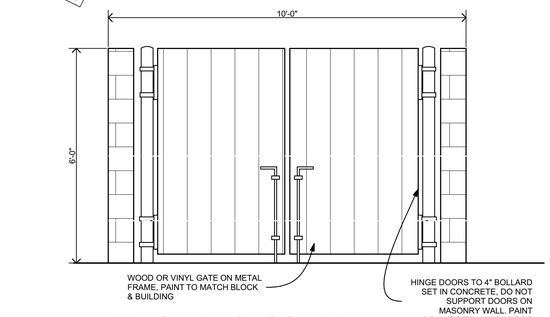
Scale 1" = 1' - 0"



2 / S6 TYPE F2 CURB- PITCH IN

Scale 1" = 1' - 0"



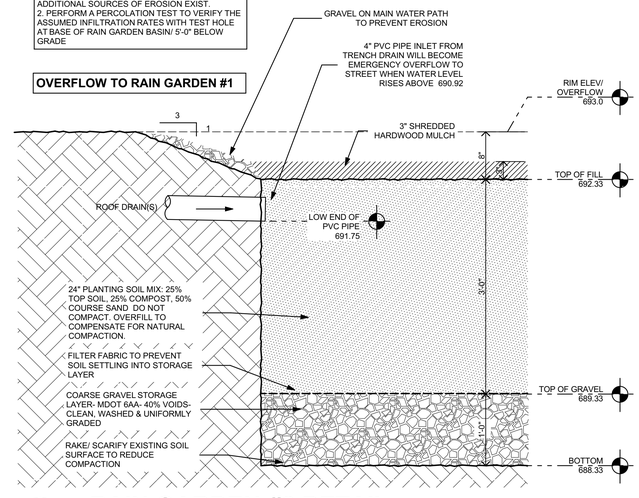


4 / S6 TRASH ENCLOSURE

Scale 1/2" = 1' - 0"

RAIN GARDEN NOTES:
1. DO NOT INSTALL THE RAIN GARDEN UNTIL ALL AREAS OF SITE ARE STABALIZED AND NO ADDITIONAL SOURCES OF EROSION EXIST.
2. PERFORM A PERCOLATION TEST TO VERIFY THE ASSUMED INFILTRATION RATES WITH TEST HOLE AT BASE OF RAIN GARDEN BASIN/ 5'-0" BELOW GRADE

OVERFLOW TO RAIN GARDEN #1



1 / S6 RAIN GARDEN #2 DETAIL

Scale 1" = 1' - 0"

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YPSILANTI, MI

TITLE: **SITE DETAILS**

JOB NO:
1702

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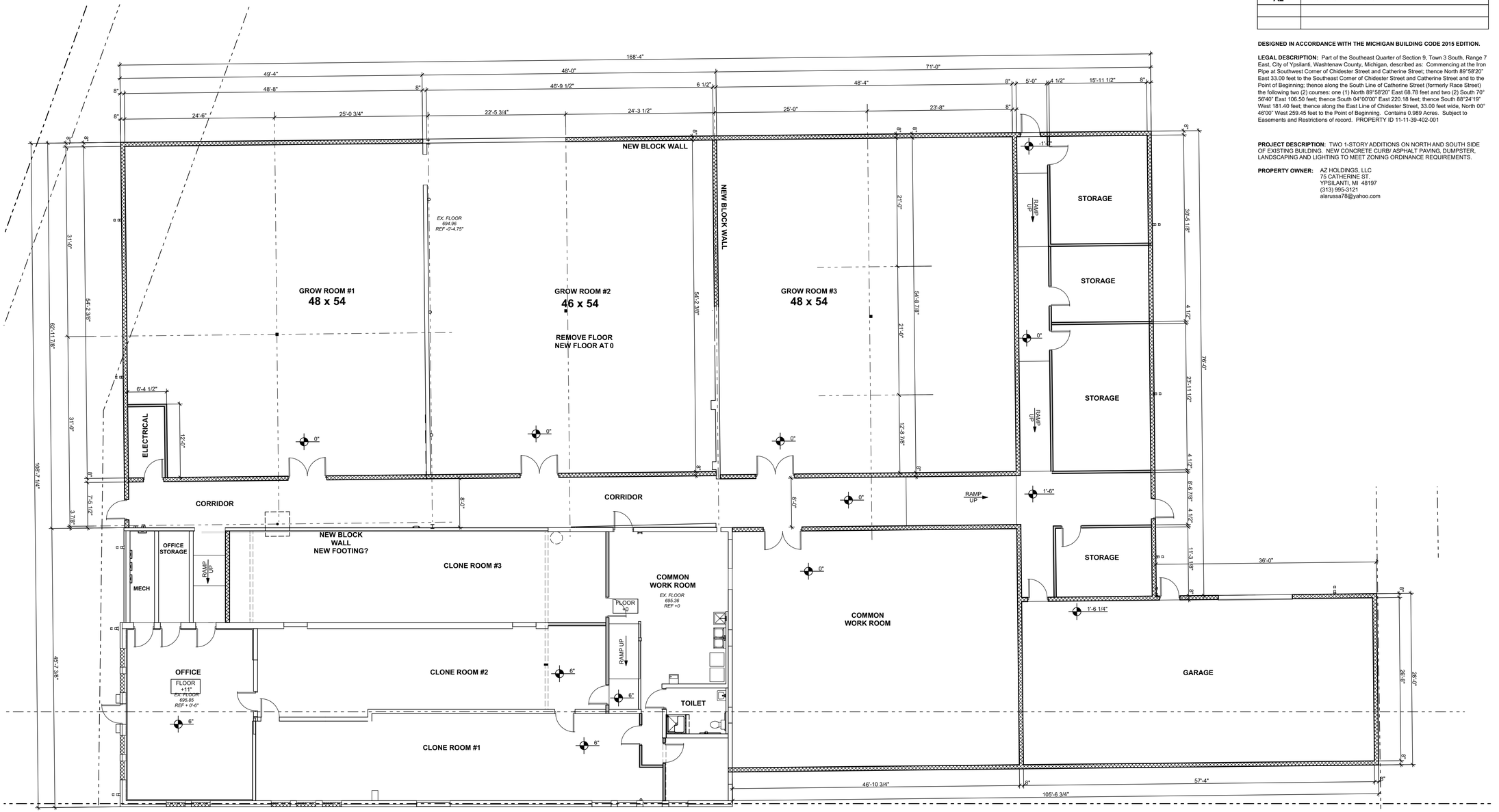
SHEET NO.
S6

ASPEN GARDENS PHASE 3

YPSILANTI, MI



FLOOR PLAN

1/8" = 1'-0"

SHEET INDEX

SHEET NO.	SHEET TITLE
S1	SHEET INDEX, SITE PLAN, ZONING DATA
S2	SITE DEMOLITION PLAN
S3	LANDSCAPE & SITE LIGHTING PLAN
S4	STORM WATER PLAN
S5	GRADING PLAN
S6	SITE DETAILS
A1	FLOOR PLAN
A2	BUILDING ELEVATIONS

DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015 EDITION.

LEGAL DESCRIPTION: Part of the Southeast Quarter of Section 9, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as: Commencing at the Iron Pipe at Southwest Corner of Chidester Street and Catherine Street; thence North 89°58'20" East 33.00 feet to the Southeast Corner of Chidester Street and Catherine Street and to the Point of Beginning; thence along the South Line of Catherine Street (formerly Race Street) the following two (2) courses: one (1) North 89°58'20" East 68.78 feet and two (2) South 70° 56'40" East 106.50 feet; thence South 04°00'00" East 220.18 feet; thence South 88°24'19" West 181.40 feet; thence along the East Line of Chidester Street, 33.00 feet wide, North 00° 46'00" West 259.45 feet to the Point of Beginning. Contains 0.989 Acres. Subject to Easements and Restrictions of record. PROPERTY ID 11-11-39-402-001

PROJECT DESCRIPTION: TWO 1-STORY ADDITIONS ON NORTH AND SOUTH SIDE OF EXISTING BUILDING. NEW CONCRETE CURB/ ASPHALT PAVING, DUMPSTER, LANDSCAPING AND LIGHTING TO MEET ZONING ORDINANCE REQUIREMENTS.

PROPERTY OWNER: AZ HOLDINGS, LLC
75 CATHERINE ST.
YPSILANTI, MI 48197
(313) 995-3121
alarussa78@yahoo.com

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3300 Berry Rd, Ypsilanti, MI 48198

PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE: **FLOOR PLAN**

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
A1

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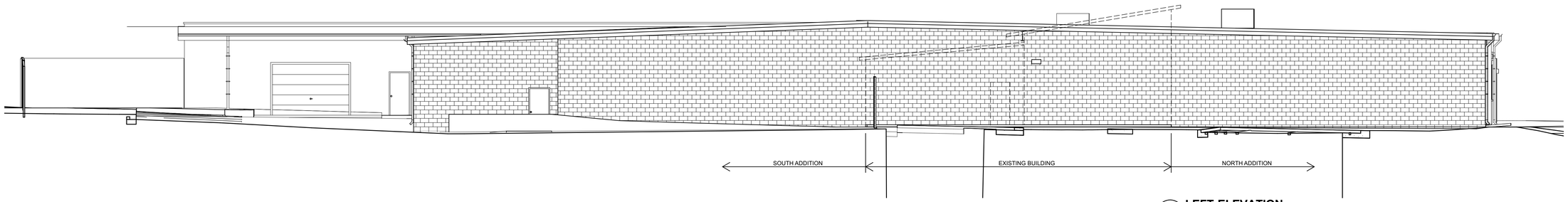
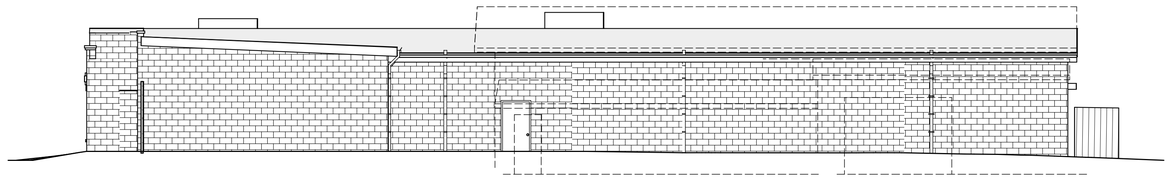
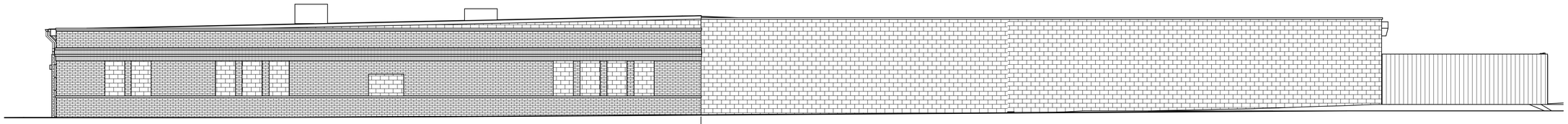


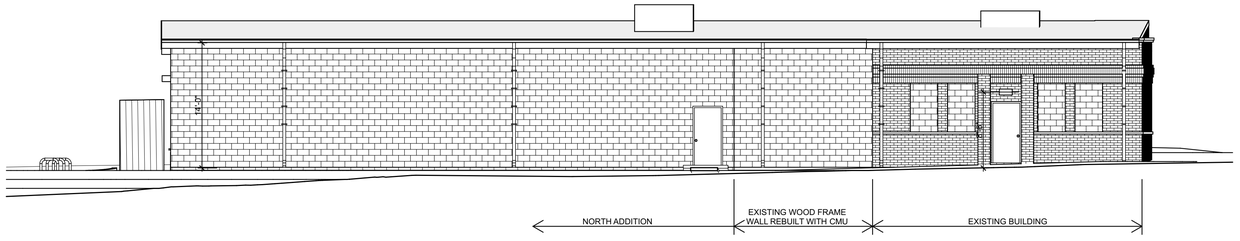
4/A3 **LEFT ELEVATION**
1/8" = 1'-0"



3/A3 **REAR ELEVATION**
1/8" = 1'-0"



2/A3 **RIGHT ELEVATION** (CHIDESTER STREET)
1/8" = 1'-0"



1/A3 **FRONT ELEVATION** (CATHERINE STREET)
1/8" = 1'-0"

SITE PLAN REVIEW	2 FEB 2018
SITE PLAN REVIEW	20 DEC 2017
SITE PLAN REVIEW	14 NOV 2017
PRELIMINARY	16 OCT 2017

focus / design
Todd Ballou, Registered Architect
(734) 276-2110
www.focusdesign.us
focusdesign@comcast.net
3300 Berry Rd, Ypsilanti, MI 48198

PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE:
ELEVATIONS

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
A3

City of Ypsilanti

Community & Economic Development Department

Memo

To: Planning Commission

From: Bonnie Wessler, City Planner

Date: February 16, 2018

Subject: Master Plan: Housing Subcommittee charter update

Since the adoption of the Charter, the Housing Subcommittee has had the opportunity to meet once. As the committee list was developed, it became apparent that not all organizational seats could be filled with Ypsilanti residents. In some cases, the organization is small enough that there is no resident on staff; in other cases, the staff most able to engage on the topic of housing is not a City resident. In order to have the broadest range of expertise available on this committee, staff recommends that the residency requirement be dropped for these seats. In addition, many local employers do not live within the City- some may live quite some distance away, others just outside the bounds. In order to be able to fill the seat with an engaged participant, staff recommends that the residency requirement be dropped for this seat as well.

In addition, as word of the subcommittee's formation has spread, more organizations have expressed interest in participating at the steering committee level. These organizations have expertise with local, state, and federal regulations regarding housing, as well as local conditions affecting accessibility and affordability and the barriers to obtaining safe housing. We've also had interest in the steering committee from individuals with specific areas of expertise who can help to bring a depth of perspective to the process. As such, staff is proposing the addition of four seats on the steering committee.

COMMITTEE CHARTER:
Citizen Committee on Housing Affordability & Accessibility

Adopted December 20, 2017

Background

In October 2013, the Planning Commission of the City of Ypsilanti adopted a new Master Plan (also referred to as the "Shape Ypsi" Master Plan), a hybrid land use/policy plan intended to guide development, redevelopment and preservation in the City over a 20-year horizon. It provides the framework on which the City's Zoning Ordinance is based and also contains guidance for other areas of civic governance, such as capital improvements, non-motorized transportation and development of publicly-owned land.

Two of the guiding values set forth in the Master Plan are "*Diversity is our strength*" and "*Anyone, no matter what age or income, can find a place to call home in Ypsilanti.*"

In the four-plus years since the 2013 Master Plan was adopted, issues of housing affordability and accessibility have surfaced repeatedly during Planning Commission proceedings (which include reviews of site plans and special use applications). Rents are rising, in some cases so sharply that renters have been priced out of the City. Barriers to physical accessibility, common among Ypsilanti's older homes, continue to limit housing options for people with a disability. These realities conflict with the Master Plan guiding values cited above.

By statute, the Planning Commission is required to review the Master Plan at least once every five years and to make updates as deemed necessary.

I. Purpose

The Citizen Committee will review and update the City of Ypsilanti's 2013 Master Plan with a focus on preserving and enhancing housing affordability and accessibility in keeping with the guiding values of the Master Plan. The Committee will develop and issue recommendations for specific land use and policy changes for consideration by the Planning Commission and (upon invitation) City Council.

II. Committee Type

Per Planning Commission bylaws, "*the Commission, Chair or City Planner may establish and appoint citizen committees with the consent of the Commission. The purpose of the citizen committee is to be able to use individuals who are knowledgeable or expert in a particular issue before the Commission or to better represent various interest groups."*

The Citizen committee is a "special" committee of the Planning Commission (as opposed to a standing committee). It is formed to serve for a limited time and will be dissolved once the tasks and responsibilities assigned to it are complete.

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III. Membership

The committee will be comprised of:

- Up to four (4) members of the Planning Commission
- One member of the Human Relations Commission
- One member of the Sustainability Commission
- One ~~member of the~~ representative of the Ypsilanti Housing Commission
- One representative of EMU
- One representative of Defend Affordable Ypsi
- One representative of Ann Arbor Center for Independent Living
- One representative of Avalon Housing
- One representative of Ozone House
- One representative of the Fair Housing Center of Southeast Michigan
- One representative of SOS Community Services
- One representative of civic affairs organization at the county or state level
- One Ypsilanti owner-occupant
- One Ypsilanti business owner (and employer)
- One lessor of rental properties in Ypsilanti
- Up to two members of the community at large

~~All members will be residents of the City.~~ Members who are representative of an organization and the member who is a business owner need not be residents of the City, although City residents are encouraged to serve in these positions. All other committee members shall be Ypsilanti residents. A guiding principle in recruiting and selecting individuals to serve on the committee will be the degree to which the members, as a whole, represent the diversity of the Ypsilanti community, both demographically (in terms of income, race or ethnicity, age group and ward) and with respect to affordability and accessibility-related interests.

Organizations represented on the committee may elect to rotate their representative as appropriate to accommodate the thematic focus of work sessions. Participation is voluntary, and any organization may opt out of committee participation at any time.

All members shall have equal voice and standing with respect to the proceedings and recommendations of the Committee.

The Planning Department of the City of Ypsilanti will provide a staff advisor to the Committee.

IV. Chairperson

The Chair of the Planning Commission shall serve as the Chairperson of the Citizen Committee and will designate another committee member to chair work sessions in her absence.

V. Activities, Duties & Responsibilities

- Drawing on the most up-to-date quantitative and qualitative data and resources available, assess the current situation with respect to housing affordability and accessibility in Ypsilanti and Washtenaw County
- Analyze underlying barriers to affordability and accessibility at the municipal, county, state and national levels
- Study existing affordability and accessibility strategies and models (local and non-local)
- Identify additional strategies and models for increasing affordability and accessibility
- Rate strategies based on their probable impact, feasibility and acceptability in Ypsilanti

- Develop written land use and policy recommendations for adoption and implementation
- Present recommendations to Planning Commission and (upon invitation) City Council

VI. Committee Procedures

Frequency of meetings: The committee will hold its initial work session in January 2018 and will meet on a regular basis (not more than twice-monthly and not less than monthly) to fulfill its duties as described above.

Venue(s): Work sessions of the Citizen Committee will be publicly noticed and held at rotating, accessible venues to facilitate community engagement in the review and updating of the Master Plan.

Thematic focus groups: As appropriate, the Citizen Committee will invite additional input from community residents through focus groups, special presentations, and public comment sessions. In addition, the committee will form subgroups to perform in-depth study of special topics as required.

Completion of work and presentation of recommendations: The committee will report back to the Planning Commission on a monthly basis. The committee's work will be completed **no later than October 2018**, five years from the date of the adoption of the Master Plan. Upon finalizing its recommendations, the committee will make a formal presentation to the Planning Commission and, upon invitation from City Council, to Council members.

VII. Authorship Information

This charter was drafted by Heidi Jugenitz, Chairperson of the Planning Commission of the City of Ypsilanti, with input from members of the Planning, Sustainability and Human Relations Commissions, City Council, and the community at large.

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Agenda
Planning Commission
Wednesday, 21 February 2018 – 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Heidi Jugenitz, Chair	P	A
Liz Dahl MacGregor, Vice Chair	P	A
Anthony Bedogne	P	A
Toi Dennis	P	A
Matt Dunwoodie	P	A
Phil Hollifield	P	A
Chris Madigan	P	A
Jared Talaga	P	A
Cheryl Zuellig	P	A

III. Approval of Minutes

- January 17, 2018

IV. Audience Participation

Open for general public comment to Planning Commission on items for which a public hearing is not scheduled.

V. Presentations and Public Hearing Items

- Bell-Kramer Neighborhood: PMD to CN-Mid
  Public Hearing: Map Amendment
- Bell-Kramer Neighborhood: PMD and GC to Park
  Public Hearing: Map Amendment
- Bell-Kramer Neighborhood: Well Restriction Ordinance
  Presentation
- Medical Marijuana Provisioning Centers and Growing &/or Processing Facilities
  Public Hearing: Zoning Text Amendments
- General Corridor- Addition of Special Use for Medical Marijuana Provisioning Centers
  Public Hearing: Zoning Text Amendment
- 75 Catherine
  Public Hearing: Special Use and Site Plan

VI. New Business

- Master Plan: Housing Subcommittee charter modifications

VII. Old Business

- None

VIII. Future Business Discussion / Updates

- Capital Improvements Plan: annual update process/committee formation

IX. Committee Reports

- Master Plan: Housing Affordability and Access subcommittee report

X. Adjournment

PLANNING COMMISSION
MEETING MINUTES
January 17, 2018
CITY COUNCIL CHAMBER
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

II. ROLL CALL

Present: H. Jugenitz, T. Dennis, M. Dunwoodie, P. Hollifield, J. Talaga, C. Madigan, A. Bedogne,

Absent: C. Zuellig (excused) T. Bedogne (excused) L. MacGregor (excused)

Staff: Bonnie Wessler, City Planner
Cynthia Kochanek, Presentation Planner
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES

Commissioner Dunwoodie moved to approve the minutes of December 20, 2017 (Support: P. Hollifield) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Rod Johnson, 310 N. Grove – former member of the Planning Commission. Thanked commission for all the years they have given of their time. He spoke about Master Plan update and added that it looked like there was a substantial committee volunteered to do this. This is affordable housing and he has looked at the Master Plan that we passed and he is surprised to see that affordable housing was not prominently displayed even although on Page 6 there is an article that covers it. Affordable housing seems to be part of Ypsilanti DNA and "affordable" housing means different things to different people. We have people in Ypsilanti that feel that we are not affordable enough and he supports that but in our Master Plan we go through our ideals and the various matrices to guide us and back it up with true data. He feels we have to make decisions based on the Master Plan which has good detail – he would guard against politics and we should be steadfast in the decisions that are made.

Chairperson Jugenitz thanked Mr. Johnson for his input and perspective. She appreciated the spirit of his comments.

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V. PRESENTATION AND PUBLIC HEARING ITEMS

1. 75 Catherine – Special Use and Site Plan

Ms. Wessler gave a staff presentation stating that this is a medical marijuana growing and processing facility that is licensed by the city and working under the Michigan Medical Marijuana Act which is a caregiver model for single producers. This Act was recently enacted and coming up this year the State is going to be licensing commercial growth facilities, etc. This gives existing businesses an opportunity to expand. 75 Catherine is interested in expanding and that is what is before us today. They are proposing a significant expansion to the south and square off the front of their building. They would be locating most of their parking toward the rear of the building. Landscaping requirements have been met; we don't have the letter from the engineer yet but it does look like engineering standards are ok; screening standards have been met; however, in order to enlarge the building they need to be granted three variances; one from the street side setback on Chichester; one from the front yard setback side on Catherine and one from the rear yard standard of 25ft from any residential. They have a hearing with the Zoning Board of Appeals on the 27th January. At this time staff is recommending that Planning Commission postpone any action until after the Zoning Board of Appeals meeting.

Commissioner Dunwoodie asked staff if anything has changed from the packet with approval recommendations of special use and Ms. Wessler responded that staff is recommending to postpone both, however, in the event both various are granted, we would have no issues with the special use and site plan application and would recommend approval.

Commissioner Dennis if it is possible to make our approval conditional on the various being granted by Zoning Board of approval and Ms. Wessler responded in the affirmative.

Todd Ballou, Project Architect – stated that he is aware of the variance and it makes sense to postpone but if they didn't get the variances, it would still be a simple change.

Ms. Wessler added that one of the features in the Zoning Ordinance is that if an applicant has to modify the site plan after approval, there are a certain number of changes that can be approved administratively. She enumerated these significant changes.

Commissioner Dennis moved to open the public portion of the hearing (support: P. Hollifield) and the motion carried unanimously. Since there were no comments, Commissioner Hollifield moved to close the public portion of the hearing (Support: J. Talaga) and the motion carried unanimously.

Commissioner Dunwoodie moved that the Planning Commission table the Special Use for the expansion of the medical marijuana growth facility of Aspen Gardens, until after the appearance before the Zoning Board of Appeals scheduled for January 24, 2018 (Support: T. Dennis). A roll call vote was taken and carried unanimously 6:0.

Commissioner Dunwoodie moved that the Planning Commission table the Site Plan for the expansion of the medical marijuana growth facility of Aspen Gardens, until after the appearance before the Zoning Board of Appeals scheduled for January 24, 2018 (Support: P. Hollifield). A roll call vote was taken and carried unanimously 6:0.

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VI. NEW BUSINESS

1. Master Plan Updates

Ms. Wessler stated that there were some issues that the Planning Commission had indicated they would like to cover in the revision of the Master Plan Updates: Water St, Bell/Kramer/two way traffic Hamilton/ Huron Traffic and Washtenaw/W. Cross and the train stop. The two lane is the last place where we want to be but we do want to have two lane downtown. We skipped a few steps in between but we need to do a capacity reduction. She elaborated on that. On the train stop, we need to ensure that there is a public space at the stop. On Water St, she would like board members to look at that for any tweaks they may want to consider. On Bell/Kramer in the Master Plan, the future land use map is a little bit vague – we can talk about that in future business since next month there will be a rezoning for the Bell/Kramer area, which hopefully will take care of that issue. She would like everyone to read the Master Plan and let her know what they want to do –possibly make a note of some things that need to be brought up for a larger discussion – then maybe do a parallel committee process for those things and then consider group resolution at the end for the end of October.

2. 2017 Annual Report

Commissioner Hollifield moved to adopt the 2017 Annual Report (Support: J. Talaga) and the motion carried unanimously. They liked the format and agreed that it should be kept the same.

Commissioner Dennis moved to adopt the additions to the annual report that was discussed at the table, i.e. that the Vice Chair has to be changed from Cheryl Zuellig to Liz MacGregor for half of the year; and also the addition of discussion of Water St, Hamilton/Huron, train stop and the existing Bell/Kramer in the upcoming Master Plan edition (Support: M. Dunwoodie) and the motion carried unanimously.

VII. OLD BUSINESS

1. 400 N. River - Amendment of condition regarding barrier-free space in right-of-way

Ms. Wessler stated that she had print-out where we had initially talked about bumping in a proper barrier free space on River St just north on the north edge of the building. After looking it over with engineers, we don't think we can safely provide that space. The most significant concerns with the proposed location are:

1. A curb ramp to access the space could be misinterpreted as a crossing location.
2. It is likely that vehicles would impede the accessible route to the ramp if not parked properly.
3. Grading constraints do not allow the sidewalk to be constructed flush with the parking space to eliminate the need for ramp access.
4. The single bump out space and associated ramp present winter maintenance concerns.

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For these reasons, alternative solutions were evaluated. Relocating the space approximately 100' north would provide accessible access at the existing curb ramp at the cross walk. This can be accomplished with appropriate signage and pavement markings. This appears to be the most practical solution.

Chairman Jugenitz was concerned about snow removal. Commissioner Talaga gave some input since he requires barrier-free parking spaces and pointed out some issues that he could foresee with the recommendation from the engineer.

After further discussion by the board members, Commissioner Dennis moved that the Planning Commission approve two handicap spots – one closest to the end of Maple where ramp is and one closest to the entrance bump-out subject to feasibility analysis by engineer (Support: J. Talaga). A roll call vote was taken and carried unanimously 6:0.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

1. Rezoning Bell/Kramer Neighborhood
2. Proposed rezoning of Medical Marijuana Facilities (Ms. Wessler gave a short update)
3. 75 Catherine

IX. COMMITTEE REPORTS

1. Master Plan: Housing Affordability and Access subcommittee

Chair Jugenitz gave an update on potential members stating that since the meeting in December, she had reached out to representatives to each of the organizations to explain the background of the committee, provide them with copy of the charter and asked for qualifications from either themselves or their organizations. She noted the ones she had heard back from and the names of those she is still waiting for. Ms. Wessler has accepted the applications for the at-large seats and Ms. Jugenitz and Bonnie will go through these. Still recruiting for a landowner and business owner slot and wondered if anyone on the board had recommendations. The most likely date for the first meeting will be Wednesday, February 7th. She anticipates the meetings will be 2 hours once a month.

Chair Jugenitz asked for interest from board members realizing that some could attend on a rotating basis – we are limited to four spots. Commissioner Hollifield stated that he would be interested in a rotating basis, as well as Commissioner Dennis. Chair Jugenitz hopes to send out something to Planning Members the end of this week once she gets a commitment from members on who can participate on a regular basis.

2. Non-motorized Committee

X. ADJOURNMENT

Since there was no further business, Commissioner Dennis moved to adjourn the meeting (Support: J. Talaga) and the motion carried unanimously. The meeting adjourned at 7:47 pm.

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City of Ypsilanti

Community & Economic Development Department

February 16, 2018

Staff Review of Rezoning Application
Bell-Kramer Neighborhood-CN-Mid

11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd.

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Map Amendment to rezone 11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd. from PMD to CN-Mid.

PROJECT AND SITE DESCRIPTION

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. This also had the effect of making existing residential uses in the neighborhood nonconforming, thus making it challenging for prospective buyers to obtain a mortgage. The residents and owners of the area requested a right-to-rebuild clause in the PMD zoning while additional testing was performed, to mitigate the sales issue while further information was gathered regarding risk. In 2017, the City performed additional testing.

Based on the results of that testing, the City is proposing two zoning changes and a well prohibition ordinance. The zoning changes are before you tonight. This report concerns the zoning changes from PMD to CN-Mid of the majority of the neighborhood parcels.

Figure 1: Subject Site Location & Current Zoning

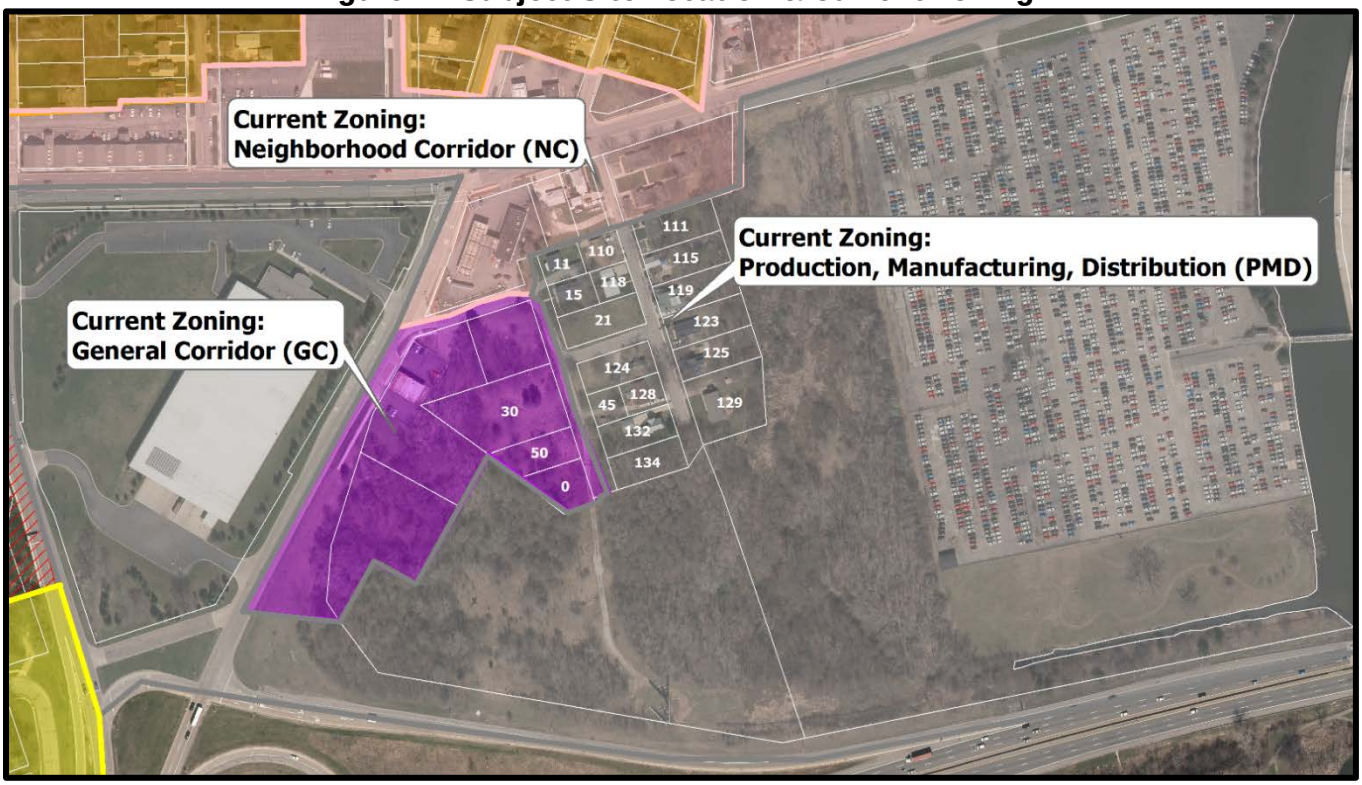
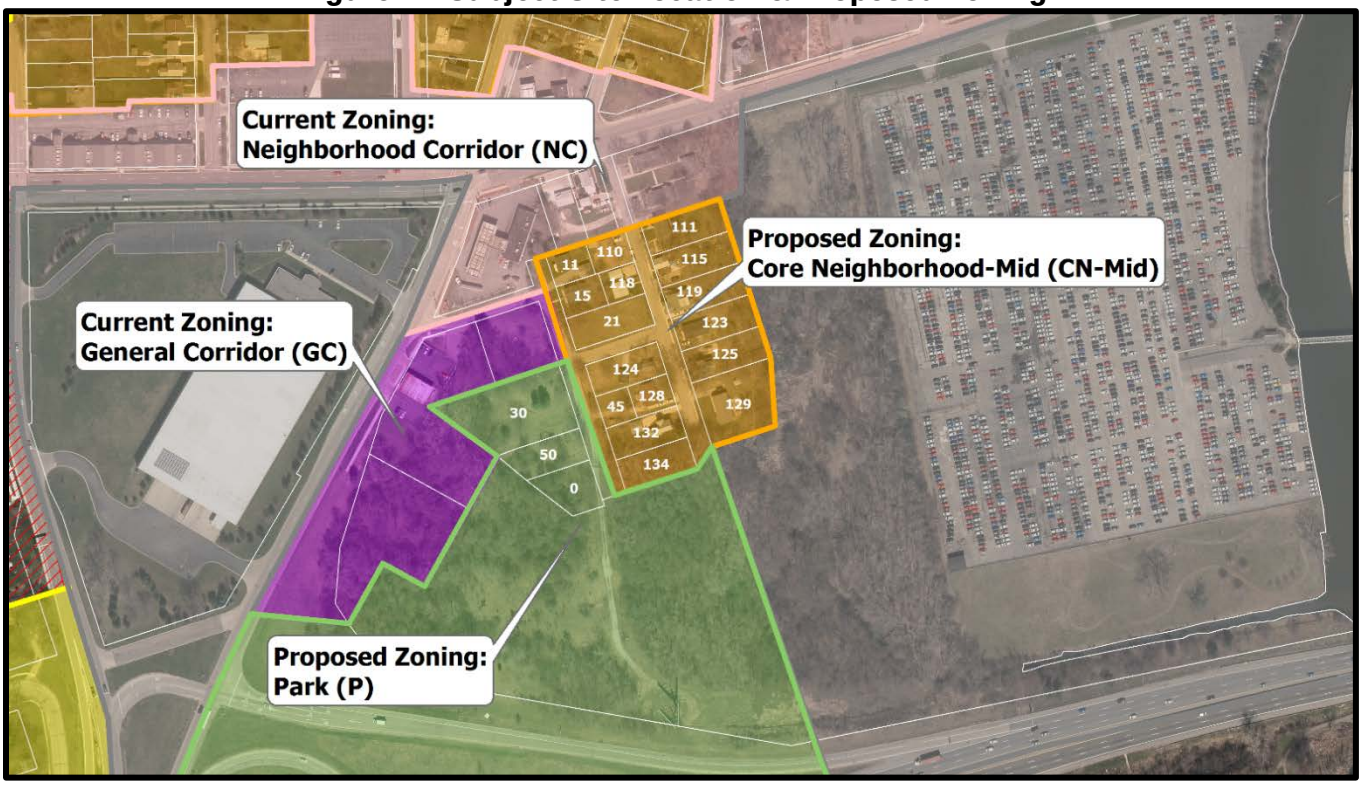


Figure 2: Subject Site Location & Proposed Zoning

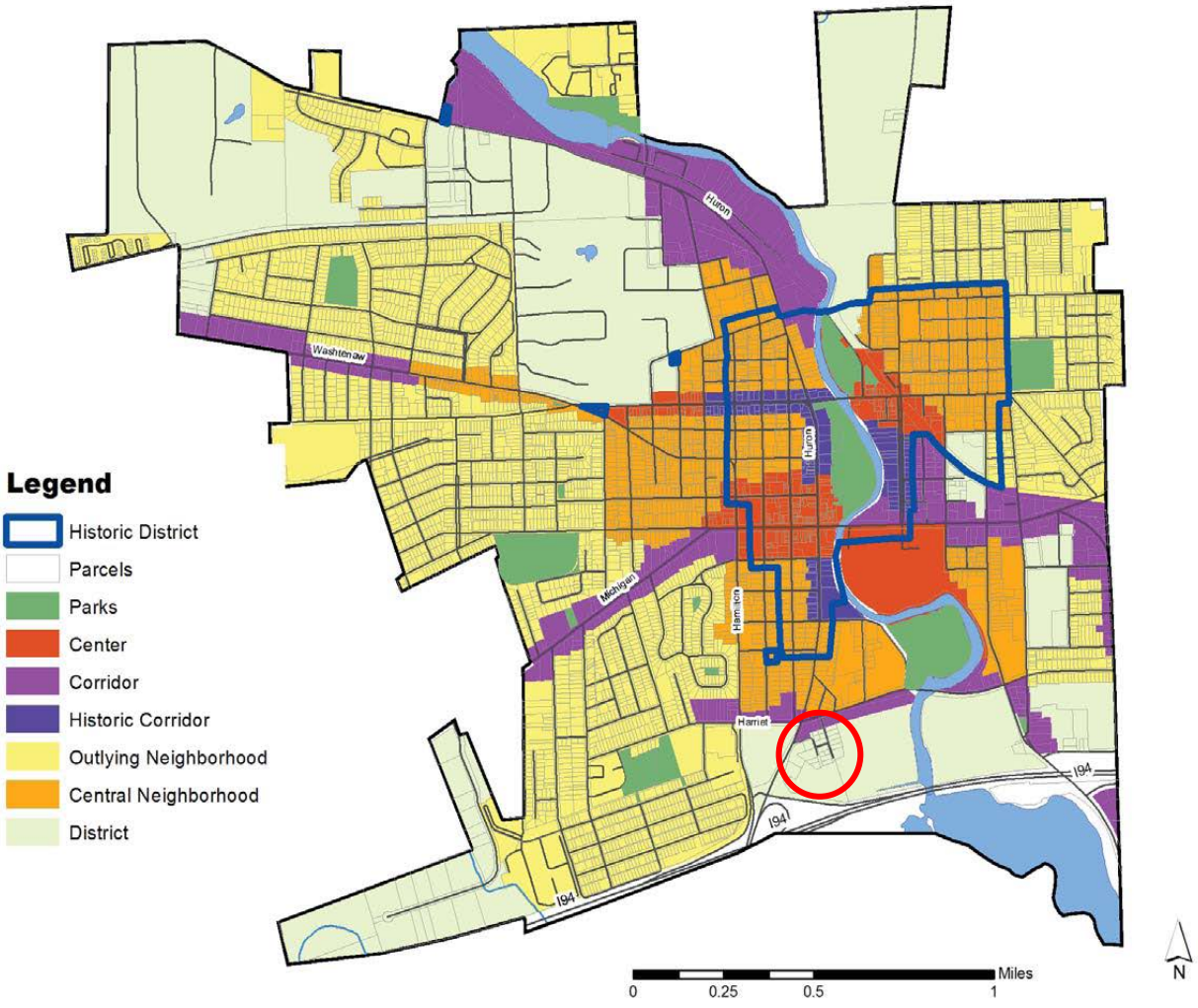


MASTER PLAN

The subject property is within the “District” future land use. These areas are parts of the city dedicated to a single type of activity, like Eastern Michigan University, the office and medical area on Towner, and the industrial areas of the City in the south. The challenge is to use the street network design to integrate them into the City while assuring that students, faculty, workers and suppliers can reach their destinations easily.

The future land use map, below, shows the property as District.

Figure 3: Future Land Use Designations



REZONING IMPLICATIONS

The areas proposed to be rezoned are smaller lots, generally containing single-family homes, with one to two two-family homes. CN-Mid accommodates the mix of existing uses as well as the smaller lot sizes.

REZONING CONSIDERATIONS 122-362(b)

*(b) **Zoning Map Amendment**. For a change in the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:*

(1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

At the time of the adoption of the future land use map, soil and water pollution concerns had not yet been fully explored. Now that testing has occurred, we have more and better knowledge of the soil and water conditions. As these conditions have changed, residents and property owners have expressed a desire for their homes to be rezoned back to a residential classification. This fits with the existing character of the neighborhood.

(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

This rezoning does not create any additional demands on the area's natural features.

(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.

It can. The properties' current use is aligned with the zoning classification proposed.

(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

The properties' current use and proposed zoning classification is aligned with the neighborhood.

(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.

The capacity is sufficient.

(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.

It will not be detrimental.

(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

Staff does not believe a negative impact would result.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
The rezoning does not disturb the expansion or growth of nearby businesses, nor does it prevent any anticipated developments.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.
The property was zoned in accordance with the knowledge the City held at the time; as the City has gained more knowledge, the City believes this rezoning to be appropriate.

(10)Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.
The rezoning is consistent with the City's desire to preserve the existing residential neighborhood.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend ***approval*** of the rezoning of Recommendation to City Council to approve a Map Amendment to rezone 11 Kramer St, 15 Kramer St, 21 Briggs St/21 Kramer St, 124 Bell Rd, 45 Kramer St, 132 Bell Rd, 134 Bell Rd, 128 Bell Rd, 118 Bell Rd, 110 Bell Rd, 111-113 Bell Rd, 115 Bell Rd, 119 Bell Rd, 123 Bell Rd, 125 Bell Rd, 129 Bell Rd. from PMD to CN-Mid. to City Council with the following findings:

(1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
(9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

Applicant

City of Ypsilanti

Community & Economic Development Department

16 February 2018

Staff Review of Rezoning Application
Bell-Kramer Neighborhood- Parks

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Map Amendment to rezone 30 Kramer, 50 Kramer, and 0 Bell (11-11-37-101-013) from GC, General Corridor, to Park, and to rezone 599 S Huron from PMD to Park.

PROJECT AND SITE DESCRIPTION

The Bell-Kramer neighborhood is located north of I-94, east of Huron, and south of Spring/Factory Street. This neighborhood was part of the village of Clarkesville, and the core has been residential since the mid-1800s. In 2012-2013, testing was done on the former City landfill (599 S Huron) which indicated the presence of contaminants that had the potential to migrate to the north. At the time the City was undergoing the master plan update, and the future land use map was updated to exclude residential use, as further testing was not viable at the time. In 2014, when the zoning map was updated, the area was zoned a combination of GC (mixed commercial-industrial) and PMD (industrial), thus precluding development of anything without first having to perform environmental analysis, by permitting only commercial developments. This also had the effect of making existing residential uses in the neighborhood nonconforming, thus making it challenging for prospective buyers to obtain a mortgage. The residents and owners of the area requested a right-to-rebuild clause in the PMD zoning while additional testing was performed, to mitigate the sales issue while further information was gathered regarding risk. In 2017, the City performed additional testing.

Based on the results of that testing, the City is proposing two zoning changes and a well prohibition ordinance. The zoning changes are before you tonight. This report concerns the zoning changes from GC and PMD to Park on the vacant City-owned parcels on the west side of Kramer and the former City landfill.

Figure 1: Subject Site Location & Current Zoning

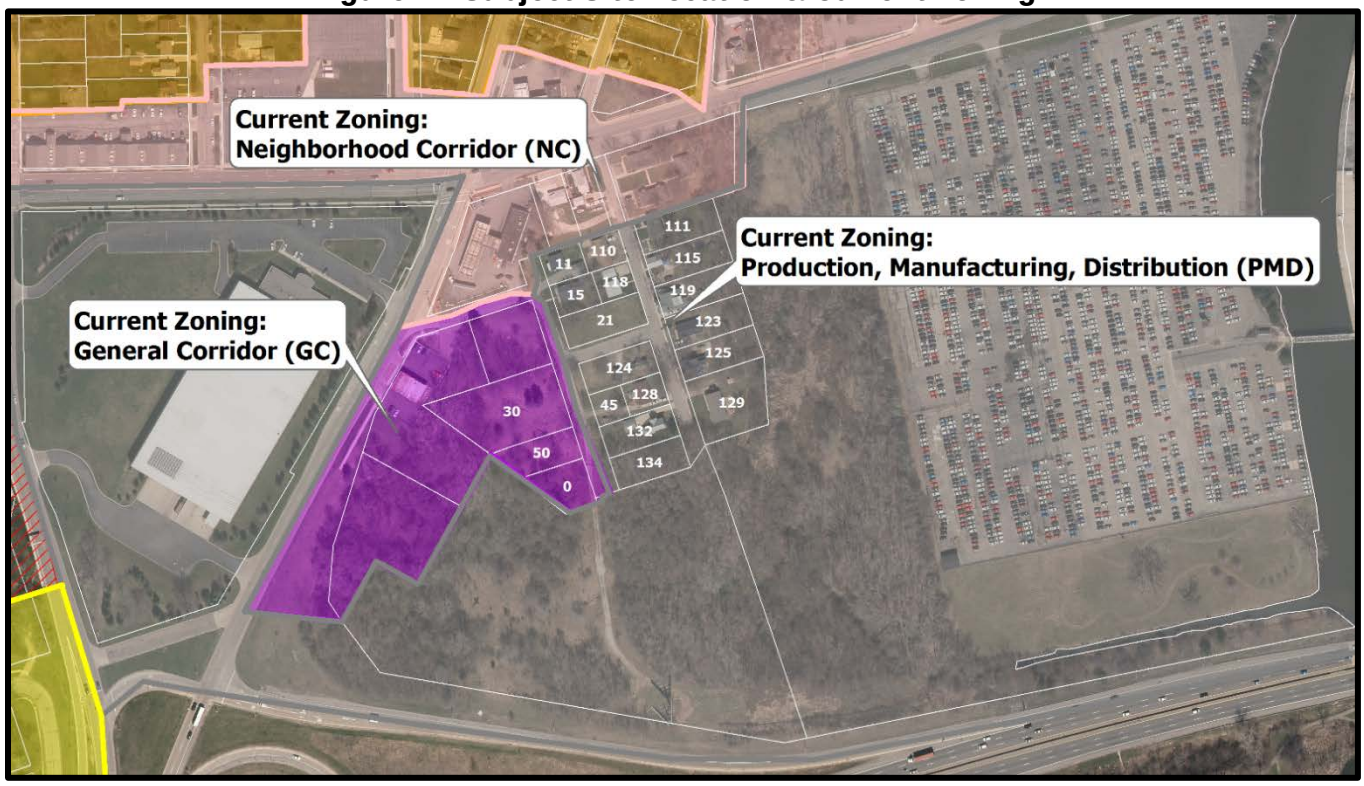
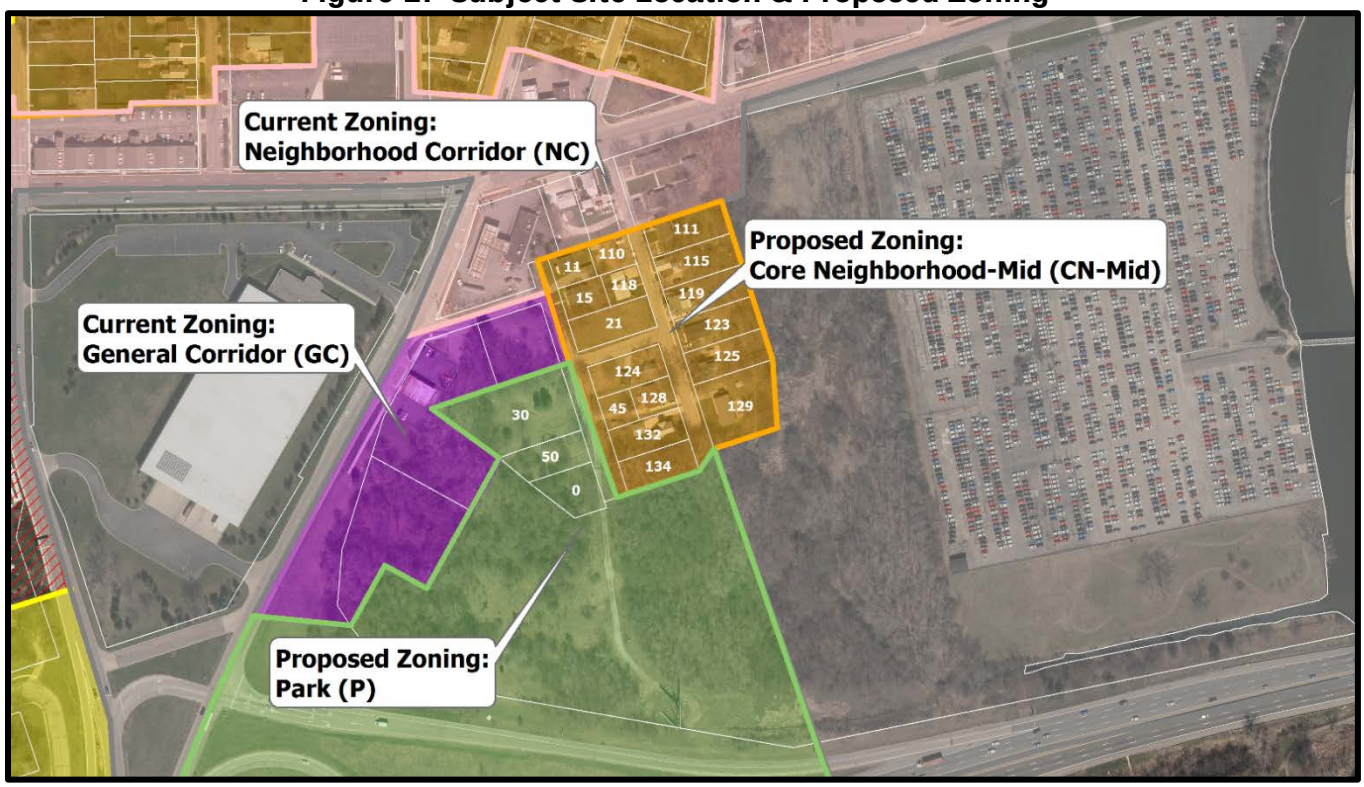


Figure 2: Subject Site Location & Proposed Zoning

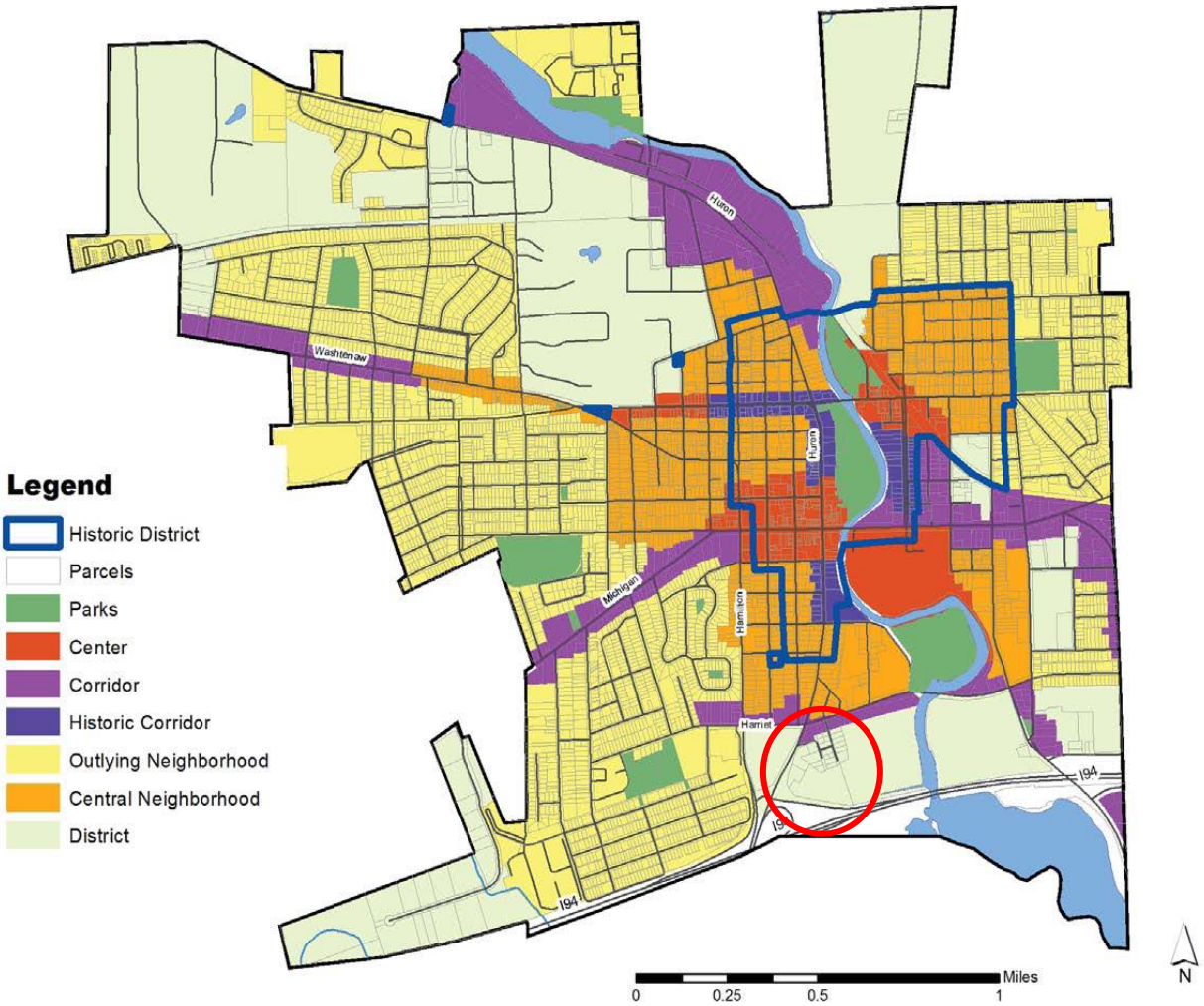


MASTER PLAN

The subject property is within the "District" future land use. **Districts** are parts of the city dedicated to a single type of activity, like Eastern Michigan University, the office and medical area on Towner, and the industrial areas of the City in the south. The challenge is to use the street network design to integrate them into the City while assuring that students, faculty, workers and suppliers can reach their destinations easily.

The future land use map, below, shows the property as District.

Figure 3: Future Land Use Designations



REZONING CONSIDERATIONS §122-362(b)

*(b) **Zoning Map Amendment**. For a change in the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:*

(1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

At the time of the adoption of the future land use map, soil and water pollution concerns had not yet been fully explored. Now that testing has occurred, we have more and better knowledge of the soil and water conditions. As these conditions have changed, residents and property owners have expressed a desire for the vacant areas to remain vacant or low-intensity; zoning these areas from GC and PMD to Park satisfies that request, and limits potential soil and water disturbance.

(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

Limiting development in these currently-vacant, City-owned lots helps to create a buffer between the residential neighborhood and the freeway, as well as limiting the potential soil and water disturbance on these properties.

(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.

Indeed they can. Note also that zoning to Park does not open the parcels to recreational use; they will not be maintained as City parks.

(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

The limited slate of potential uses within the Park district serves to help buffer the residential neighborhood from the freeway and the businesses along Huron Street, and will preserve the existing aesthetic. The limited slate of uses also minimizes any potential negative environmental impacts.

(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.

The capacity is sufficient.

(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.

It will not be detrimental.

(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

Staff does not believe a negative impact would result.

(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.

The rezoning does not disturb the expansion or growth of nearby businesses, nor does it prevent any anticipated developments.

(9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.

The property was zoned in accordance with the knowledge the City held at the time; as the City has gained more knowledge, the City believes this rezoning to be appropriate.

(10)Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.

The rezoning is consistent with the City's desire to provide a buffer around the residential neighborhood from adjacent business and the freeway, as well as to minimize the disturbance to these specific sites. It does not preclude future use as a solar field.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend ***approval*** of the rezoning of 30 Kramer, 50 Kramer, and 0 Bell (11-11-37-101-013) from GC, General Corridor, to Park, and the rezoning of 599 S Huron from PMD to Park, to City Council with the following findings:

(1) The rezoning is not consistent with the City Framework (Future Land Use Map) of the Master Plan, but new information regarding the area has been developed, thus changing the conditions since Master Plan adoption.
(2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
(3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
(4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
(5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
(6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
(7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
(8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
(9) The map amendment proposed is more appropriate than another map amendment and more appropriate than amending the list of permitted or special land uses within the existing districts.

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

City of Ypsilanti

Community & Economic Development Department

Memo

To: Planning Commission

From: Bonnie Wessler, City Planner

Date: February 16, 2018

Subject: Bell-Kramer Neighborhood: Well Restriction Ordinance

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As you know, environmental testing has taken place in the Bell-Kramer neighborhood over the past year, due to concerns about migrating contamination from the former City landfill to the south. Based on those results, our environmental and legal consultants have recommended that we pass an ordinance restricting well installation or usage within the potentially affected areas. The proposed ordinance and a map outlining the areas affected have been attached.

No action is required from Planning Commission; this item is advisory only.

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ORDINANCE NO:

CITY OF YPSILANTI

WASHTENAW COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF YPSILANTI BY ADDING ARTICLE _____ OF CHAPTER _____ TO REGULATE THE USE OF GROUNDWATER IN CERTAIN AREAS OF THE CITY. THE CITY OF YPSILANTI ORDAINS:

Section 1: Amendment. The Code of Ordinances of the City of Ypsilanti, Michigan is hereby amended by adding Article _____ of Chapter _____, entitled "Water Well Restriction Ordinance" to read as follows:

ARTICLE _____. WATER WELL RESTRICTION ORDINANCE.

SEC. 1. FINDINGS. The City Council has been informed and hereby finds that an aquifer in certain areas of the City is adjacent to and possibly hydrogeologically connected to a long-abandoned landfill and thus may be or has been contaminated or otherwise adversely impacted by hazardous substances and that identified public health, safety and welfare risks may affect drinking water drawn from certain areas of such impacted aquifers. The City Council has determined that it is necessary and appropriate to prohibit and/or otherwise restrict the use of wells to supply water in and from the affected areas in order to protect City residents by minimizing the health, safety and welfare risks and minimizing the potential for migration of contaminated groundwater into presently unaffected groundwater.

SEC. 2. DEFINITIONS. The following definitions shall apply to terms used in this Article:

(1) "Affected Parcel" means a parcel of land, any part of which is located within a Restricted Zone.

(2) "Applicant" means a person who applies or applied for the establishment of a Restricted Zone pursuant to this Article.

(3) "City" means the City of Ypsilanti.

(4) "City Property" means any interest in real property owned or held by the City and shall include but not be limited to the following: (i) Real property owned by the City; (ii) Real property leased by the City as Lessee; and (iii) City streets, alleys or other City rights-of-way or easements.

(5) "Contaminated Groundwater" means groundwater in which there is or may be present concentrations of materials that exceed drinking water criteria under the Safe Drinking Water Act, 1976 PA 399, as amended, or the residential drinking water criteria established by the MDEQ in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL § 324.20101, *et seq*.).

(6) "Domestic Use" means the use of water by humans for drinking, cooking, food preparation and other food-related services, cleaning, washing, bathing and similar household-type water uses in any dwelling, or in any building in which commercial/business, governmental/public or industrial activities are conducted. The term does not include water used solely for closed-loop heat pumps, non-contact cooling, or production and/or processing purposes of commercial or industrial enterprises.

(7) "Irrigation Use" means the use of water for lawn, garden, or landscaping irrigation on a residential parcel of land. The term does not include water used for commercial, agricultural or farm irrigation, except as specifically directed by the MDEQ.

(8) "MDEQ" means the Michigan Department of Environmental Quality, or its successor agency.

(9) "Owner" means the holder of record title for a parcel of land and also the occupant of a parcel of land in possession under a land contract or lease.

(10) "Person" means any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(11) "Restricted Zone" means an area or areas described within Section 3 of this Ordinance for which the prohibition of Wells and the use of groundwater applies and includes parcels of land that are legally described on the attached Schedule 1 and that are depicted in the map(s) attached as Schedule 2, as amended from time to time as provided in this Ordinance.

(12) "WRD" means the Water Resources Division of the MDEQ, or its successor agency.

(13) "Well" means an opening in the surface of the earth for the purpose of removing fresh water through non-mechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA"), the Comprehensive Environmental Response, Compensation and Liability

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Act, the Resource Conservation and Recovery Act, or other applicable statute.

SEC. 3. RESTRICTED ZONE. The following described areas in the City shall be Restricted Zones under this Article. They may be referred to by reference to the names provided in the caption preceding their descriptions. Additional Restricted Zones, along with a map illustrating the Restricted Zone, may be added by amending the Ordinance in accordance with Sections 11 and 12 and all other applicable laws.

(1) Bell Kramer Neighborhood Restricted Zone – legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

(2) The Former City Landfill Restricted Zone – legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

SEC. 4. PROHIBITION. Except as provided in Section 5, no person shall install or utilize, or allow, permit, or provide for the installation or utilization of a Well on any Affected Parcel. Any existing Well at the time of the enactment of a Restricted Zone on any Affected Parcel within that Restricted Zone shall be plugged/abandoned at the expense of the Applicant for that particular Restricted Zone and as provided for in Section 6 and in accordance with applicable laws, regulations and ordinances, unless such existing Well falls within one of the exceptions listed in Section 5. Except as provided in Section 5, no person shall use any groundwater from an Affected Parcel.

SEC. 5. EXCEPTIONS. A person may install or utilize, or allow, permit, or provide for the installation or utilization of a Well in any Restricted Zone if any of the following exceptions applies and the requirements of the exception are complied with. The party proposing an exception to the Well prohibition shall conduct all appropriate inquiry and prepare a due care analysis pursuant to Part 201 of NREPA.

(1) *Proof of No Influence*. If the MDEQ determines based on information provided to it by the person seeking this exception that the use of a Well in a Restricted Zone will not exacerbate any existing groundwater contamination related to the former landfill adjacent to the affected area, facilitate the migration of groundwater into uncontaminated areas, and that water from the proposed Well will not be affected by Contaminated Groundwater, and proof of those determinations is delivered to the City, the Well may be so used.

(2) *Groundwater Monitoring/Remediation.* A Well may be used for groundwater monitoring and/or remediation as part of a response activity approved by the MDEQ or the United States Environmental Protection Agency.

(3) *Construction Dewatering*. A Well may be used for construction dewatering if the following conditions are satisfied: (i) the use of the dewatering Well

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will not result in unacceptable exposure to Contaminated Groundwater, possible cross-contamination between saturated zones, or exacerbation of Contaminated Groundwater, as defined in Part 201 of NREPA; and (ii) the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction. Any exacerbation caused by the use of the Well under this exception shall be the responsibility of the person operating the de-watering Well, as provided in Part 201 of NREPA.

(4) *Processing Activities*. If the MDEQ determines that the use of a Well for non-contact heating, cooling, production, or processing involved in industrial or commercial activities will not cause migration or exacerbation of Contaminated Groundwater, and proof of that determination is delivered to the City, such use of the Well under terms and conditions specified by the MDEQ will be allowed. All information necessary for the MDEQ determination described in this subsection shall be provided by the person seeking this exception.

(5) *Public Emergencies*. A Well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

SEC. 6. SOURCES OF WATER SUPPLIED FOR DOMESTIC USE AND IRRIGATION USE.

(1) For Affected Parcels that are not already connected to the City water system on the day of enactment of a Restricted Zone, the Applicant of the Restricted Zone shall be responsible for the costs to connect those Affected Parcels within that Restricted Zone to the City water system. Furthermore, for Affected Parcels that have a Well on the day of enactment of a Restricted Zone which is used primarily for Irrigation Uses, the Applicant of the Restricted Zone shall be responsible for the costs to connect the irrigation system on the Affected Parcel within that Restricted Zone to the City water system.

(2) This Section shall not be deemed as affecting the rights and remedies of an Owner, or any other person or entity and/or of any federal, state or local government that may exist under any law, regulation, rule, ordinance, order, agreement and or/remedial action plan addressing groundwater within the City.

(3) In no event shall the City be required to incur any expense or cost under this Ordinance, except as may otherwise be approved by the City Council for a public works project or by a separate agreement with the Applicant, Owner, other person or entity, or a governmental body or agency.

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SEC. 7. ENFORCEMENT. The City Manager, or his/her designee, shall be the official having the authority to enforce this Ordinance. After the Effective Date of this Ordinance, the enforcement official shall contact all Owners of Affected Parcels, which from the information available to the City, appear to have Wells prohibited under this Ordinance, giving written notice of the need to cease using such Wells and of the need for establishment of a Domestic Use water source as prescribed under Section 6, or to obtain approval or acknowledgment of an exception under Section 5. The Owner shall immediately take steps so as to comply with the provisions of this Ordinance with regard to provision of Domestic Use water within sixty (60) days from the date of such notice. Any existing Well in violation of this Ordinance shall then be plugged or abandoned in conformance with applicable legal requirements. Where, upon information available to the enforcement official, it is suspected that a Well is being used on an Affected Parcel in violation of this Ordinance, the enforcement official may inspect such Affected Parcel and serve an appropriate notice and order of such violation requiring that action be taken promptly by the Owner to bring the Affected Parcel into compliance. If the Owner fails to act in accordance with such order, the enforcement official my seek remedies and penalties as provided in Section 8.

SEC. 8. SEC. 7. RECORDING OF NOTICE WITH REGISTER OF DEEDS. Within 30 days of the adoption of this ordinance, the city shall record a Notice of Water Well Restriction with the Register of Deeds to be recorded against all parcels in the Restricted Zone as defined by this ordinance. The Notice shall include a copy of this ordinance and the attached Schedule 1 and Schedule 2.

SEC. 9. PENALTY. Any person who violates any provision of this Ordinance shall be liable for a municipal civil infraction under the provisions of Ordinance Number _____. In addition, the City may seek an order from a court of appropriate jurisdiction requiring compliance with this Ordinance and may also seek collection of costs and attorney fees associated with such enforcement action. Any violation of this Ordinance is a public nuisance, subject to abatement, and any Well in violation of this Ordinance shall be immediately taken out of service and lawfully abandoned in compliance with applicable legal requirements. A court of competent jurisdiction may order any person violating any provision of this Ordinance to properly and lawfully remove or abandon a Well.

SEC. 10. BUILDING AND ZONING PERMITS. No permit for the construction or alteration of a building or structure nor any permit for any zoning approval shall be issued by the City Building and Zoning Administrator for any improvement on an Affected Parcel which has, or proposes, a water supply from a Well in violation of this Ordinance.

SEC. 11. ADMINISTRATIVE LIABILITY. No officer, agent or employee of the City or member of the City Council shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision

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performed in the discharge of his or her duties and responsibilities pursuant to the Ordinance.

SEC. 12. AMENDMENT; REPEAL. The MDEQ, an Applicant, an Owner, an entity involved in a RAP or other interested party may request in writing to add parcels to or delete parcels from a Restricted Zone or to establish an additional Restricted Zone or to otherwise amend or repeal this Ordinance, and shall provide advance notice to the MDEQ and any Applicant for such Restricted Zone of any proposed change hereunder, including the reasons supporting such request. The City on its own motion and upon advance notice to the MDEQ and any Applicant for such Restricted Zone, may also take action to amend or repeal this Ordinance as it deems appropriate. The amendment or repeal of this Ordinance shall be by an appropriate ordinance adopted in the same manner as this Ordinance, and any such action shall be in the sole legislative discretion of the City Council.

SEC. 13. SEVERABILITY AND CAPTIONS. If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City that this Ordinance shall be fully severable. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

SEC. 14. REPEAL. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SEC. 15. REIMBURSEMENT OF ADDITIONAL CITY CONSTRUCTION COSTS. The Applicant of a Restricted Zone shall reimburse the City for the reasonable additional costs the City incurs for dewatering Contaminated Groundwater or disposing of soils impacted by Contaminated Groundwater in connection with construction activity undertaken by the City on City property in that Restricted Zone, provided that the City supplies the Applicant with documentation confirming the amount and necessity of such additional costs, including the extent to which they exceeded the cost of dewatering or disposing of materials not impacted by Contaminated Groundwater.

SEC 16. EFFECTIVE DATE. This Ordinance shall take effect upon ____

This Ordinance is enacted by the City of Ypsilanti, County of Washtenaw, State of Michigan, at a meeting of the City Council held at _____, this _____ day of _____, 201_.

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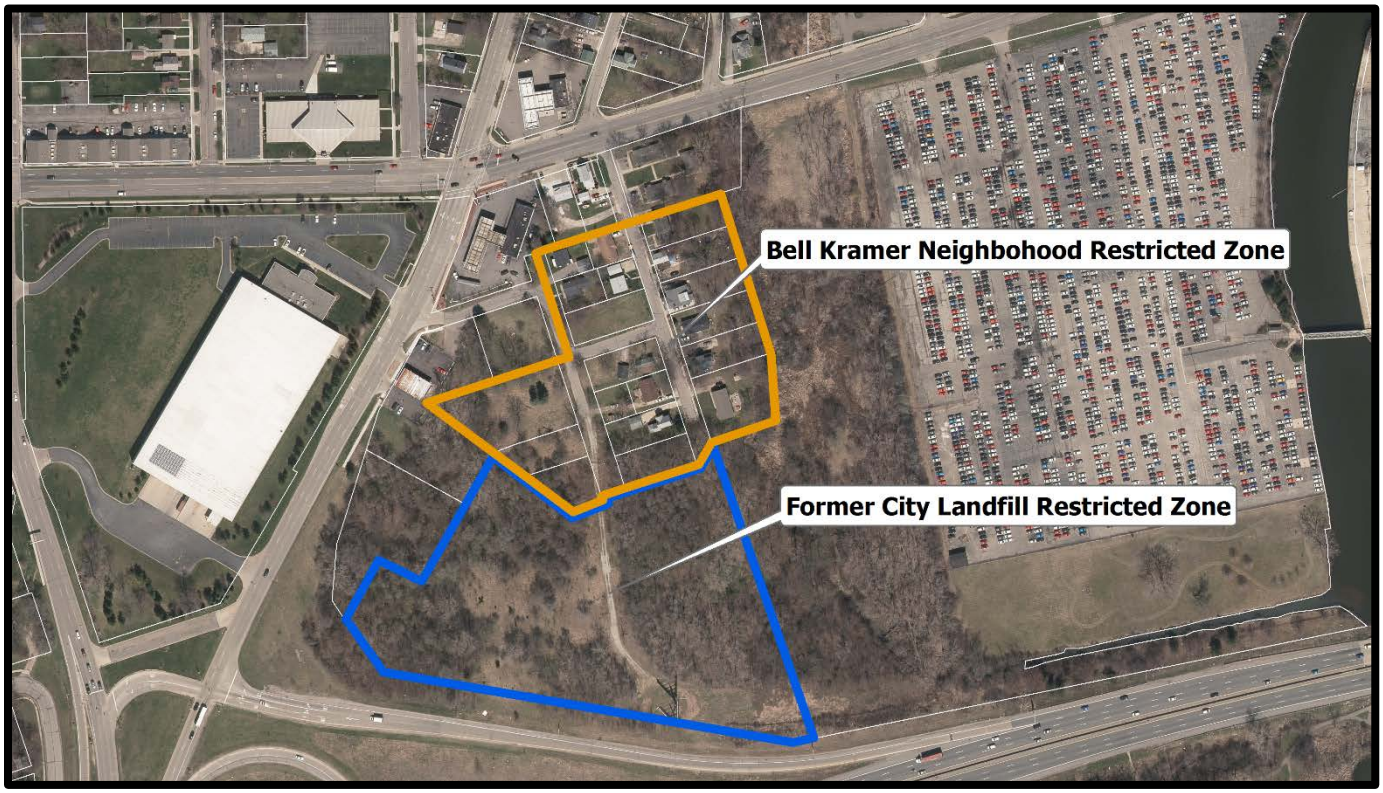
Proposed Well Restriction Areas:



City of Ypsilanti

Community & Economic Development Department

14 February 2018

Staff Review of Rezoning Application
Medical Marijuana Text Amendments
Alignment with State MMFLA

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Text Amendment to 122-203, 122-446, 122-527, 122-532, 122-533 to align Marijuana Facilities ordinances with State law.

SUMMARY

State regulations regarding medical marijuana facilities have recently changed with the adoption of the Medical Marijuana Facilities Licensing Act (MMFLA). These regulations allow for commercial facilities, whereas the previous MMMA allowed only for caregiver facilities. The changes proposed

BACKGROUND

In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing groups of caregivers to grow under one roof; and caregivers to connect with patients at dispensaries. The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under corporate ownership, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments. In November 2017, Council passed an ordinance opting-in to the MMFLA. At the time, Council also directed staff to recommend updates to the Code to accommodate existing facilities under the new MMFLA. Two updates to the zoning code are being proposed at this time; one, to permit provisioning centers (dispensaries) as a Special Use in the GC zoning district, and another, generally updating the specific standards and definitions for medical marijuana facilities. This is the latter.

DISCUSSION

This is intended to be a straightforward update of the zoning ordinance as it regards medical marijuana facilities within the City. No policy changes or other major changes are being proposed at this time.

122-203 (definitions)	
Medical marijuana dispensary means a facility, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law.	**Medical marijuana dispensary or provisioning center** means a facility~~, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law.~~ that sells, supplies, or provides marijuana to registered qualifying patients, directly or through a registered primary caregiver; and as defined by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended.
Medical Marijuana Growing/Manufacturing Facility. A facility for the cultivation and processing of medical marijuana into a usable form by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met.	**Medical Marijuana Growing~~/Manufacturing~~ and/or Processing Facility**. A facility for the cultivation and/or processing of medical marijuana into a usable form~~ by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met.~~ and "grower" or "processor" as defined by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended.
Medical Marijuana Home Occupation means the cultivation of medical marijuana by a registered	**No changes proposed.**

primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL §333.26423(e), within a single family dwelling that is the registered primary caregiver's primary residence and which cultivation is in conformity with the restrictions and regulations contained in the Act and in the State Regulations developed by the Michigan Department of Community Health (MCDH). Medical Marijuana Home Use does not include any multi-family dwelling. (State Law reference(s)--Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.264 et seq)	
New	**Medical Marijuana Facility.** A "marihuana facility" as defined by the Michigan Medical Marihuana Facilities Licensing Act.
Explanation: updating language to be reflective of the state act yet legible in situ. Home occupation will continue to be regulated under the MMMA; provisioning centers, growers, and processors under the MMFLA.	
122-446: Center	
Medical Marijuana Dispensary (permitted)	Medical Marijuana ~~Dispensary~~ Provisioning Center (permitted)
Explanation: language change only.	
122-451: General Corridor	
Medical Marijuana Growing/Manufacturing Facility (Special Use)	Medical Marijuana Growing~~/Manufacturing~~ and/or Processing Facility (special use)
Explanation: language change only.	
122-527: Home Occupation	
Sec. 122-527. Home occupations. (c) Medical Marijuana Home Occupation. In addition to the requirements in §122-527, Medical marijuana home occupations must be subject to the following requirements: (1) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time. (2) A registered primary caregiver operating a medical marijuana home occupation must not be located within 1,000 feet of a school, as measured from the outermost boundaries of	**No changes proposed.**

the lot or parcel on which the home occupation and school is located. (3) Not more than one (1) primary caregiver per parcel may be permitted to grow or cultivate medical marijuana. (4) Not more than five (5) qualifying patients may be assisted with the medical use of marijuana within any given calendar week. (5) All medical marijuana must be contained within an enclosed, locked facility inside a primary or accessory building. (6) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located. (7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm and 7am must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties. (8) That portion of the building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code. (9) The premises must be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.	
Explanation: no changes were made to the caregiver structure by the MMFLA.	

122-532: Dispensaries -> Provisioning Centers

Sec. 122-532. Medical Marijuana Dispensaries.

(a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.

(b) The following Standards for Medical Marijuana Dispensaries shall apply:

(1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;

(2) The dispensary shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the dispensary and school are located;

(3) The dispensary shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed dispensary and lawfully existing dispensary or growing/manufacturing facility is located;

Sec. 122-532. Medical Marijuana ~~Dispensaries~~ Provisioning Centers.

(a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally**. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with ~~the Act or the General Rules~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~

(b) The following Standards for Medical Marijuana ~~Dispensaries shall~~ Provisioning Centers apply:

(1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;

(2) The ~~dispensary~~ provisioning center shall not be located within one thousand (1,000) feet

(4) Smoking and/or use of medical marijuana shall be prohibited at the dispensary; (5) All activity related to the dispensary shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended. (9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire; (10) Dispensary drive-through facilities shall be prohibited; (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended; (12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an	of a school, as measured from the outermost boundaries of the lot or parcel on which the ~~dispensary~~ provisioning center is located ~~and~~ to the outermost boundaries of the lot or parcel on which the school is located; (3) The ~~dispensary~~ provisioning center shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana ~~dispensary or growing/manufacturing~~ facility as measured from the outermost boundaries of the lot or parcel on which the proposed ~~dispensary~~ medical marijuana facility and to the outermost boundaries of the lot or parcel on which the lawfully existing ~~dispensary or growing/manufacturing~~ medical marijuana facility is located; (4) ~~Smoking and/or u~~Use of medical marijuana ~~shall be~~ is prohibited ~~at the dispensary~~ on the premises; (5) All activity related to the dispensary shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~ ~~(8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~

application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; (13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal; (14) Growing or cultivation of medical marijuana in a dispensary is prohibited.	~~(9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;~~ ~~(10) Dispensary d~~ (7) Drive-through and walk-up or similar facilities shall be prohibited; ~~(11)~~ (8) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with~~ the Michigan Medical Marijuana Act~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein; ~~(12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council;~~ All provisioning centers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances; ~~(13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal;~~ ~~(14)~~ (9) Growing~~,~~ ~~or~~ cultivation, or processing of medical marijuana in a ~~dispensary~~ provisioning center is prohibited.
Explanation: minor language updates and naming of current correct state administrative body. #7 is redundant with the previous statement (#6). #8, logging and tracking is now regulated under the MTA. #9, redundant with the City's permitting ordinance. #12, redundant with the City's permitting ordinance. Replaced with general obligation to obtain all necessary state licenses and city permits. #13, redundant with permitting ordinance.	

122-533: Growing/Manufacturing -> Growing/Processing

Sec. 122-533. Medical Marijuana Growing/Manufacturing Facility.	**Sec. 122-533. Medical Marijuana Growing~~/Manufacturing~~ and/or Processing Facility.**
(a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules,. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.	(a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally**. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with~~ the Act or the General Rules~~ State of Michigan laws and rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~
(b) The following standards for Medical Marijuana Growing/Manufacturing Facilities shall apply: (1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time; (2) The growing/manufacturing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing facility and school are located; (3) The growing/manufacturing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured from the outermost boundaries of the lot or	(b) The following standards for Medical Marijuana ~~Growing/Manufacturing~~ Growing and/or Processing Facilities ~~shall~~ apply: (1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein; (2) The growing~~/manufacturing~~ and/or processing facility site shall not be located within one thousand (1,000) feet of a school,

parcel on which the proposed growing/manufacturing facility and lawfully existing dispensary or growing/manufacturing facility is located; (4) Smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility; (5) All activity related to the growing/manufacturing facility shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. (7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances; (8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended. (9) If the growing/manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire; (10) Growing/manufacturing facility drive-through facilities shall be prohibited; (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended; (12) All necessary building, electrical, plumbing and mechanical permits shall be	as measured from the outermost boundaries of the lot or parcel on which the growing~~/manufacturing~~ and/or processing facility is located and to the outermost boundaries of the lot or parcel on which the school ~~are~~ is located; (3) The growing~~/manufacturing~~ and/or processing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana ~~dispensary and/or lawfully existing growing/manufacturing~~ facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing~~/manufacturing~~ and/or processing facility and to the outermost boundaries of the lot or parcel on which the lawfully existing ~~dispensary or growing/manufacturing~~ medical marijuana facility is located; (4) ~~Smoking and/or u~~Use of medical marijuana ~~shall be~~ is prohibited on the premises ~~at the growing/manufacturing facility~~; (5) All activity related to the growing~~/manufacturing~~ and/or processing facility shall be done indoors; (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~ ~~(8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility~~

obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located; (13) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code; (14) Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; (15) The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal; (16) The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited. (17) There shall be no other accessory uses permitted within the same building.	~~shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~ ~~(9)~~(7) If the growing~~/manufacturing~~ and/or processing facility ceases operation for a length of time of sixty (60) days or greater, ~~the~~ any Special Use permit shall expire; ~~(10)~~ (8) ~~Growing/manufacturing facility d~~Drive-through and walk-up or similar facilities shall be prohibited; ~~(11)~~ (9) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with ~~the Michigan Medical Marijuana Act~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein~~., as amended~~; ~~(12) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;~~ ~~(13)~~ (10) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code; ~~(14)~~ (11) ~~Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council~~ All growing and/or processing facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances; ~~(15) The police department shall review the proposed application to operate a dispensary~~

	~~or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal;~~ ~~(16)~~ (12) The dispensing of medical marijuana ~~at the medical marijuana growing/manufacturing facility~~ shall be prohibited. ~~(17)~~ (13) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
Explanation: minor language updates and naming of current correct state administrative body. #7 is redundant with the previous statement (#6). #8, logging and tracking is now regulated under the MTA. #9, clarified that it means the Special Use permit; #12, redundant – all such activities are required to get a permit, and redundancy here invites confusion; #11, redundant with the City's permitting ordinance. Replaced with general obligation to obtain all necessary state licenses and city permits. #15, redundant with permitting ordinance.	

STANDARDS FOR AMENDMENTS §122-362(a)

*(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:*

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and
Applicable guiding values of the Master Plan include:

- Diversity is our strength: per the decision-making rubric. This maintains and potentially improves the diversity of the mix of businesses in Ypsilanti.
- Ypsilanti is sustainable: per the decision-making rubric, this action maintains, and has the potential to create, job opportunities for Ypsilantians.
- Great place to do business, especially green and creative: This action retains and fosters the growth of local businesses.

(2) The rezoning is consistent with description and purpose of the proposed district, and.
The amendment is an update only and does not materially change the existing zoning; it is consistent with existing zoning.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
Per §122-100, the intent of the ordinance is to promote the public health, safety, and welfare. In particular, to:
• create a safe, diverse, and sustainable city;
• meet the needs of the City's residents for food, fiber, energy, and other natural resources;
• guide the location of places of residence, recreation, industry, trade, service, and other uses of land;
• ensure that uses of the land shall be situated in appropriate locations and relationships;
• limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;

• facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;"
The amendment is an update only and does not materially change the existing zoning; it is consistent with existing zoning.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and
Staff anticipates that this amendment will enhance functionality of the City.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and
Staff does not anticipate that this amendment will negatively or positively affect the historic nature of the City.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and
Staff does not anticipate that this amendment will negatively affect the natural features or environmental sustainability of the City.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or
Staff anticipates that this amendment will indeed do so by bringing the zoning code into closer alignment with state law.

(8) The proposed amendment is needed to correct an error or omission in the original text; or
This amendment does not correct an error.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and
Staff does not anticipate that this change will significantly impact a community need in physical or economic conditions.

(10)The proposed amendment will not result in the creation of significant nonconformities in the City.
The proposed amendment will not result in nonconformities.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend ***approval*** of the proposed text amendments to sections 122-203, 446, 451, 532, and 533 with the following findings:
(1) The proposed amendment is consistent with the guiding values of the Master Plan;
(2) The rezoning is consistent with description and purpose of the proposed district;
(3) The proposed amendment is consistent with the intent of this Zoning Ordinance;
(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City;
(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City;
(6) The proposed amendment will enhance the natural features and environmental sustainability of the City;
(7) The proposed amendment will protect the health, safety, and general welfare of the public;

(9) The proposed amendment will address a community need in physical or economic conditions or development practices;
(10) The proposed amendment will not result in the creation of significant nonconformities in the City;
(11) The proposed amendment is needed to align with recent changes in State law.

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Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

City of Ypsilanti

Community & Economic Development Department

14 February 2018

Staff Review of Rezoning Application
Medical Marijuana Text Amendments

GENERAL INFORMATION

Applicant: City of Ypsilanti

Action Requested: Recommendation to City Council to approve a Text Amendment to GC, General Corridor Zoning District, permitting Marijuana Provisioning Centers (Dispensaries) as a Special Use (§122-451)

SUMMARY

State regulations regarding medical marijuana facilities have recently changed, allowing provisioning centers an opportunity for long-term stability and growth. However, several provisioning centers within the City, although legal at their establishment, have been made legal nonconforming due to zoning changes. Council has expressed a desire to allow these establishments an opportunity to become conforming, thus helping to ensure their long-term stability.

BACKGROUND

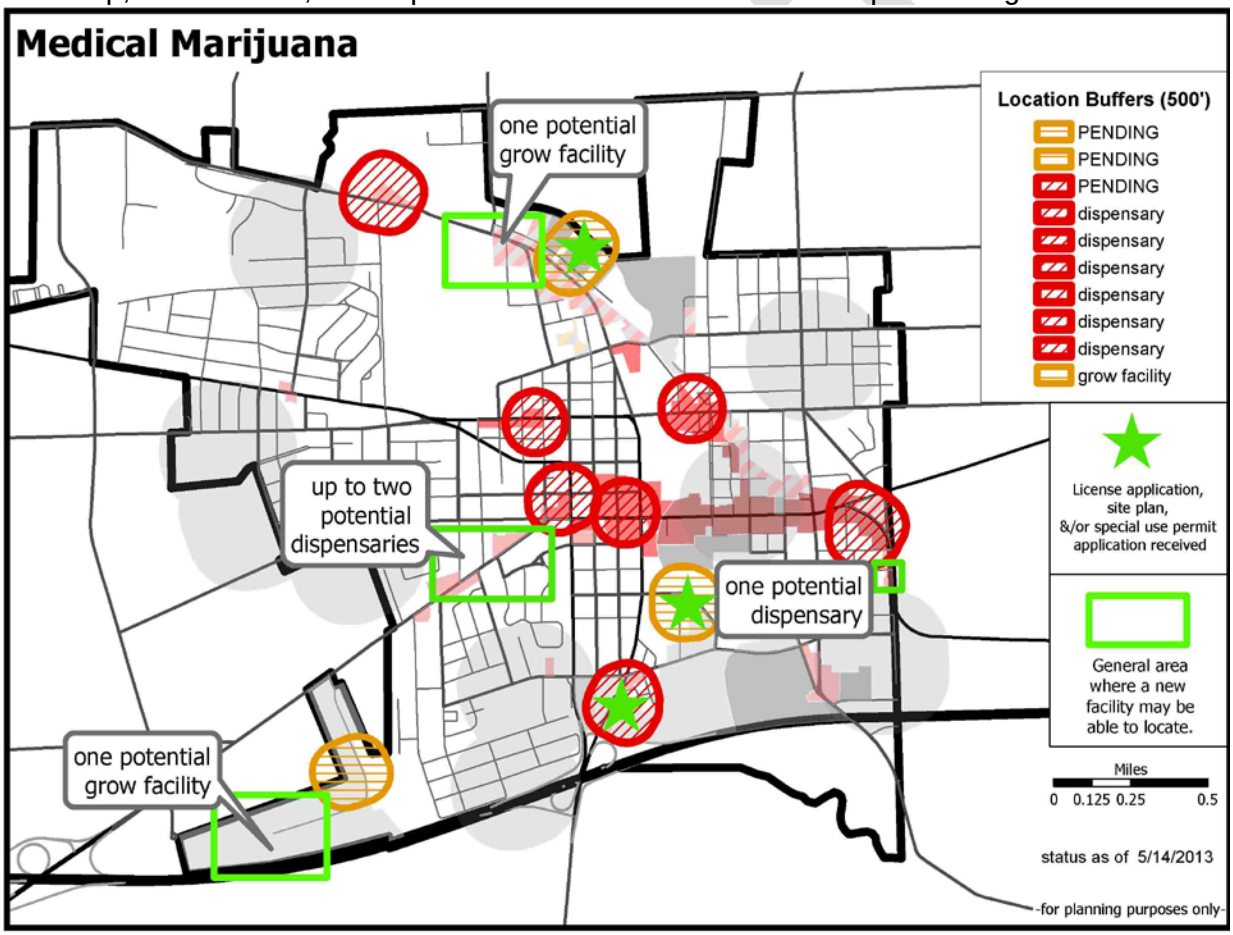
In 2008, the voters of the State of Michigan approved a ballot initiative to legalize medical marijuana, using a caregiver, person-to-person model; Ypsilanti voters supported this ballot measure by over 80%. In 2011, the City of Ypsilanti adopted zoning regulations reflective of that, allowing groups of caregivers to grow under one roof in the M1, M2, WS, and CI zoning districts with a Special Use Permit; and caregivers to connect with patients at dispensaries in the B2, B3, and B4 zoning districts by right. Three growing facilities located in the City; two in the M1 zoning district and one in the M2 zoning district. Seven dispensaries located in the City; two in the B2 zoning district, four in the B3 district, and one in the B4 district. In 2014, the zoning ordinance shifted to a hybrid form-and-use-based schema. Of the grow facilities, one was now zoned PMD, one GC, and one CN (later rezoned to PMD); in these new zoning districts, grow facilities were permitted as a Special Use in GC and PMD only. Of the dispensaries, four were zoned C, and three zoned GC; in these new zoning districts, dispensaries were only permitted by-right in C, and not permitted in GC. Thus, the three dispensaries in GC were then considered legal nonconforming. The State adopted the Medical Marijuana Facilities Licensing Act in late 2016, which permitted fully commercialized medical marijuana facilities under one corporate owner, including grow facilities, provisioning centers (dispensaries), processors, transporters, and testing facilities. Local municipalities had the choice to opt-in to permitting these establishments. In November 2017, Council passed an ordinance opting-in to the MMFLA, allowing up to three grow/processors and seven provisioning centers (dispensaries). At the time, Council also directed staff to recommend updates to the Code to accommodate existing facilities under the new MMFLA. Two updates to the zoning code are being proposed at this time; one, to permit provisioning centers

(dispensaries) as a Special Use in the GC zoning district, and another, generally updating the specific standards and definitions for medical marijuana facilities.

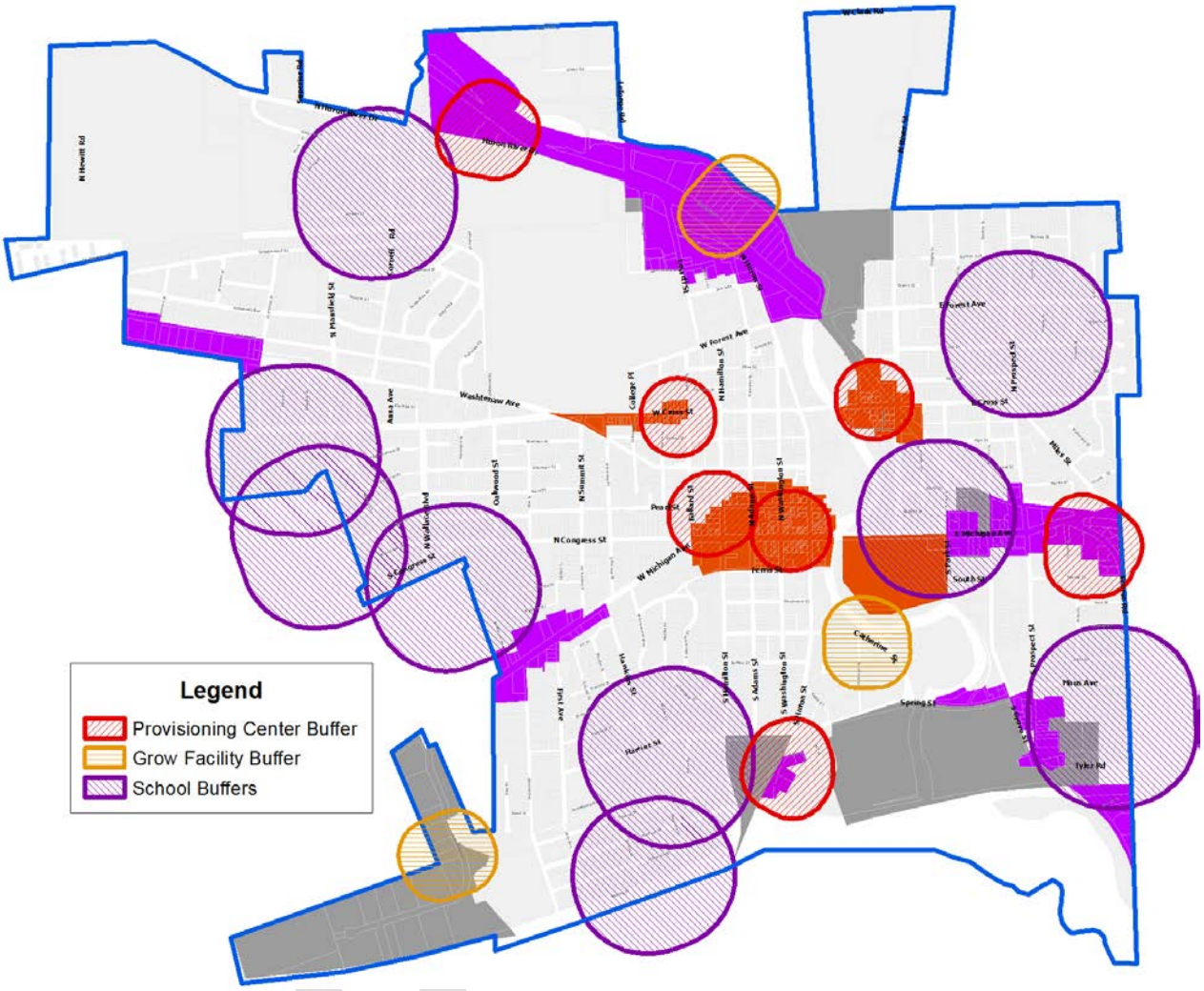
DISCUSSION

When the 2011 zoning amendments permitting dispensaries and grow facilities were adopted, there was no cap on the number of facilities, and the industry was untested and highly stigmatized. A cap on the number of facilities was introduced in 2013, as Council felt the local market was satisfied, and further increases in the number of facilities were unwise due to uncertainty in the State and Federal regulation. Many of these facilities have been operating since 2011; the newest opened in 2013. These facilities have, overall, been in compliance with local ordinances, including permitting on-demand inspections. The crime rate at these businesses is equivalent to other retail &/or industrial businesses.

This map, as of 5/2013, shows potential locations for additional dispensaries/grow facilities.



This map shows the *current* existing school buffers, facility buffers, and zoning districts. As a reminder, grow facilities are currently permitted only with a Special Use permit in GC and PMD; dispensaries are permitted by right in Center. The proposal on the table would add dispensaries as a special use in the GC district. Recall also that Planning Commission has discretion in granting Special Use permits under §122-324.



STANDARDS FOR AMENDMENTS §122-362(a)

*(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:*

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and
Applicable guiding values of the Master Plan include:

- Diversity is our strength: per the decision-making rubric. This maintains and potentially improves the diversity of the mix of businesses in Ypsilanti.

- Ypsilanti is sustainable: per the decision-making rubric, this action maintains, and has the potential to create, job opportunities for Ypsilantians.
- Great place to do business, especially green and creative: This action retains and fosters the growth of local businesses.

(2) The rezoning is consistent with description and purpose of the proposed district, and.
The description of GC is as follows: "Corridors are mixed-use and commercial areas located along the arteries of the City, such as Washtenaw, Huron, Hamilton, Michigan, Harriet, and River. General Corridor (GC). General corridors are located along roads with heavy traffic and have commercial establishments, restaurants, offices, and other businesses that are geared toward automobile traffic. Multiple-family residential building types and uses are appropriate in this district.
The amendment does not conflict with this.

(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
Per §122-100, the intent of the ordinance is to promote the public health, safety, and welfare. In particular, to:
• create a safe, diverse, and sustainable city;
• meet the needs of the City's residents for food, fiber, energy, and other natural resources;
• guide the location of places of residence, recreation, industry, trade, service, and other uses of land;
• ensure that uses of the land shall be situated in appropriate locations and relationships;
• limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
• facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;"
Given the tenure of the existing businesses, it would appear that they are indeed meeting area residents' needs for medical support. GC is a district which covers a significant amount of area within the City; by allowing provisioning centers with a special use permit, Planning Commission will be able to ensure compatibility on a site-by-site basis.

(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and
The change to the zoning ordinance has the long-term potential to do so. In the short-term, it will simply preserve the existing character of the City.

(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and
Staff does not anticipate that this amendment will negatively or positively affect the historic nature of the City.

(6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and
Staff does not anticipate that this amendment will negatively affect the natural features or environmental sustainability of the City.

(7) The proposed amendment will protect the health, safety, and general welfare of the public; or
The proposed change to the zoning ordinance will help maintain residents' access to medical marijuana, as prescribed by their doctor. As noted, medical marijuana facilities in the city have had good track records of compliance, and the City has established licensing/permitting, inspection, and

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enforcement procedures regarding the businesses. As the industry develops in the coming years, so too shall these processes.

(8) The proposed amendment is needed to correct an error or omission in the original text; or
One could indeed argue that failure to include provisioning centers in the GC district was an oversight, not given much attention at the time due to the instability of the industry overall. GC was a combination of the B4 and CI districts, with elements of B2. Dispensaries were permitted in two of those three districts.

(9) The proposed amendment will address a community need in physical or economic conditions or development practices; and
Staff does not anticipate that this change will significantly impact a community need in physical or economic conditions. However, if the industry continues to grow, it is likely that we would see significant reinvestment at dispensary sites in the GC zoning district.

(10)The proposed amendment will not result in the creation of significant nonconformities in the City.
The proposed amendment will enable resolution of nonconformities within the City.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend ***approval*** of the proposed text amendment to add "Marijuana provisioning centers" as a special use to the GC (General Corridor) zoning district, section 122-451, with the following findings:

(1) The proposed amendment is consistent with the guiding values of the Master Plan; and
(2) The rezoning is consistent with description and purpose of the proposed district, and.
(3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
(4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City
(5) The proposed amendment will preserve the historic nature of the surrounding area and of the City;
(6) The proposed amendment will enhance the natural features and environmental sustainability of the City
(7) The proposed amendment will protect the health, safety, and general welfare of the public; or
(8) The proposed amendment is needed to correct an error or omission in the original text; or
(9) The proposed amendment will address a community need in physical or economic conditions or development practices;
(10)The proposed amendment will not result in the creation of significant nonconformities in the City.

_____

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File

DRAFT

City of Ypsilanti
Community & Economic Development Department

February 13, 2018

Staff Review of Special Use Application
Aspen Garden Phase 3
75 Catherine

GENERAL INFORMATION

Applicant:	Anthony LaRussa AZ Holdings, L.L.C. 75 Catherine St. Ypsilanti, MI 48197
Project:	Aspen Gardens Phase 3
Application Date:	November 15, 2017 (incomplete); December 20, 2017, February 2, 2018 (corrected plans reflecting ZBA decision)
Location:	Southeast corner of the intersection of Catherine St and Chidester St.
Zoning:	Production, Manufacturing & Distribution (PMD)
Action Requested:	Approval of Special Use and site plan
Staff Recommendation:	Approval

PROJECT AND SITE DESCRIPTION

Parcel #11-11-39-402-001 has a total area of 1.03 acres. There is an existing 7,615 square foot building on site. A special use permit was granted for the site for its use as a medical marijuana grow facility back in March 2013 with a certificate of occupancy issued in February 2015. The property was rezoned from CN to PMD in October 2017. The applicant requested a variance from the front, street side and rear setbacks and was seen by the Zoning Board of Appeals at their January 24th meeting. The ZBA approved the front and street side setback variances but denied the rear setback. The applicant has since corrected the rear setback on the plans to conform to the zoning ordinance. The current plans indicate a building expansion to 19,062 square feet; with a north addition of 3,121 sf and a south addition of the 8,326 sf. New concrete curbing and asphalt paving, dumpster, landscaping and lighting will be installed on site.

Zoned **PMD- Production, Manufacturing & Distribution,** which allows for medical marijuana grow/manufacturing facility after approval as a special land use. This would be an expansion of the existing Special Use Permit for Medical Marijuana Grow/Processing. This expansion is being requested due to changes in State law with the passage of the Medical Marijuana Facilities Licensing Act

(MMFLA), which now allows for commercial growing and processing of medical marijuana, instead of the smaller caregiver model. Aspen Gardens is pursuing a commercial grow license from the State; an expansion would allow them to remain competitive in the newly opened market.

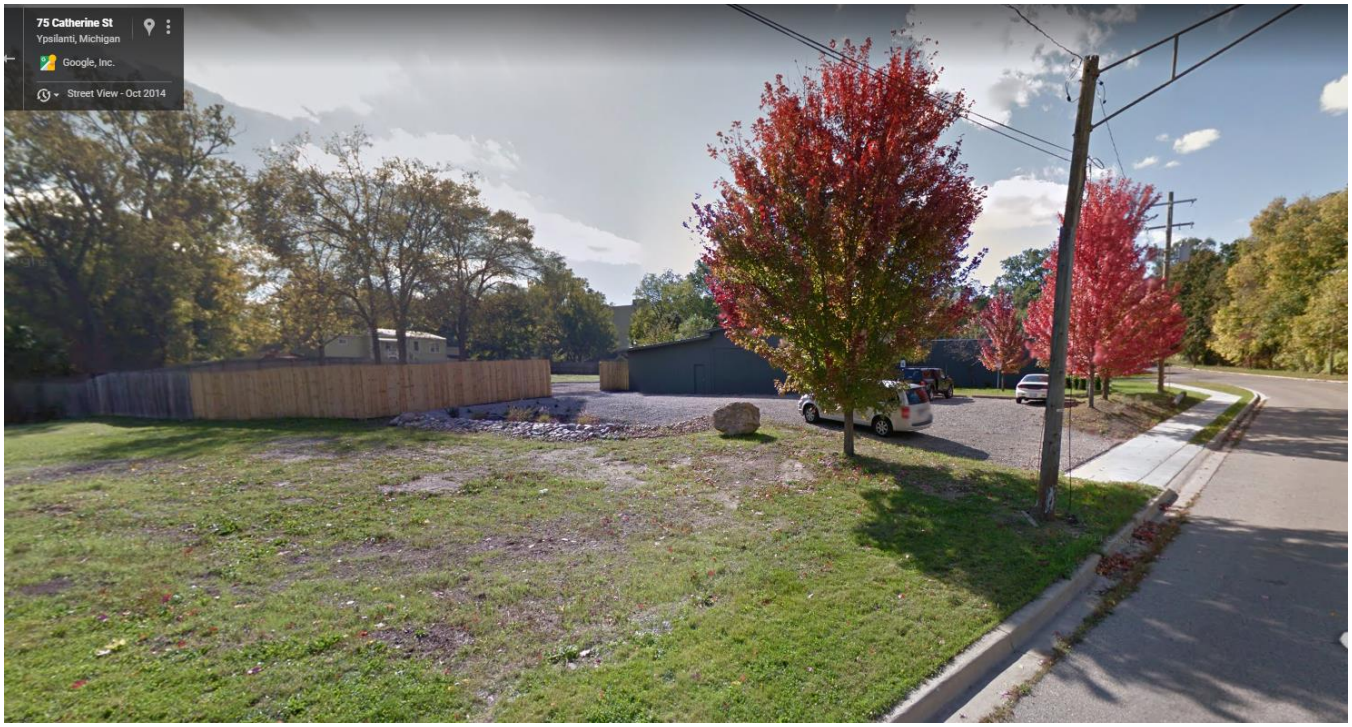
Figure 1: Subject Site Location

Figure 2: Site Aerial (2015)

Figure 3: photographs of site

Northwest corner of property looking southeast from corner of Chidester & Catherine

Southwest corner of property looking northeast from Chidester



East side of property looking west from Catherine

North side of the property looking south from Catherine

Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Nursing Home Vacant Land	HC- Historic Corridor C- Center
EAST	Vacant Land Waterworks Park	CN- Core Neighborhood P-Park
SOUTH	Single and Multi-family uses Chidester Place	CN- Core Neighborhood
WEST	Garage	CN- Core Neighborhood

SPECIAL USE: CRITERIA AND REVIEW §122-324(b)

(1) The proposed use conforms with all the provisions and requirements of this chapter, including site plan or sketch plan review standards, as applicable, and the applicable site development standards for the specific use, as well as the spirit and intent of this chapter and the Master Plan. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land. Height, location and size of buildings shall be compatible with uses and buildings on adjacent properties. The intensity of the proposed use, such as volume, frequency and times of operation, and its compatibility shall be considered. If nonconformities are present, all reasonable effort has been made to eliminate them.

COMMENTS: This property has been industrially used since it was initially developed. It was briefly zoned CN, Core Neighborhood, pursuant to the 2013 Master Plan; however, it was rezoned to PMD in 2017 due to the extensive history of industrial use of the parcel, as well as the other parcels fronting onto Catherine. The proposed use conforms to the provisions of the zoning code regarding marijuana cultivation, and the property currently does have a Special Use permit for such. The proposed expansion would increase production significantly, but the use would not generate a significant amount of increased vehicle traffic. The applicant was approved for variances from the front and street side setbacks.

(2) The proposed use shall promote the use of land in a socially and economically sustainable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare. Noise, odor, smoke and potential contamination of air, soil and water and its potential effect on neighboring uses, persons and property, as well as public welfare, shall be considered.

COMMENTS: Commercial medical marijuana cultivation is a new use in Michigan. The MMFLA, which authorizes it, was adopted after the relative success of the Michigan Medical Marihuana Act (MMMA), which permitted small-scale marijuana cultivation. Medical marijuana's overall social and economic impact is yet to be seen, but Ypsilanti voters overwhelmingly supported the initial MMMA's passage in 2008, and there have been very few issues with grow facilities since they were first permitted in 2011. Ypsilanti's first grow facility opened in late 2011.

(3) The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.

COMMENTS: As noted before, the applicant sought variances from the front, street side, and rear setback requirements of PMD. Only the front and the street side setbacks were approved by the ZBA. The front of the building faces Catherine, a non-residential street, and traffic is also off Catherine, a fair distance from the more residential Chidester. The building currently has a blank face and a required screening fence on Chidester, has landscaping screening on the front and east side, and the rear yard is gated and enclosed wholly within a screening fence.

(4) The proposed special land use shall not present unreasonable adverse impacts on the transportation system. Consideration shall be given to the estimated pedestrian, bicycle and vehicular traffic generated by such use,

access to transit, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian and bicycle traffic.

COMMENTS: The proposed use is a potential employer, and is conveniently located to bus transit as well as local roads and trunklines. It is also conveniently located to the Border-to-Border Trail, which, when open, connects to Waterworks Park. Employee traffic can be reasonably expected to be minimal, and the proposed use does not regularly make use of long-wheelbase vehicles, such as box trucks or semi-trucks.

(5) The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic sustainability of the community.

COMMENTS: No additional costs are anticipated at this time.

CONDITIONS OF APPROVAL §122-326

"Reasonable conditions may be required in conjunction with an approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed must do all of the following:

(1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being.

(2) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purposes of this chapter, be related to standards established in this chapter, and be necessary to ensure compliance with those standards."

Items to be addressed: None to be addressed at this time.

SITE PLAN: CRITERIA AND REVIEW §122-311

STANDING §122-311(a)

The applicant is legally eligible to apply for site plan review, and all required information has been provided.

REQUIREMENTS **§122-311(b)**

"The proposed site plan conforms with all the provisions and requirements, as well as the spirit and intent of this chapter and the Master Plan. The proposed development will meet all the regulations of the zoning district in which it is located."

Figure 5: Requirements

ORDINANCE REFERENCE	REQUIRED		EXISTING CONDITIONS	PROPOSED
PMD: LOT REQUIREMENTS §122-432				
Coverage %	**Min** -	**Max** 90%	Building footprint: 7,615 sf 17.7%	Building footprint: 19,062 sf 44.3%
BUILDING ENVELOPE AND HEIGHT				
Catherine St setback ft	**Min** 25	**Max** n/a	28.09'	12.79' variance approved by ZBA
Chidester St setback ft	**Min** 15	**Max** n/a	0	5.12' variance approved by ZBA
Side setback ft	**Min** 15	**Max** n/a	62.72'	61.45'
Rear setback ft	**Min** 25 if adjacent to existing SF	**Max** n/a -	130.53'	25.15'
Height	**Min** n/a	**Max** 60'	1 story 16' 9"	1 story 16' 11"
PARKING PROVISIONS	Location: Any.			
Catherine St setback ft	**Min** 10		10.89'	unchanged
Chidester St setback ft	**Min** 10		40.94	34.31'
Side setback ft	**Min** 10		40.83	28.02'
Rear setback ft	**Min** 15 if adjacent to existing SF		86.24	15.72'
§122-533 USE-SPECIFIC	The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;			LARA is now the administrative body for medical marijuana. Applicant shall seek, obtain, and retain all necessary licensure.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	The growing/manufacturing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing facility and school are located;		Met
	The growing/manufacturing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing/manufacturing facility and lawfully existing dispensary or growing/manufacturing facility is located;		Met
	Smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility;		Note on site plan.
	All activity related to the growing/manufacturing facility shall be done indoors;		No outdoor activity proposed.
	The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.		This will be a condition of approval.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;		
	Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.		Establishment must comply with the State mandated tracking system.
	If the growing/ manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;		Note on site plan. This will be a condition of approval.
	Growing/manufacturing facility drive-through facilities shall be prohibited;		None proposed.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended;		Met
	All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;		This will be a condition of issuance of a Certificate of Occupancy.
	That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;		This will be a condition of approval.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
	Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council;		The "license" is now referred to as a permit. Applicant to seek, obtain, and retain all necessary local licenses or permits for operation.
	The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal;		Pending.
	The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.		This will be a condition of approval.
	There shall be no other accessory uses permitted within the same building.		This will be a condition of approval.
MASTER PLAN	Ypsilanti is sustainable (p9)		This action creates job opportunities.
	Great place to do business, especially green and creative		This action retains an existing business and fosters "locally grown" business.

Items to be Addressed:

1. Applicant shall seek, obtain, and retain all necessary state licensure and all necessary local licenses or permits for operation.
2. Applicant to note on the site plan that smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility.
3. The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
4. Establishment must comply with the State mandated tracking system.
5. Applicant to note on the site plan that if the growing/ manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire.
6. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code.
7. The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.
8. There shall be no other accessory uses permitted within the same building.

BUILDING LOCATION AND SITE ARRANGEMENT §122-311(c)

"All elements of the site plan shall be harmoniously and efficiently organized in relation to the character of the proposed use, the size and type of lot, the size and type of buildings, and the character of the adjoining property. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter."

The building is generally oriented towards Catherine, and traffic (both vehicle and pedestrian) come from that direction. A parking area is proposed in the rear. The orientation and layout generally remain unchanged.

Items to be Addressed: None.

SITE ACCESS, TRAFFIC, AND PARKING §122-311(d)

"With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; circulation shall to the extent possible create potential cross-and joint-access to adjacent parcels and the existing block layout. Special attention shall be given to the location, number and spacing of ingress and egress points; general interior circulation including turnaround areas; adequate provisions for delivery of services (trash removal, school buses, mail and parcel delivery); separation of pedestrian and vehicular traffic; avoidance of building corners next to access drives; identification of addresses; storage of plowed snow; and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties, pedestrian and bicyclist safety, access to transit and flow of traffic on adjacent streets. All buildings or groups of buildings shall be so arranged as to permit adequate access by emergency vehicles as required by the city building code."

Site access is from Catherine, and exclusive to this site. The parking and travel area are proposed to be concrete.

	ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-685	**PARKING Dimensions**	• 9'x18' minimum, exceptions if adjacent to wall or overhang provided • May have 20% small car (8'x16', signed) • May have 10% motorcycle (5x8', signed)		9 x 18 proposed.
§122-683	**Access**	5' walkway from parking lot to parks, commercial, transit, walkways, institutions; raised/marked crosswalks within parking lot		Access to the building is primarily through the rear, and through the parking lot. Parking lot(s) have access to either the building or the public sidewalk along Catherine.
	Ingress & Egress	• Aligned across ROW, or offset by 25' • >50' from intersection • 20'-30' driveway		meets
	Internal Maneuvering			22' aisles provided. meets
	Surfacing			Concrete. Two barrier-free spaces are proposed; one for the parking area inside the rear yard, and another in the presumed visitors area.
	Drainage			See engineering review.
	Striping			meets
	Wheel Stops			Concrete curbing provided, meets
	Lighting			Provided, meets.
	Screening & Landscaping (internal)	1 tree per 8 spaces		Two new evergreen trees are proposed to the rear of the site.
		1 landscape island for each 16 spaces		n/a
		Islands w trees: 9' wide min and 160' sf Islands w 5' min walkway: 11' wide min Islands: curbed or used for stormwater		n/a

		All aisle-ends & corners protected w curbed island		Met
		3' between curb and planting (5' if vehicle overhang)		Met
	Screening & Landscaping (perimeter)	Screened if abutting R1, MD, CN, CN-Mid, CN-SF		Met
		3'-4' screen 80% opacity where visible from ROW		Met
		Landscaped areas, walls, structures, walks- must be protected by curbing		Met
§122-691	**Motor spaces**	Assembly, processing, or manufacturing: 5 plus 1 for every 1.5 people on the largest shift, OR 1 per 1,000 sf gross floor area for non-office and 1 per 300 sf for office.		10 employees on the largest shift 12 spaces required 12 spaces provided
	Bicycle spaces	1 per 5 motor spaces, minimum of 2		3 hoops provided, 6 spaces.
§122-672	**SIDEWALKS**	provide a sidewalk or shared-use path		Provided
§122-675	**TRAFFIC VISIBILITY**	Maintain shrubs/other obstructions lower than 30" and trees/other obstructions higher than 8': At driveway: within a 10'x10' triangle formed by the street ROW line and the edge of the driveway At intersection: within a 25' x 25' triangle formed by an extension of the property lines, as measured from the pavement edges.		Met

Items to be Addressed: None.

ENGINEERING & STORMWATER §122-311(f), §122-311(g)

(6) Adequate services and utilities including sanitary sewers shall be available or provided, with sufficient capacity to properly serve the development. Appropriate measures will be taken to ensure that site drainage will not adversely affect adjoining properties or the capacity of the public storm drainage system, or nearby bodies of water. Provisions shall be made to accommodate stormwater and prevent soil erosion. All stormwater management facilities, including but not limited to storm sewers and detention/retention facilities, shall be designed in accordance with the "Rules of the Washtenaw County Water Resources Commissioner," together with any special provisions established by the city.
(7) Natural resources will be protected to the maximum feasible extent. The proposed development will not cause soil erosion or sedimentation problems, and will respect floodways or floodplains on or in the vicinity of the subject property.

Engineering review required. Pending review.

Items to be Addressed: *See engineer's remarks.*

SCREENING §122-311(h)

"The site plan shall provide reasonable visual and sound privacy for all dwelling units on or adjacent to the property. Fences, walks, barriers, and landscaping shall be used, as appropriate, for protection and enhancement of the property. All outdoor storage of materials, loading and unloading areas, and refuse containers shall be screened or located so as not to be a nuisance. Outdoor lighting shall be shielded so as to not adversely affect neighboring properties or traffic on adjacent streets."

Figure 7: Screening

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-609 Lighting	• Dark Sky compliant; may be full cutoff where affecting residential uses • not >0.5 fc @ lot line • not >16'in height • not < 0.3 fc		Lighting indicated on the landscape plan, meets height and is dark sky complaint. **Applicant to submit photometric plan for administrative review.**
§122-608 Refuse Containers	masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad	Not shown	Met
§122-631 Landscape plan			Provided
§122-634 Screening Between Land Uses *if conflicting use*	visual buffer of at least 80% opacity and 6' height		An 8' wooden privacy fence will be maintained.
§122-636 Street Trees	1 tree per 30' of lineal frontage, centered between sidewalk and back of curb: 160'/30' = 6 trees		**No street trees are provided on Chidester or Catherine frontage due to space constraints. Waiver requested.** 4 existing trees to remain in front yard
§122-432(a)(6) Greenbelts	1 tree per 30' of lineal frontage abutting public road ROW		Existing landscaping meets requirements on Catherine frontage, **waiver requested from Chidester due to space constraints.**
§122-638 Site Landscaping	10%	None	~16,900/27,849 = 60%

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-640 Exterior Electrical	Screen when visible from any primary visual exposure area	n/a	n/a
§122-632 Landscape Elements	Quality, composition, berms, spacing, species		
	Credit for existing vegetation		
§122-633 (d)(e) Maintenance	Readily available and acceptable water supply; may install underground sprinkler system		Maintenance schedule noted on site plan.
§122-635 Fencing, hedges, walls, berms	*Per district*		8' wooden privacy fence to remain.

Items to be Addressed:

1. *Applicant to submit photometric plan for administrative review and approval.*
2. *Waiver requested from 122-636, Street Trees, due to lack of available space on both Chidester and Catherine.*
3. *Waiver requested from 122-436(a)(6), greenbelt, along the Chidester frontage due to lack of available space.*

OTHER DEPARTMENT AND AGENCY APPROVALS §122-311(j)

"Site plans shall conform to all applicable requirements of state and federal statutes, including health and pollution laws, fire or explosion hazards, toxic and hazardous materials, and barrier-free requirements. Site plan approval may be conditioned on the applicant receiving necessary county, state, or federal permits before a local building permit or occupancy permit is granted."

STATE OF MICHIGAN

The applicant is responsible for obtaining licensure under the Michigan Medical Marijuana Facilities Licensing Act.

STAFF RECOMMENDATIONS: SPECIAL USE

Staff recommends the Planning Commission **approve** the expansion of the Special Use Permit for medical marijuana growing/processing for Aspen Gardens, with the following finding and condition:

Finding: The application is substantially in compliance with §122-324(b).

Condition: Special use approval shall be subject to approval of site plan.

STAFF RECOMMENDATIONS: SITE PLAN

Staff recommends the Planning Commission **approve** the Site Plan for the expansion of Aspen Gardens, with the following finding, waivers and conditions:

Finding

1. The application substantially complies with §122-310.

Waivers

1. Waiver requested from §122-636, Street Trees, due to lack of available space on both Chidester and Catherine.
2. Waiver requested from §122-432(a)(6), greenbelt, along the Chidester frontage due to lack of available space.

Conditions

1. Applicant shall seek, obtain, and retain all necessary state licensure and all necessary local licenses or permits for operation.
2. Applicant to note on the site plan that smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility.
3. The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
4. Establishment must comply with the State mandated tracking system.
5. Applicant to note on the site plan that if the growing/ manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire.
6. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code.
7. The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.
8. There shall be no other accessory uses permitted within the same building.
9. Applicant to address all engineering conditions. NOTE: AT THE TIME OF THIS REVIEW, ENGINEERING REVIEW IS NOT YET COMPLETE.
10. Applicant to submit photometric for administrative review and approval.

Bonnie Wessler
City Planner, Community & Economic Development Department

Cynthia Kochanek
Preservation Planner, Community & Economic Development Department

CC File
Applicant

ASPEN GARDENS PHASE 3

YPSILANTI, MI

SHEET INDEX	
SHEET NO.	SHEET TITLE
S1	SHEET INDEX, SITE PLAN, ZONING DATA
S2	SITE DEMOLITION PLAN
S3	LANDSCAPE & SITE LIGHTING PLAN
S4	STORM WATER PLAN
S5	GRADING PLAN
S6	SITE DETAILS
A1	FLOOR PLAN
A2	BUILDING ELEVATIONS

DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015 EDITION.

LEGAL DESCRIPTION: Part of the Southeast Quarter of Section 9, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as: Commencing at the Iron Pipe at Southwest Corner of Chidester Street and Catherine Street; thence North 89°58'20" East 33.00 feet to the Southeast Corner of Chidester Street and Catherine Street and to the Point of Beginning; thence along the South Line of Catherine Street (formerly Race Street) the following two (2) courses: one (1) North 89°58'20" East 68.78 feet and two (2) South 70° 56'40" East 106.50 feet; thence South 04°00'00" East 220.18 feet; thence South 88°24'19" West 181.40 feet; thence along the East Line of Chidester Street, 33.00 feet wide, North 00° 46'00" West 259.45 feet to the Point of Beginning. Contains 0.989 Acres. Subject to Easements and Restrictions of record. PROPERTY ID 11-11-39-402-001

PROJECT DESCRIPTION: TWO 1-STORY ADDITIONS ON NORTH AND SOUTH SIDE OF EXISTING BUILDING. NEW CONCRETE CURB/ ASPHALT PAVING, DUMPSTER, LANDSCAPING AND LIGHTING TO MEET ZONING ORDINANCE REQUIREMENTS.

PROPERTY OWNER: AZ HOLDINGS, LLC
75 CATHERINE ST.
YPSILANTI, MI 48197
(313) 995-3121
alarussa78@yahoo.com

AREA ANALYSIS

EXISTING		PROPOSED	
EX. BUILDING AREA	7,615SF	EX. BUILDING AREA	7,615 SF
		NORTH ADDITION	+ 3,121 SF
EX. FRONTAGE (CATHERINE)	108.58' / 68.78' + 106.50' = 62%	SOUTH ADDITION	+ 8,326 SF
		PROP. BUILDING AREA	19,062 SF
EX. LOT AREA	43,069 SF (0.99 ACRES)		
EX. LOT COVERAGE	7,615 SF / 43,069 SF = 17.7 %	PROP. LOT COVERAGE	19,062 SF / 43,069 SF = 44.3 %

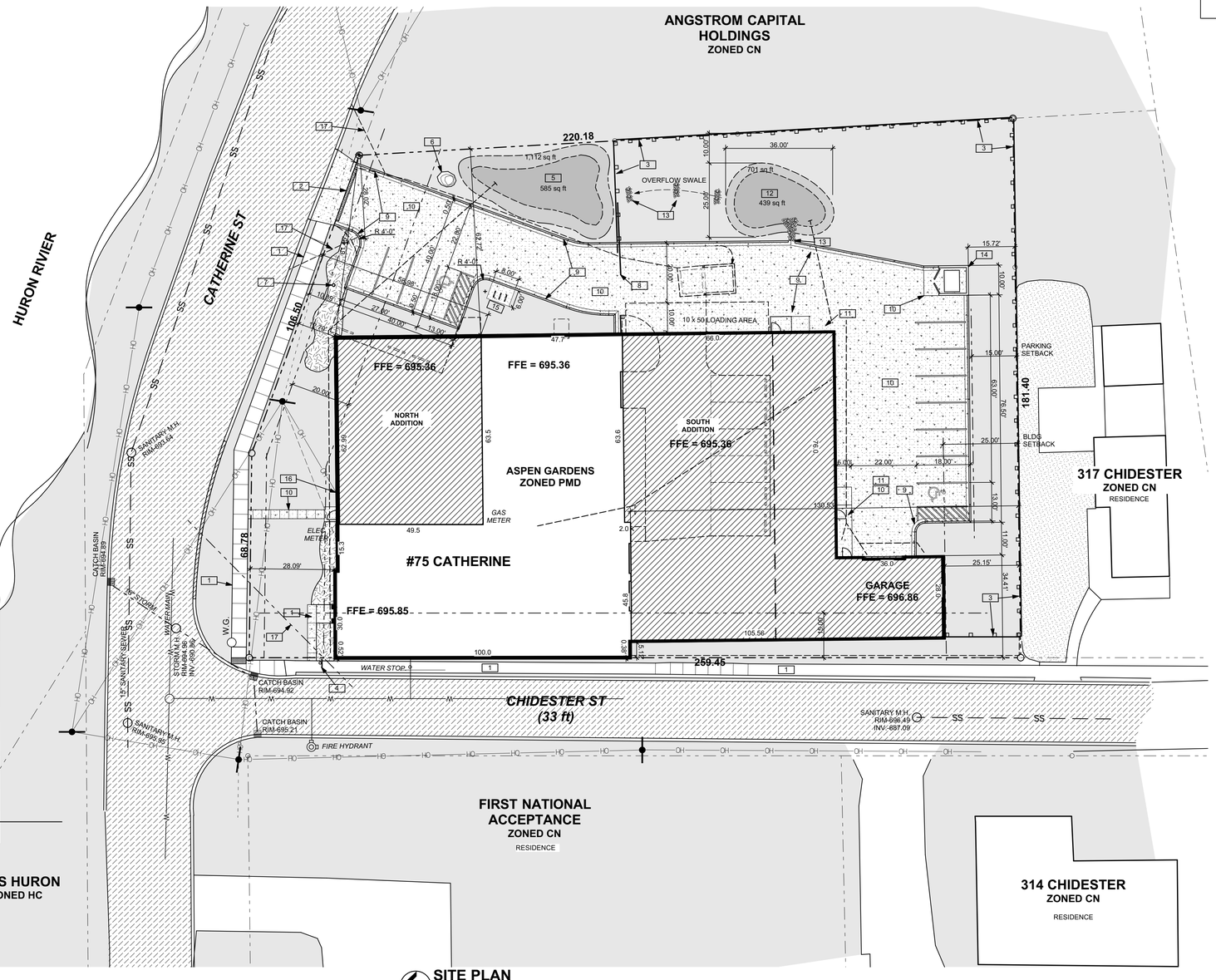
SCHEDULE OF REGULATIONS

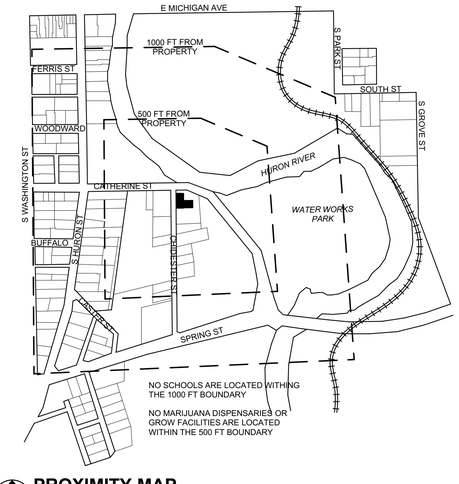
	ZONED PMD PRODUCTION/ MANUFACT./ DISTRIBUTION	REQ'D	EXISTING	PROPOSED	VARIANCE
PARKING	LOT COVERAGE	MAX. 90%	17.7%	44.0%	NONE
PARKING	FRONT SETBACK/ CATHERINE	MIN 10.0 FT	10.89 FT	10.89 FT	NONE
PARKING	SIDE STREET/ CHIDESTER	MIN 10.0 FT	40.94 FT	34.31 FT	NONE
PARKING	SIDE SETBACK/ EAST	MIN 10.0 FT	40.83 FT	28.02 FT	NONE
PARKING	REAR YARD/ SOUTH (1)	MIN 15.0 FT (1)	82.64 FT	15.72 FT	NONE
PARKING	LOT WIDTH	--	173.36 FT	NO CHANGE	NONE
PARKING	LOT AREA	--	43,069 SF	NO CHANGE	NONE
BUILDING	BLDG HEIGHT	MAX 60.0 FT	16'-9"	16'-11"	NONE
BUILDING	STREET SETBACK/ CATHERINE	MIN 25.0 FT	28.09 FT	12.79 FT	12.21 FT VARIANCE (3)
BUILDING	STREET SIDE SETBACK/ CHIDESTER	MIN 15.0 FT	-0.52 FT	5.12 FT (2)	EX. NON-CONFORMITY AND 9.88 FT VARIANCE (3)
BUILDING	INTERIOR SIDE/ EAST	MIN 15.0 FT	62.72 FT	61.45 FT	NONE
BUILDING	REAR YARD/ SOUTH (1)	MIN 25.0 FT (1)	130.53 FT	25.15 FT	NONE

(1) FROM ADJACENT CN ZONING DISTRICT
(2) AT NEW CONSTRUCTION
(3) TWO VARIANCES GRANTED AT ZBA MEETING 1/24/2018

PARKING/ LOADING REQUIREMENTS

122-691	**ASSEMBLY, PROCESSING, OR MANUFACTURING** 5 SPACES REQUIRED, PLUS 1 FOR EVER 1 1/2 EMPLOYEES IN LARGEST WORKING SHIFT (10/ 1.5 =6.7 SPACES) 5+6.7 = **12 SPACES REQUIRED** **12 SPACES PROVIDED**
122-693	1 BIKE HOOP PER 5 CAR SPACES IS REQUIRED 12 SPACES/ 5 = 2.4 BIKE HOOPS. (3 EXISTING BIKE HOOPS REMAIN IN NEW LOCATION)
122-693	COMMERICAL/ INDUSTRIAL USE BETWEEN 5,000 SF AND 19,999SF REQUIRES (1) 10x50 LOADING SPACE, LOCATED AT LEAST 50FT FROM CN DISTRICT IN THIS CASE, A LARGE LOADING SPACE IS NOT NEEDED. DELIVERIES/ SHIPMENTS WILL BE BY A BOX TRUCK. A 10x50 LOADING SPACE IS PROVIDED, BUT WITHOUT THE ASSOCIATED TURNING RADIUS FOR A LARGE SEMI TRUCK





PROXIMITY MAP

SITE PLAN 1" = 20'

GRASS OR LANDSCAPE · MULCH
EXISTING CONCRETE · NEW CONCRETE
EX. ASPAHLT · NEW ASPHALT
EX. GRAVEL · NEW. GRAVEL
FENCE
SS SANITARY SEWER
W WATER SUPPLY
G GAS SUPPLY
E UNDERGROUND ELECTRICAL
OH OVERHEAD ELECTRICAL

GENERAL SITE PLAN NOTES

1. THIS SITE IS NOT WITHIN A FLOOD ZONE
2. LARGEST SHIFT WILL HAVE 10 EMPLOYEES
3. NO OUTDOOR STORAGE AREAS ARE PROPOSED FOR THIS PROPERTY

KEYED SITE NOTES

1. EX. CONCRETE WALK
2. EX. TRENCH DRAIN
3. EX. 8FT TALL WOOD FENCE. FENCE ON SOUTH AND EAST PROPERTY LINE TO BE REMOVED FOR BUILDING
4. EXISTING STOP SIGN
5. EXISTING RAIN GARDEN #1
6. EXISTING ROCK
7. EX. GAS OUTLET
8. EX. AUTOMATIC SLIDING GATE
9. NEW CONCRETE CURB
10. NEW CONCRETE WALK/ PAVEMENT
11. CONCRETE RAMP
12. NEW RAIN GARDEN #2
13. RIP RAP/ DRAINAGE PATH
14. 10' x 10' DUMPSTER ENCLOSURE, 6 FT HIGH
15. 3 BIKE HOOPS MOUNTED TO CONCRETE SIDEWALK
16. PROPOSED ELECTRIC METERS
17. UNOBSTRUCTED AREA FOR TRAFFIC VISIBILITY

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PROJECT: ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE: SITE PLAN

JOB NO: 1702

STATE OF MICHIGAN · TODD R. BALLOU · ARCHITECT · No. 48808 · LICENSED ARCHITECT

SHEET NO. S1

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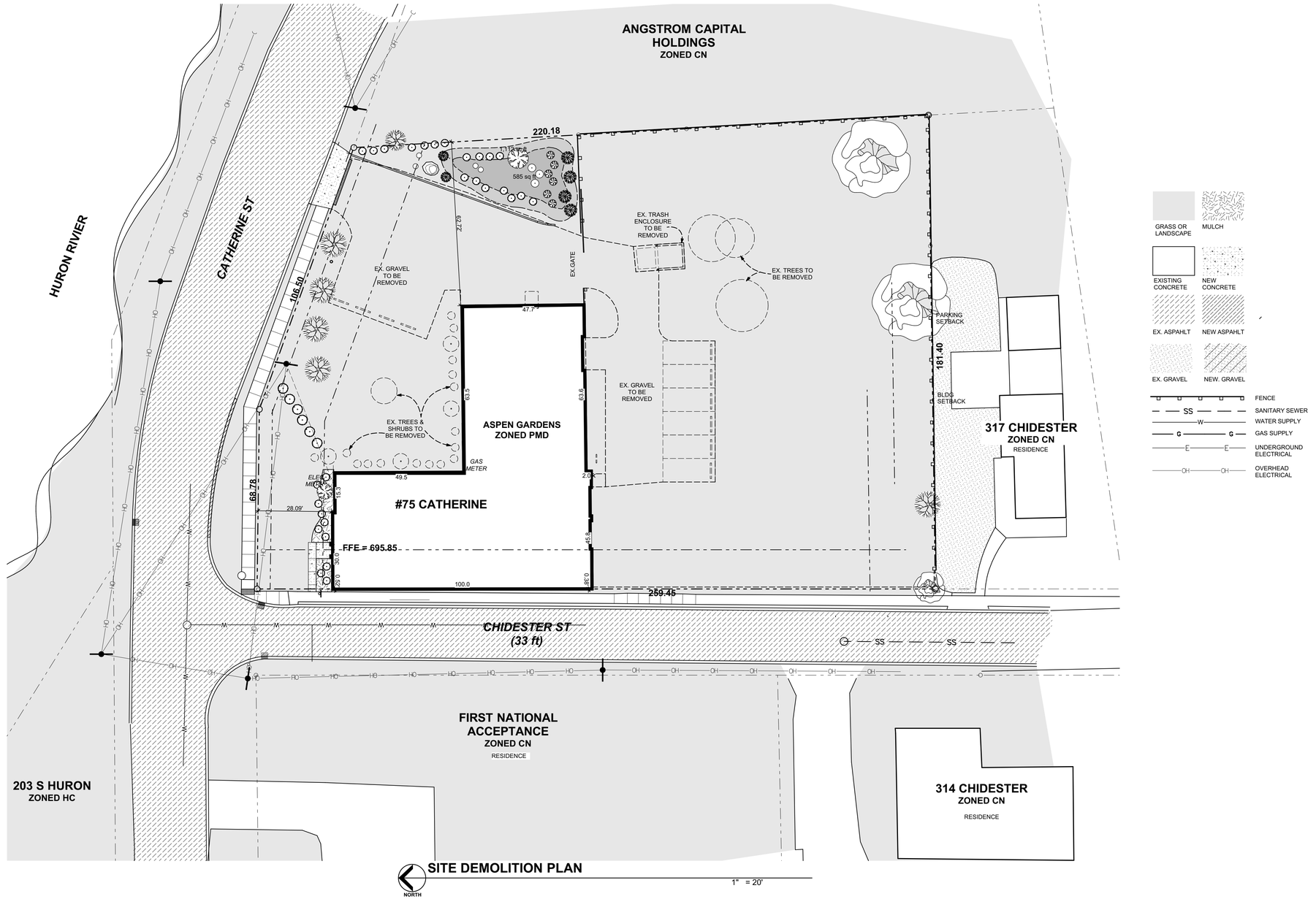

SITE DEMOLITION PLAN
NORTH
1" = 20'

PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE:
SITE DEMOLITION PLAN

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
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No. 48808
LICENSED ARCHITECT

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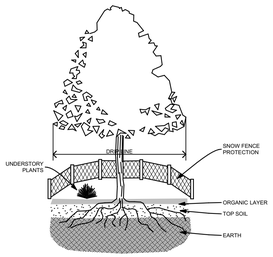
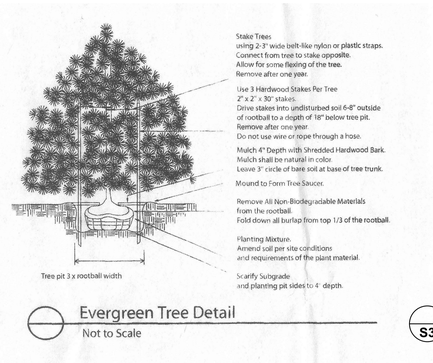


TREE PROTECTION DETAIL

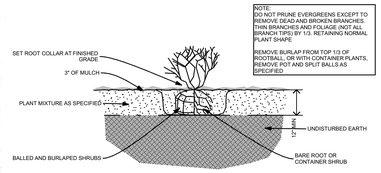
S3

Scale 1/8" = 1' - 0"



Evergreen Tree Detail

Not to Scale

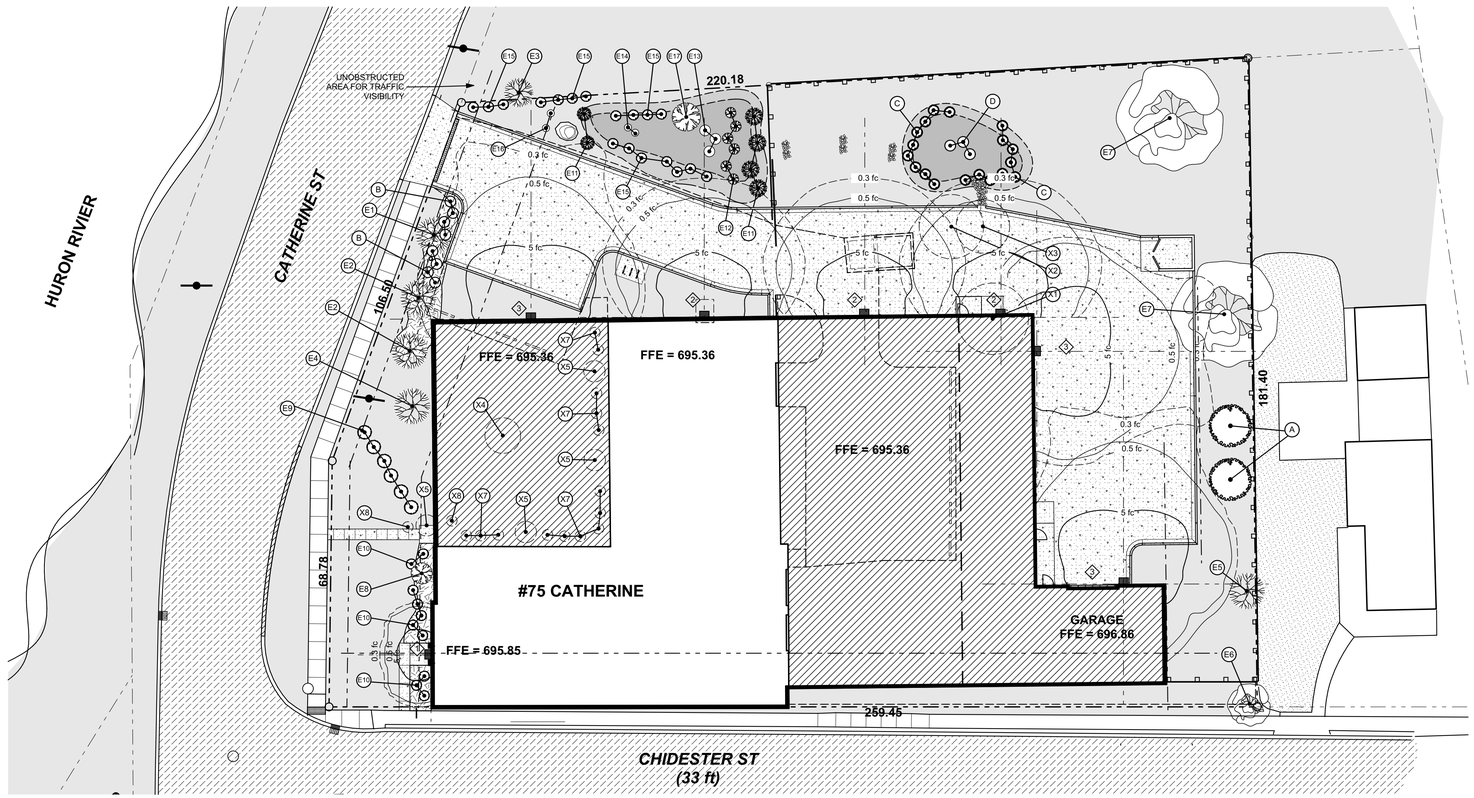


SHRUB PLANTING- BED

S3

Not to Scale

PLANTING SCHEDULE						
ID	COMMON NAME	FORMAL NAME	LOCATION	PLANT TYPE1	SIZE	QTY
A	EVERGREEN TREE	PICEA GLAUCA	PARKING LOT	EVERGREEN TREE	MIN 2 1/2"	2
B	GREEN VELVET BOXWOOD	BUXUS SEPERVIRENS "GREEN VELVET"	PARKING LOT SCREEN	SHRUB	MIN 24"	8
C	FOUNTAIN GRASS	ANDROPOGON GERARDII	RAIN GARDEN	SHRUB	2 GAL	18
D	PAMPAS GRASS		RAIN GARDEN	SHRUB	2 GAL	3
E1	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	5"	1
E2	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	6"	2
E3	EX. MAPLE	ACER...	PARKING LOT TREE	EXISTING TREE	7"	1
E4	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	8"	1
E5	EX. MAPLE	ACER...	FRONT YARD	EXISTING TREE	10"	1
E6	EX. BLACK WALNUT	JUGLANS NIGRA	GENERAL SITE	EXISTING TREE	12"	1
E7	EX. BLACK WALNUT	JUGLANS NIGRA	GENERAL SITE	EXISTING TREE	16"	2
E8	EX. DOGWOOD	CORNUS...	FOUNDATION	ORNAMENTAL TREE		1
E9	EX. ARBOR VITAE		FOUNDATION	SHRUB		6
E10	EX. HIX YEW	TAXUS MEDIA HIXSII	FOUNDATION	SHRUB		10
E11	EX. BUTTERFLY BUSH	BUDDLEIA	RAIN GARDEN	SHRUB		6
E12	EX. RUSSIAN SAGE	PEROVSKIA ATRIPLICIFOLIA	RAIN GARDEN	PERRENIAL		6
E13	EX. PAMPAS GRASS	CORTADERIA SELLOANA	RAIN GARDEN	TALL GRASS		3
E14	EX. SWAMP MILKWEEK	ASCLEPIAS INCARNATA	RAIN GARDEN	PERRENIIAL		2
E15	EX. FOUNTAIN GRASS	PENNISETUM	RAIN GARDEN	GRASS		18
E16	EX. JUNIPER	JUNIPERUS PROCUMBENS "NANA"	RAIN GARDEN	SHRUB		2
E17	EX. WISTERIA	WISTERIA	RAIN GARDEN	SHRUB		1
X1	DECIDUOUS TREE REMOVED	UNIDENTIFIED	TO BE REMOVED	EXISTING TREE	24"	1
X2	DECIDUOUS TREE REMOVED	UNIDENTIFIED	TO BE REMOVED	EXISTING TREE	18"	1
X3	BLACK WALNUT R	JUGLANS NIGRA	TO BE REMOVED	EXISTING TREE	15"	1
X4	MAPLE TREE REMOVED	CORNUS...	TO BE REMOVED	ORNAMENTAL TREE		1
X5	DOGWOOD REMOVED	CORNUS...	TO BE REMOVED	ORNAMENTAL TREE		4
X7	BURNING BUSHES REMOVED	EUONYMUS ALATUS	TO BE REMOVED	SHRUB		14
X8	HIX YEW REMOVED	TAXUS MEDIA HIXSII	TO BE REMOVED	SHRUB		2



LANDSCAPE & SITE LIGHTING PLAN

NORTH

1" = 20'

LANDSCAPING REQUIREMENTS

		PROPOSED TREES	PROPOSED SHRUBS
122-634	A WALL OR FENCE IS REQUIRED TO SEPARATE PMD ZONING FROM OTHER USES. AN EXISTING 8FT FENCE IS LOCATED ON THE SOUTH AND EAST PROPERTY LINE. OTHERWISE, THE VIEW IS BLOCKED BY THE BUILDING ITSELF	--	--
122-637	STREET TREES ARE REQUIRED FOR ALL PROJECTS THAT REQUIRE SITE PLAN REVIEW. 1 TREE PER 30 LF OF FRONTAGE: CATHERINE STREET = 175.28LF/ 30 = 5.8 TREES CHIDESTER ST = 259.45 LF/30 = 8.6 TREES DUE TO LIMITED SPACE, NO TREES ARE PROPOSED	--	--
122-637	FOUNDATION PLANTING IS NOT REQUIRED IN PMD ZONING. EXISTING PLANTINGS AT NORTH ENTRANCE WILL REMAIN.	--	--
122-638	10% SITE LANDSCAPING IS REQUIRED. THE SITE IS 43,069 SF, REQUIRING 4,307 SF OF LANDSCAPED AREA. THE PERVIOUS AREAS TOTAL 13,251 SF, OR 30.8% OF THE SITE	--	--
122-684	OFF STREET PARKING REQUIRES 1 TREE FOR EVERY 8 PARKING SPACES 12 SPACES/ 8 = 1.5 TREES	2	--
	SCREENING IS REQUIRED TO SHEILD PARKING FROM CATHERINE ST. (EVERGREEN HEDGE PROPOSED)	--	11

LANDSCAPE MAINTENANCE NOTES PER ZONING ORDINANCE 122-712

1. COMPLETE LANDSCAPING INSTALLATION IS REQUIRED TO OBTAIN A CERTIFICATE OF OCCUPANCY.

2. ALL LANDSCAPING AND LANDSCAPING ELEMENTS SHALL BE PLANTED, AND EARTH MOVING OR GRADING PERFORMED, IN A SOUND WORKMANLIKE MANNED, ACCORDING TO ACCEPTED PLANTING AND GRADING PROCEEDURES

3. ALL PLANT MATERIALS SHALL BE MAINTAINED IN GOOD CONDITION SO AS TO PRESENT A HEALTHY, NEAT, AND ORDERLY APPEARANCE, AND SHALL BE TRIMMED OR PRUNED IN SUCH A MANNER SO AS TO NOT ALTER THEIR NATURAL GROWTH POTENTIAL.

4. THE OWNER OF THE PROPERTY SHALL MAINTAIN LANDSCAPING IN A STRONG AND HEALTHY CONDITION.

5. ALL REQUIRED LANDSCAPING MATERIALS WHICH BECOME UNHEALTHY OR DEAD SHALL BE REPLACED WITHIN SIX MONTHS OF DAMAGE OR DEATH, OR THE NEXT APPROPRIATE PLANTING PERIOD, WHICHEVER COMES FIRST.

6. ALL LANDSCAPED AREAS MUST BE PROVIDED WITH A READILY AVAILABLE AND ACCEPTABLE WATER SUPPLY. (AN UNDERGROUND IRRIGATION DOES NOT EXIST, AND IS NOT PROPOSED)

	EXISTING	CHANGE	PROPOSED
IMPERVIOUS AREAS	**16,112 SF**	**+13,706 SF**	**29,818 SF**
EX. BUILDING	7,815 SF	+11,447 SF	19,062 SF
GRAVEL	7,345 SF	-7,345 SF	---
CONCRETE CURBS, WALKS	303 SF	+876 SF	1,179 SF
CONCRETE PAVEMENT	---	+8,437 SF	8,437 SF
RAIN GARDEN (WATER)	849 SF	+291 SF	1,140 SF
PERVIOUS AREAS	**26,957 SF**	**-13,706 SF**	**13,251 SF**
GRASS/ MULCH	62.6% OF SITE		30.8% OF SITE
SITE AREA	**43,069 SF** 0.99 ACRES		**43,069 SF** 0.99 ACRES

SITE LIGHTING SCHEDULE

ID	FIXTURE	MOUNTING HEIGHT
1	RAB LIGHTING/ WP1-CH50 (WHITE WITH PHOTOCELL) FULLY- SHEILDED WALLPACK WITH 50 WATT METAL HALIDE LAMP	8'-6" FT
2	RAB LIGHTING/ WP3C (WHITE WITH PHOTOCELL) FULLY- SHEILDED WALLPACK WITH 200 WATT METAL HALIDE LAMP	10 FT
3	RAB LIGHTING/ WP4FC (WHITE WITH PHOTOCELL) FULLY- SHEILDED WALLPACK WITH 400 WATT METAL HALIDE LAMP	14 FT

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PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE:
LANDSCAPE & SITE LIGHTING PLAN

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
S3

W1 Determining Post Development Cover types, Areas, Curve numbers, and Coefficients

Total site area	43,069	ft2	0.99	ac
Total site area excluding "self crediting BMPs"	43,069	ac	0.99	ac

Post development Rational Method variables

cover type	soil type	Area (ft2)	Area (ac)	Runoff coeff C	AC
grass	A	13,251	0.30	0.15	0.05
building	A	19,062	0.44	0.95	0.42
conc. curbs	A	1,179	0.03	0.95	0.03
conc. Pavmt	A	8,437	0.19	0.95	0.18
Rain gardens	A	1,140	0.03	1.00	0.03
		0	0.00	0.00	0.00
		Total- Σ CA			0.70
		Area Total -Σ(ac)			0.99
		Weigthed C = Σ AC/ Σ area			0.71

Post Development NRCS Variables- Pervious cover

Pervious cover type	soil type	Area (ft2)	Area (ac)	Curve number	CN X Area
Lawn	A	13,251	0.30	80	24.34
			Total Σ (CN)(Area) =		24.34
			Area Total -Σ(ac)		0.30
			Weighted CN = Σ (CN)(Area)/ Σ (area)		80.00

Post development NRCS Variables- Impervious cover

Impervious cover type	soil type	Area (ft2)	Area (ac)	Curve number	CN X Area
conc. curbs	A	1,179	0.03	98	2.65
conc. Pavmt	A	8069	0.19	98	18.15
building	A	19,062	0.44	98	42.89
Rain garden	A	8,437	0.19	98	18.98
			Total Σ (CN)(Area) =		82.67
			Area Total -Σ(ac)		0.84
			Weighted CN = Σ (CN)(Area)/ Σ (area)		98

W2 First Flush

Vff = (1") (1'/12")(43560 ft3/1ac)AC

Total Area (A)	0.99	ac
Weighted C	0.71	
Vff =	2,531	ft3

W3 Pre-development bankfull run-off calculation (Vbf-pre)

2 yr/ 24 hr storm event P=	2.35	inch
Curve Number for Good cover woods or meadow CN =	32	
S = (1000/CN) -10	21.25	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	0.19	inch
Total site area (sf) excluding self crediting BMPs	43,069	sf
Vbf-pre = Q (1/12) Area	669.59	ft^3

W4 Post development Pervious Cover bankfull run-off calculation (Vbf-per post)

2 yr/ 24 hr storm event P=	2.35	inch
Pervious Curve number from W1	80.00	
S = (1000/CN) -10	2.50	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	0.79	inch
Pervious curve area from W1	13,251	sf
Vbf-per post = Q (1/12) Area	868.80	ft^3

W5 Post development Impervious Cover bankfull run-off calculation (Vbf-imp post)

2 yr/ 24 hr storm event P=	2.35	inch
Impervious Curve number from W1	98	
S = (1000/CN) -10	0.20	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	2.12	inch
Impervious curve area from W1	27,499	sf
Vbf-imp post = Q (1/12) Area	4,862	ft^3

W6 Pervious Cover post-development 100 year storm run-off calculation (V100-per post)

100 yr/ 24 hr storm event P=	5.11	inch
pervious Curve number from W1	80.00	
S = (1000/CN) -10	2.50	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	2.99	inch
Pervious curve area from W1	13,251	sf
Vbf-imp post = Q (1/12) Area	3,301	ft^3

W7 Impervious Cover post-development 100 year storm run-off calculation (V100-imp post)

2 yr/ 24 hr storm event P=	5.11	inch
Impervious Curve number from W1	98	
S = (1000/CN) -10	0.20	inch
Q = (P- 0.2S)^2 / (P = 0.8 S)	4.87	inch
Pervious curve area from W1	36,747	sf
Vbf-imp post = Q (1/12) Area	14,922	ft^3

W8 Determine Time of Concentration for applicable flow types (Tc- hrs)

Flow Type	K	Change in elevation (ft)	Length (L)	Slope % (S)	S$^{2.5}$	V=K*S$^{0.5}$; = L/(V*3600)	
Sheet flow*	0.48	6.78	170	3.99%	2.00	0.96	0.05
waterway	1.2						
small trib	2.1						
					Total Tc		0.05 hr

*Sheetflow cannot exceed 300ft. Anything beyond this is considered waterway

W9 Run-off Summary & Onsite infiltration requirement

W2	First Flush Volume Vff =	2531	ft^3
W3	Pre-development bankfull run-off calculation (Vbf-pre)	670	ft^3
W4	Pervious Cover post development bankfull run-off calculation (Vbf-per po	869	ft^3
W5	Impervious Cover post development bankfull run-off calculation (Vbf-imp	4,862	ft^3
	Total Bank Full Volume	**5,731**	ft^3
W6	Pervious Cover post-development 100 year storm run-off calculation (V1	3,301	ft^3
W7	Impervious Cover post-development 100 year storm run-off calculation (\	14,922	ft^3
	Total 100 Year Volume	**18,223**	ft^3

Determine On-site Infiltration requriement

Subtract the Pre-development Bankfull from the Post Dev Bankfull volume			
Bankfull Volume Difference		5,061	ft^3
Compare the bankfull Volume Difference with the first flush	Vff	2530.98	
The greater of the two is the Bankfull Volume difference			
Onsite Infiltration Reqment Vinf =		5,061	ft^3

W10 Detention/ Retention Requirement

Detention			
Peak of Unit Hydrograph Qp = 238.6 Tc$^{-0.82}$		2817.14	cfs/ in
Total site area (ac) excluding "self-crediting BMPs		0.99	ac
Q100 = Q100-perv + Q100-imp		7.86	in
Peak Flow PF = Qp * Q100 *Area / 640		34.22	cfs
Δ = PF-0.15		34.07	cfs
Vdet = (Δ/PF)*V100-post - Vinf	Required Detention	13,082	ft^3

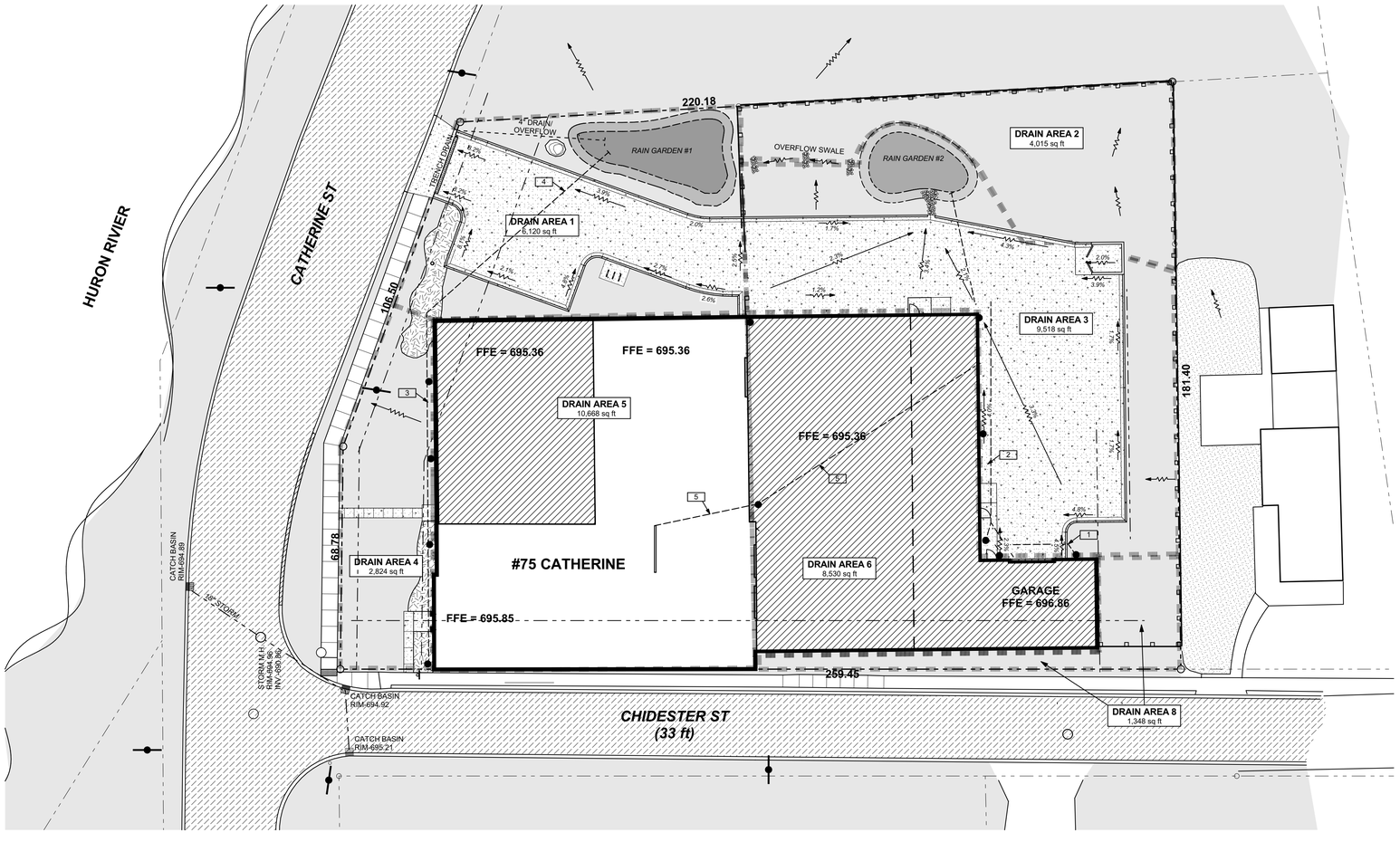
W11 Determine Applicable BMPs and associated volume credits

Proposed BMP	Area ft2	Storage Volume ft3	Avg Design Infilt Rate in/hr	Infilt Vol during Storm (ft3)	Total Volume Reduction
Rain Garden #1	849	916	5.00	2,121	3,037
Rain Garden #2	570	643	5.00	1,425	2,068

Total volume reduction credit by proposed Structural BMP	5,105	ft^3	
Run-off Volume Infiltration Requirement Vinf from W9	5,061	ft^3	
Run-off Volume credit	44	ft^3	OK
Required V100 for 100% infiltration	5,105	ft^3	

FEASIBILITY ANALYSIS OF RAIN GARDENS

	Rain Garden #1	Rain Garden #2	TOTAL	
Bottom Area	585	439		sf
Ponding Area	1,112	701	1,813	sf
Infiltration Area = Average Bed Area	849	570	1,419	sf
Surface Storage Volume =				
Maximum Design Water Depth	0.666	0.666		ft
Avg Bed Area * Max Ponding Depth	565	380		ft^3
Soil Storage Volume =				
Design Soil Depth	3.00	3.00		ft
Soil Porosity	0.1	0.1		
Bed Area X Depth X Porosity	176	132		ft^3
Gravel Storage Volume				
Design Gravel Depth	1.00	1.00		ft
Soil Porosity	0.3	0.3		
Bed Area X Depth X Porosity	176	132		ft^3
Infiltration Volume over 6 hr period				
Design Infiltration Rate	5.00	5.00		in/hr
Inf Area X Inf Rate X 6hr X (1/12")	2,121	1,425		ft^3
Total Basin Volume				
Surface + Soil + Gravel	916	643	1,559	ft^3
Surface + Soil + Gravel + Infiltration	3,037	2,068	5,105	ft^3
Total Time to Infiltrate 100 year storm should be less than 48 hours				
V100 from Worksheet 9	18,223			ft3
Tinf= V100/(Inf Area X Inf Rate (1'/12"))	30.8			hr OK



STORM WATER PLAN

NORTH 1" = 20'

STORM WATER NOTES:

THIS IS A CONCEPTUAL STORM WATER PLAN FOR SITE PLANNING PURPOSES, TO BE COMPLETED DURING THE ENGINEERING REVIEW PHASE.

ACCORDING TO EWASHTENAW MAPS, THIS SITE CONTAINS SpB "SPINKS" SOIL (HYDROLOGIC SOIL GROUP A WITH 0-6% SLOPES) AND EXPECTED TO HAVE A HIGH INFILTRATION RATE. THIS IS CONSISTANT WITH THE EXISTING RAIN GARDEN ON THE SITE, WHICH HAS PERFORMED VERY WELL.

1. ROOF DRAIN: 6" PVC, 42 LF @ 2% SLOPE
2. ROOF DRAIN: 6" PVC, 115 LF @ 2% SLOPE
3. ROOF DRAIN: 6" PVC, 45 LF @ 2% SLOPE
4. ROOF DRAIN: 6" PVC, 75 LF @ 2% SLOPE
5. EXISTING INTERNAL ROOF DRAIN TO BE ABANDONED

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ASPEN GARDENS PHASE 3
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TITLE: **STORM WATER MANAGEMENT**

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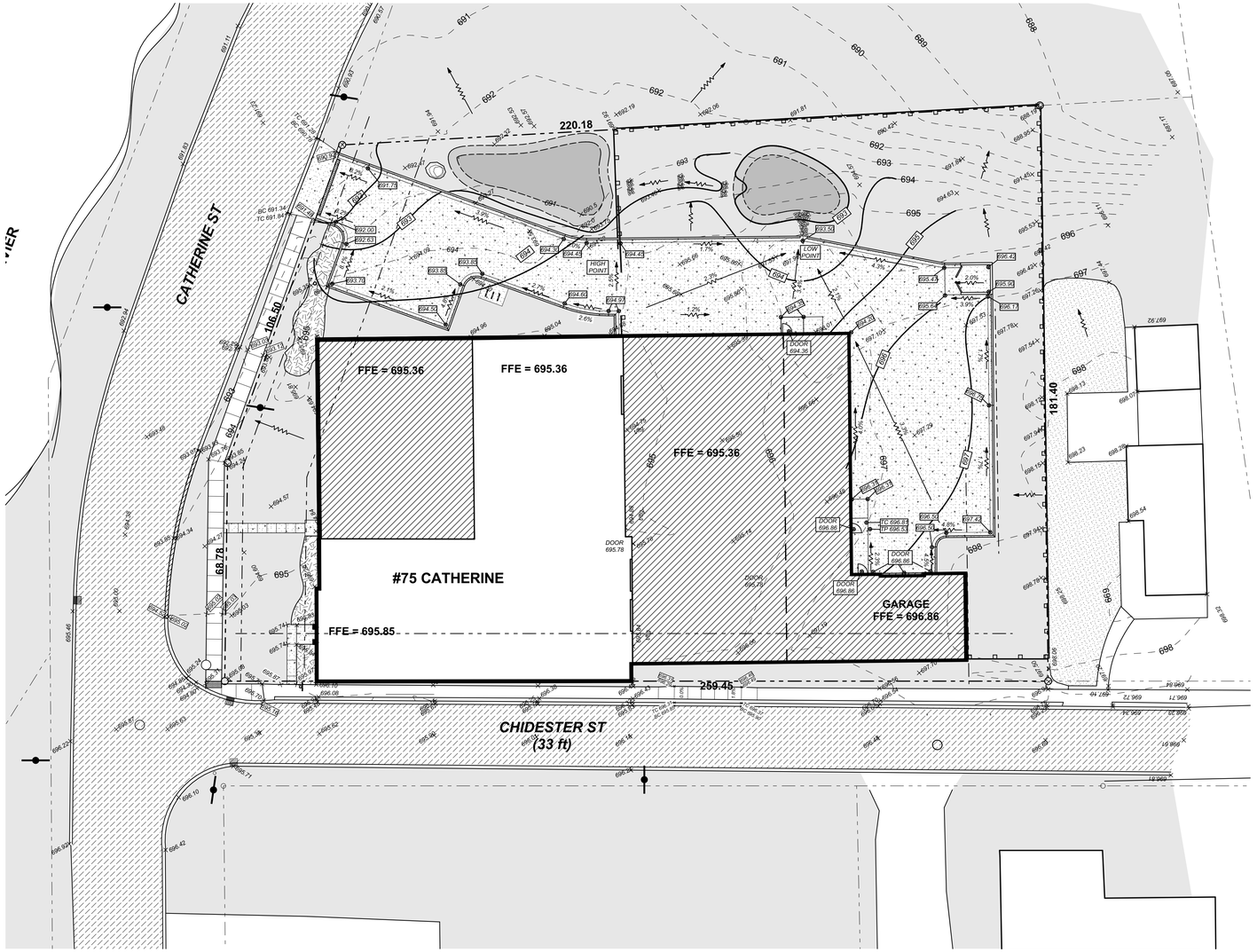
GRADING NOTES

- EXISTING CONTOUR (780)
- PROPOSED CONTOUR (691)
- DIRECTION & SLOPE OF RUN-OFF (2.3%)
- TOP OF PAVEMENT (TP)
- BACK OF CURB (BC)
- PROPOSED ELEVATION (779.35)
- EXISTING ELEVATION (779.35)



GRADING PLAN
NORTH
1" = 20'

SITE PLAN REVIEW	2 FEB 2018
SITE PLAN REVIEW	20 DEC 2017
SITE PLAN REVIEW	14 NOV 2017
PRELIMINARY	16 OCT 2017

focus / design
Todd Ballou, Registered Architect
(734) 276-2110
www.focusdesign.us
focusdesign@comcast.net
3300 Berry Rd, Ypsilanti, MI 48198

PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE: **GRADING PLAN**

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
S5

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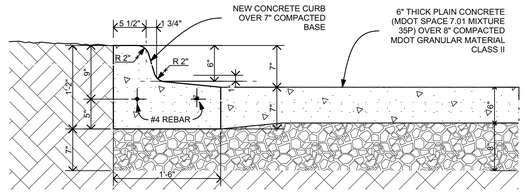
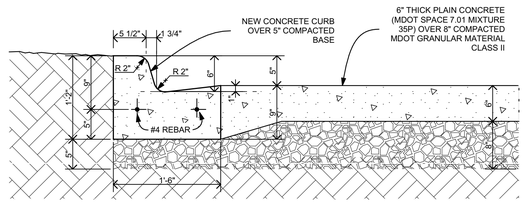


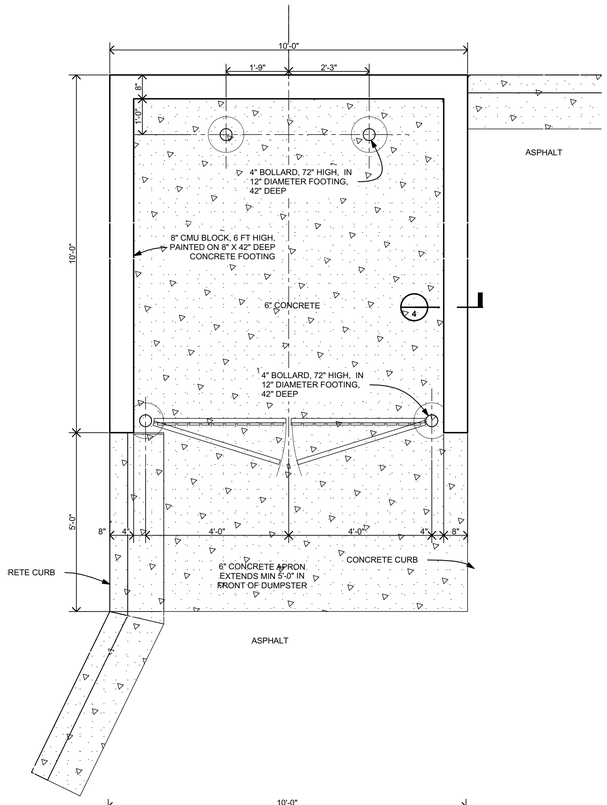
3 / S6 TYPE F2 CURB- PITCH OUT

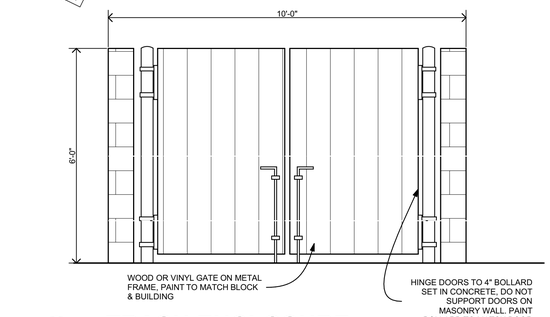
Scale 1" = 1' - 0"



2 / S6 TYPE F2 CURB- PITCH IN

Scale 1" = 1' - 0"



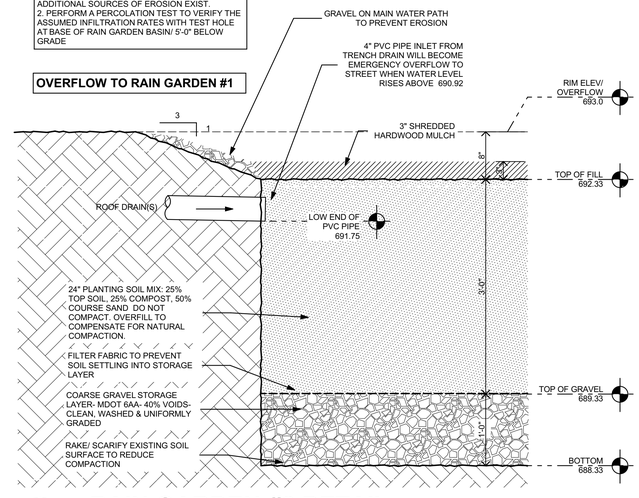


4 / S6 TRASH ENCLOSURE

Scale 1/2" = 1' - 0"

RAIN GARDEN NOTES:
1. DO NOT INSTALL THE RAIN GARDEN UNTIL ALL AREAS OF SITE ARE STABALIZED AND NO ADDITIONAL SOURCES OF EROSION EXIST.
2. PERFORM A PERCOLATION TEST TO VERIFY THE ASSUMED INFILTRATION RATES WITH TEST HOLE AT BASE OF RAIN GARDEN BASIN/ 5'-0" BELOW GRADE

OVERFLOW TO RAIN GARDEN #1



1 / S6 RAIN GARDEN #2 DETAIL

Scale 1" = 1' - 0"

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PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE: **SITE DETAILS**

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
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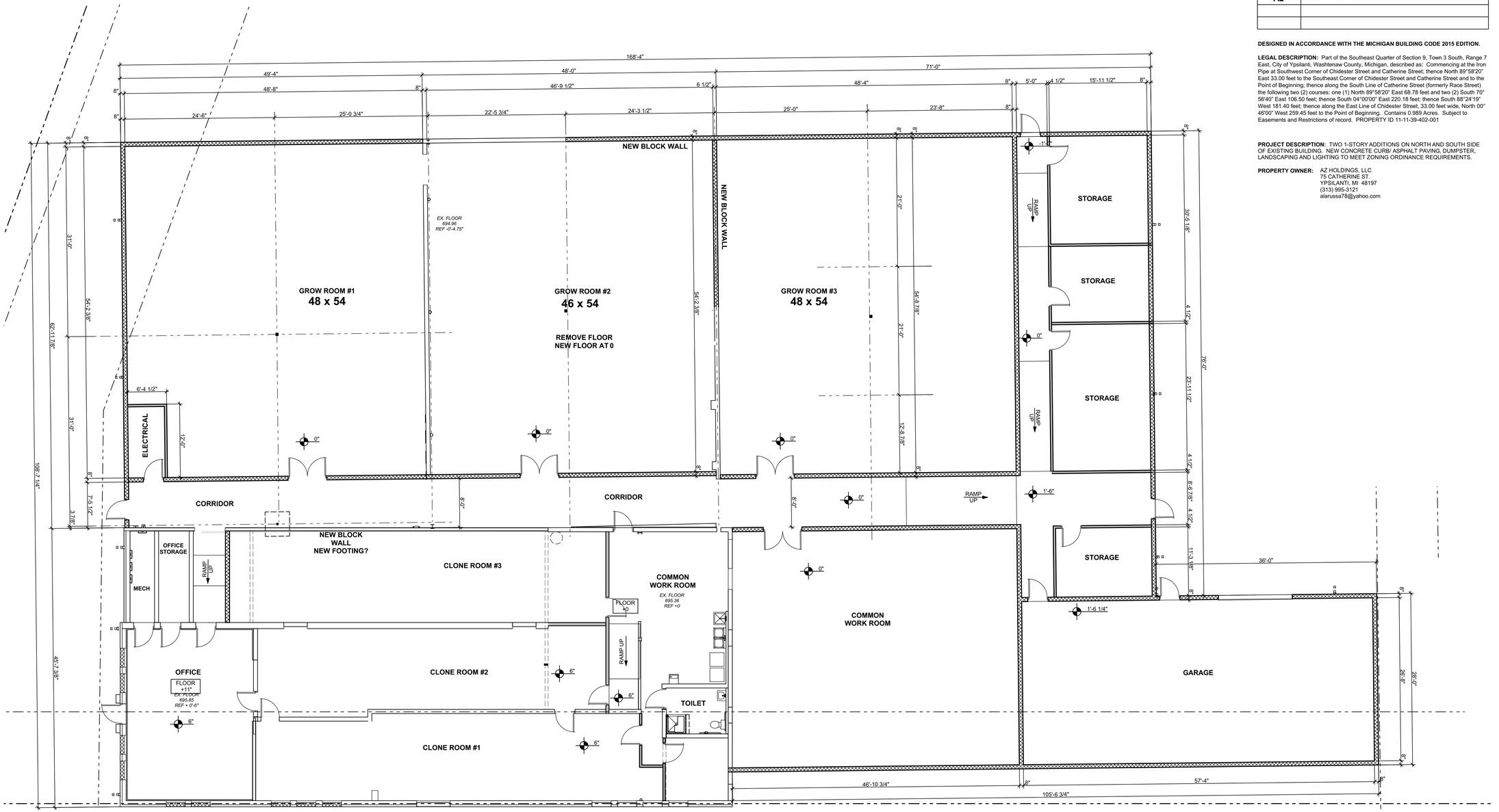
LICENSED ARCHITECT

SHEET NO.
S6

ASPEN GARDENS PHASE 3

YPSILANTI, MI



FLOOR PLAN

1/8" = 1'-0"

SHEET INDEX

SHEET NO.	SHEET TITLE
S1	SHEET INDEX, SITE PLAN, ZONING DATA
S2	SITE DEMOLITION PLAN
S3	LANDSCAPE & SITE LIGHTING PLAN
S4	STORM WATER PLAN
S5	GRADING PLAN
S6	SITE DETAILS
A1	FLOOR PLAN
A2	BUILDING ELEVATIONS

DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015 EDITION.

LEGAL DESCRIPTION: Part of the Southeast Quarter of Section 9, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as: Commencing at the Iron Pipe at Southwest Corner of Chidester Street and Catherine Street; thence North 89°58'20" East 33.00 feet to the Southeast Corner of Chidester Street and Catherine Street and to the Point of Beginning; thence along the South Line of Catherine Street (formerly Race Street) the following two (2) courses: one (1) North 89°58'20" East 68.78 feet and two (2) South 70° 56'40" East 106.50 feet; thence South 04°00'00" East 220.18 feet; thence South 88°24'19" West 181.40 feet; thence along the East Line of Chidester Street, 33.00 feet wide, North 00° 46'00" West 259.45 feet to the Point of Beginning. Contains 0.989 Acres. Subject to Easements and Restrictions of record. PROPERTY ID 11-11-39-402-001

PROJECT DESCRIPTION: TWO 1-STORY ADDITIONS ON NORTH AND SOUTH SIDE OF EXISTING BUILDING. NEW CONCRETE CURB/ ASPHALT PAVING, DUMPSTER, LANDSCAPING AND LIGHTING TO MEET ZONING ORDINANCE REQUIREMENTS.

PROPERTY OWNER: AZ HOLDINGS, LLC
75 CATHERINE ST.
YPSILANTI, MI 48197
(313) 995-3121
alarussa78@yahoo.com

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PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE: **FLOOR PLAN**

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
A1

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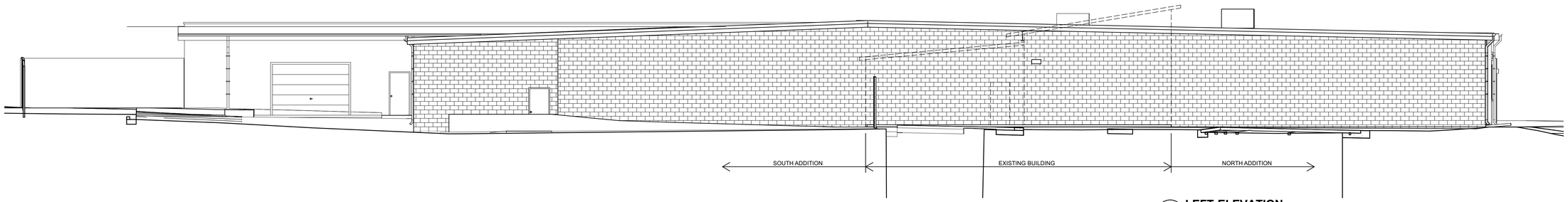
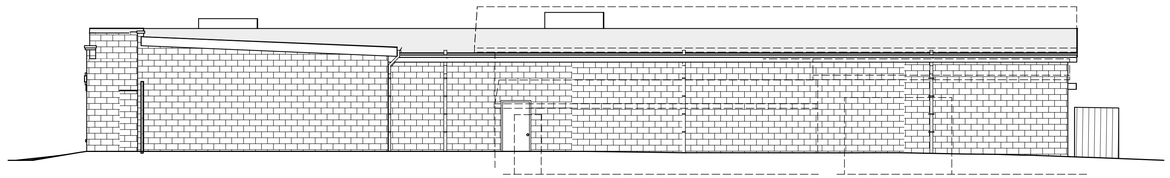
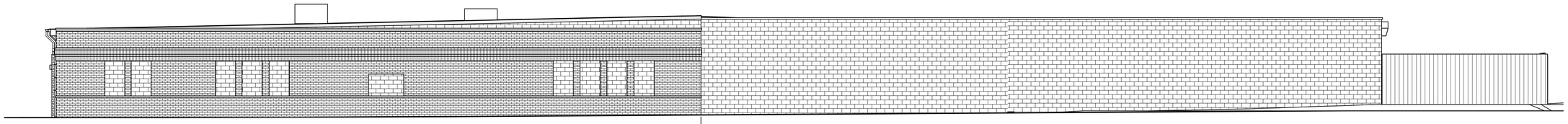


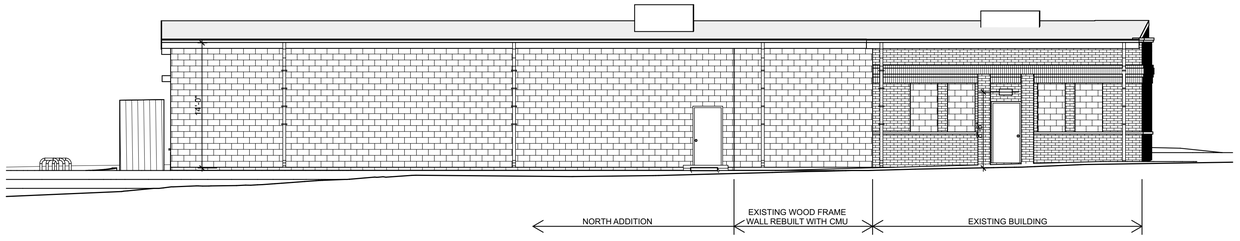
4/A3 **LEFT ELEVATION**
1/8" = 1'-0"



3/A3 **REAR ELEVATION**
1/8" = 1'-0"



2/A3 **RIGHT ELEVATION** (CHIDESTER STREET)
1/8" = 1'-0"



1/A3 **FRONT ELEVATION** (CATHERINE STREET)
1/8" = 1'-0"

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PROJECT:
ASPEN GARDENS PHASE 3
75 CATHERINE ST.
YPSILANTI, MI

TITLE:
ELEVATIONS

JOB NO:
1702

STATE OF MICHIGAN
TODD R. BALLOU
ARCHITECT
No. 48808
LICENSED ARCHITECT

SHEET NO.
A3

City of Ypsilanti

Community & Economic Development Department

Memo

To: Planning Commission

From: Bonnie Wessler, City Planner

Date: February 16, 2018

Subject: Master Plan: Housing Subcommittee charter update

Since the adoption of the Charter, the Housing Subcommittee has had the opportunity to meet once. As the committee list was developed, it became apparent that not all organizational seats could be filled with Ypsilanti residents. In some cases, the organization is small enough that there is no resident on staff; in other cases, the staff most able to engage on the topic of housing is not a City resident. In order to have the broadest range of expertise available on this committee, staff recommends that the residency requirement be dropped for these seats. In addition, many local employers do not live within the City- some may live quite some distance away, others just outside the bounds. In order to be able to fill the seat with an engaged participant, staff recommends that the residency requirement be dropped for this seat as well.

In addition, as word of the subcommittee's formation has spread, more organizations have expressed interest in participating at the steering committee level. These organizations have expertise with local, state, and federal regulations regarding housing, as well as local conditions affecting accessibility and affordability and the barriers to obtaining safe housing. We've also had interest in the steering committee from individuals with specific areas of expertise who can help to bring a depth of perspective to the process. As such, staff is proposing the addition of four seats on the steering committee.

COMMITTEE CHARTER:
Citizen Committee on Housing Affordability & Accessibility

Adopted December 20, 2017

Background

In October 2013, the Planning Commission of the City of Ypsilanti adopted a new Master Plan (also referred to as the "Shape Ypsi" Master Plan), a hybrid land use/policy plan intended to guide development, redevelopment and preservation in the City over a 20-year horizon. It provides the framework on which the City's Zoning Ordinance is based and also contains guidance for other areas of civic governance, such as capital improvements, non-motorized transportation and development of publicly-owned land.

Two of the guiding values set forth in the Master Plan are "*Diversity is our strength*" and "*Anyone, no matter what age or income, can find a place to call home in Ypsilanti.*"

In the four-plus years since the 2013 Master Plan was adopted, issues of housing affordability and accessibility have surfaced repeatedly during Planning Commission proceedings (which include reviews of site plans and special use applications). Rents are rising, in some cases so sharply that renters have been priced out of the City. Barriers to physical accessibility, common among Ypsilanti's older homes, continue to limit housing options for people with a disability. These realities conflict with the Master Plan guiding values cited above.

By statute, the Planning Commission is required to review the Master Plan at least once every five years and to make updates as deemed necessary.

I. Purpose

The Citizen Committee will review and update the City of Ypsilanti's 2013 Master Plan with a focus on preserving and enhancing housing affordability and accessibility in keeping with the guiding values of the Master Plan. The Committee will develop and issue recommendations for specific land use and policy changes for consideration by the Planning Commission and (upon invitation) City Council.

II. Committee Type

Per Planning Commission bylaws, "*the Commission, Chair or City Planner may establish and appoint citizen committees with the consent of the Commission. The purpose of the citizen committee is to be able to use individuals who are knowledgeable or expert in a particular issue before the Commission or to better represent various interest groups."*

The Citizen committee is a "special" committee of the Planning Commission (as opposed to a standing committee). It is formed to serve for a limited time and will be dissolved once the tasks and responsibilities assigned to it are complete.

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III. Membership

The committee will be comprised of:

- Up to four (4) members of the Planning Commission
- One member of the Human Relations Commission
- One member of the Sustainability Commission
- One ~~member of the~~ representative of the Ypsilanti Housing Commission
- One representative of EMU
- One representative of Defend Affordable Ypsi
- One representative of Ann Arbor Center for Independent Living
- One representative of Avalon Housing
- One representative of Ozone House
- One representative of the Fair Housing Center of Southeast Michigan
- One representative of SOS Community Services
- One representative of civic affairs organization at the county or state level
- One Ypsilanti owner-occupant
- One Ypsilanti business owner (and employer)
- One lessor of rental properties in Ypsilanti
- Up to two members of the community at large

~~All members will be residents of the City.~~ Members who are representative of an organization and the member who is a business owner need not be residents of the City, although City residents are encouraged to serve in these positions. All other committee members shall be Ypsilanti residents. A guiding principle in recruiting and selecting individuals to serve on the committee will be the degree to which the members, as a whole, represent the diversity of the Ypsilanti community, both demographically (in terms of income, race or ethnicity, age group and ward) and with respect to affordability and accessibility-related interests.

Organizations represented on the committee may elect to rotate their representative as appropriate to accommodate the thematic focus of work sessions. Participation is voluntary, and any organization may opt out of committee participation at any time.

All members shall have equal voice and standing with respect to the proceedings and recommendations of the Committee.

The Planning Department of the City of Ypsilanti will provide a staff advisor to the Committee.

IV. Chairperson

The Chair of the Planning Commission shall serve as the Chairperson of the Citizen Committee and will designate another committee member to chair work sessions in her absence.

V. Activities, Duties & Responsibilities

- Drawing on the most up-to-date quantitative and qualitative data and resources available, assess the current situation with respect to housing affordability and accessibility in Ypsilanti and Washtenaw County
- Analyze underlying barriers to affordability and accessibility at the municipal, county, state and national levels
- Study existing affordability and accessibility strategies and models (local and non-local)
- Identify additional strategies and models for increasing affordability and accessibility
- Rate strategies based on their probable impact, feasibility and acceptability in Ypsilanti

- Develop written land use and policy recommendations for adoption and implementation
- Present recommendations to Planning Commission and (upon invitation) City Council

VI. Committee Procedures

Frequency of meetings: The committee will hold its initial work session in January 2018 and will meet on a regular basis (not more than twice-monthly and not less than monthly) to fulfill its duties as described above.

Venue(s): Work sessions of the Citizen Committee will be publicly noticed and held at rotating, accessible venues to facilitate community engagement in the review and updating of the Master Plan.

Thematic focus groups: As appropriate, the Citizen Committee will invite additional input from community residents through focus groups, special presentations, and public comment sessions. In addition, the committee will form subgroups to perform in-depth study of special topics as required.

Completion of work and presentation of recommendations: The committee will report back to the Planning Commission on a monthly basis. The committee's work will be completed **no later than October 2018**, five years from the date of the adoption of the Master Plan. Upon finalizing its recommendations, the committee will make a formal presentation to the Planning Commission and, upon invitation from City Council, to Council members.

VII. Authorship Information

This charter was drafted by Heidi Jugenitz, Chairperson of the Planning Commission of the City of Ypsilanti, with input from members of the Planning, Sustainability and Human Relations Commissions, City Council, and the community at large.

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