



CITY OF YPSILANTI
Planning Commission MEETING
Wednesday, September 15, 2021 @ 7:00 PM
Virtual Meeting - See Public Notice
One South Huron, Ypsilanti, MI 48197

Page

I. CALL TO ORDER

- 3** A. [Virtual Meeting Notice](#)

II. ROLL CALL

Matt Dunwoodie, Chair
Michael Simmons, Vice-Chair
Eric Bettis
Mike Davis Jr.
Jessica Donnelly
Phil Hollifield
Jared Talaga

III. AGENDA APPROVAL

- 5** A. [September 2021 Agenda](#)

IV. APPROVAL OF MINUTES

- 7 - 12** A. [August 2021 Draft Minutes](#)

V. AUDIENCE PARTICIPATION

VI. COMMITTEE REPORTS

- 13 - 15** A. Non-Motorized Committee Report
[NMAC September 2021 Minutes](#)

VII. PRESENTATIONS AND PUBLIC HEARING ITEMS

- 17 - 37** A. 701 W Cross St Special Use Permit and Site Plan Review *(REVISED 9/14/2021)*
Public Hearing
[701 W Cross St Packet](#)
- 39 - 72** B. 539 S Huron St Special Use Permit and Site Plan Review
Public Hearing
[539 S Huron St Packet](#)

VIII. OLD BUSINESS

IX. NEW BUSINESS

X. FUTURE BUSINESS DISCUSSIONS/UPDATES

XI. ADJOURNMENT



**PUBLIC NOTICE
CITY OF YPSILANTI
PLANNING COMMISSION MEETING – VIRTUAL MEETING**

The Ypsilanti Planning Commission will hold a virtual meeting on Wednesday, September 15, 2021 at 7 p.m.

The Planning Commission meeting is being held virtually in order to prevent the spread of COVID-19.

The meeting can be attended through the below link, or through the below toll free numbers.

September 15, 2021 Planning Commission Meeting Virtual Access Link

<https://us02web.zoom.us/j/84938180256?pwd=U0VORWxKcWQxcTFBTVIxMIMrOEhDdz09>

When prompted, enter **Passcode:** 619071

When prompted, enter **Meeting ID:** 849 3818 0256

September 15, 2021 Planning Commission Meeting Toll Free Phone Number Access

877 853 5257 US Toll-free

888 475 4499 US Toll-free

When prompted, enter the **Meeting ID:** 849 3818 0256, followed by the **Passcode:** 619071, followed by #, press # again to be connected.

The public will be able to make comment during *Audience Participation* or the *Public Hearing*. To address the Planning Commission, meeting participants will need to "raise their hand" to indicate they want to speak.

To raise your hand while participating online, click the "Raise Hand" icon at the bottom of the Zoom Screen or press *9 via phone. After you raise your hand you will be informed when it is your turn to speak, and your microphone will be unmuted at that time. Your microphone will be muted again when you have finished your comments or when your speaking time has expired.

Instructions for Persons with Disabilities

Persons with disabilities who need accommodations to effectively participate in the meeting should contact the City Clerk, Andrew Hellenga at ahellenga@cityofypsilanti.com by 5:00 p.m. on the day before the meeting to request assistance. Closed Captions will be provided during the meeting.

City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1100

Andrew Hellenga
City Clerk
Posted: September 10, 2021

Agenda
Planning Commission - Virtual Meeting
Wednesday, September 15, 2021 – 7:00 P.M.

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet. The public may choose to participate during Audience Participation or the Public Hearing in the video conferencing application, or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, September 15.

I. Call to Order

II. Roll Call

Matt Dunwoodie, Chair	P	A
Michael Simmons, Vice-Chair	P	A
Eric Bettis	P	A
Mike Davis Jr.	P	A
Jessica Donnelly	P	A
Phil Hollifield	P	A
Jared Talaga	P	A

III. Approval of Minutes

- August 18, 2021 Meeting

IV. Audience Participation

*Open for general public comment to Planning Commission on items for which a public hearing is not scheduled.
Please limit to three minutes.*

V. Committee Reports

- Non-motorized Advisory Committee

VI. Presentations and Public Hearing Items

- Special Use Permit and Limited Site Plan Review: Marijuana Microbusiness at 701 W Cross St
 - *Public Hearing*
- Special Use Permit and Limited Site Plan Review: Marijuana Retailer at 539 S Huron St
 - *Public Hearing*

VII. Old Business

VIII. New Business

IX. Future Business Discussion / Updates

X. Adjournment

DRAFT MEETING MINUTES
Planning Commission - Virtual Meeting
Wednesday, August 18, 2021 – 7:00 P.M.

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet. The public may choose to participate during Audience Participation or the Public Hearing in the video conferencing application, or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, August 18.

I. Call to Order

Meeting called to order at approximately 7:03 pm.

II. Roll Call

Matt Dunwoodie, Chair
Michael Simmons, Vice-Chair
Eric Bettis
Mike Davis Jr.
Jessica Donnelly
Phil Hollifield
Jared Talaga

P
P
P
P
P
P
A

III. Approval of Minutes

- July 21, 2021 Meeting
Motion to approve the July 21, 2021 minutes as presented.
Offered By: Commissioner Simmons; Seconded By: Commissioner Donnelly
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

IV. Audience Participation

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

Motion to open audience participation.

Offered By: Commissioner Donnelly; Seconded By: Commissioner Hollifield
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

Marc Arthur: Lives in Ward 3, was recently nominated for Planning Commission. May be appointed in September. Has been following Planning Commission meetings for a while and has been interested in the non-motorized efforts.

Motion to close audience participation.

Offered By: Commissioner Donnelly; Seconded By: Commissioner Hollifield
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

V. Committee Reports

- Non-motorized Advisory Committee

Commissioner Davis Jr. provided the update that members are working on the Bike Friendly Communities Certification and that there was not a Non-motorized Advisory Committee meeting this month.

VI. Presentations and Public Hearing Items

- Zoning Ordinance Text Amendment – Permissible uses modifications and dimensional modifications for residential zones
 - *Public Hearing*

City Planner Andy Aamodt presented the staff report. The purpose of the zoning text amendment modifications are to implement the recent policy recommendations in the recent Master Plan Update. These modifications are broken down into three groups: (1) Accessory Dwelling Units, (2) Minimum lot area and width, and (3) Corner lot density as in single-family attached dwellings and two-family dwellings.

Commissioner Hollifield asked how these amendments will affect tiny homes. Aamodt responded that these amendments do not change the minimum dwelling size, but could hypothetically allow more flexibility in locating a small home because lots could be divided to a smaller minimum lot size to accommodate such a small home. Setbacks would still need to be followed.

Commissioner Simmons asked if these amendments would make it easier to build two dwellings on one parcel. Aamodt responded that is what the accessory dwelling unit amendment will allow, granted the ADU would need to conform with the accessory structure regulations which essentially say the ADU would need to be smaller in size and shorter than the principal house. Simmons stated the Master Plan policy recommendation says this should be first implemented in the CN zoning districts and asked if these amendments are representative of that recommendation. Aamodt respond that the expansion into R1 zoning is important because the City is experiencing housing affordability issues and this amendment could help increase the housing stock.

Commissioner Davis Jr. asked how many structures would be allowed on a lot. Aamodt responded there is no cap of number of structures in R1 but there is a lot coverage maximum of 35%. In the building types that correspond with the walkable urban districts, the number of accessory structures are capped at two but without a strict maximum lot coverage requirement.

Motion to open the public hearing.

**Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Simmons
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)**

Laura Kopp: Resident of Ward 2, and is excited to see this on the agenda. Agrees there is a need for more housing and there is not much empty land in the City to do that on, so this might help add more residents to the City while supporting the residents who live here. Is interested on how this relates to short-term rentals and wonders if anything in the zoning ordinance regulates short-term rentals. Does not think short-term rentals should be outlawed but would personally be less in favor of ordinances that are overly friendly to short-term rentals and states these cause stress for long-term renters and long-term residents in general. Also interested if there are complications that come up with the mix of owner-occupied and renter-occupied properties with ADUs. Also is interested in accessory commercial units that might allow for office use or food preparation/commercial kitchen businesses at home.

George Hagenauer: Stated in response to earlier comment there are accessory structures used for home offices near Depot Town. Stated concerns in homebuyers competing with landlords for single-family homes, so is concerned about these amendments raising costs for home ownership. Says this

is similar to the short-term rental situation. Wonders if an owner-occupancy rule would help this. Wonders if it is possible for neighbors to be notified when an ADU is applied for as there could be water issues. Wants the City to be careful about accidentally increasing the affordability problem by allowing these modifications for landlords.

Finn McRae: Asked if Historic District regulations affect the building of ADUs. Asked if any type of new construction styles would be allowed to be built as an ADU, or if they would be required to be a certain style.

Annie Somerville: Speaking as a resident, is supportive of this agenda item.

Motion to close the public hearing.

Offered By: Commissioner Donnelly; Seconded By: Commissioner Bettis
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

The Commission discussed the issue of owner-occupied versus renter-occupied. Nothing in this proposed text amendment specifies an occupant needs to be an owner or a renter. All rentals need to enter the rental inspection program with the Building Department and be inspected. The Commission discussed the possibility that the house and the ADU could be renter-occupied. Aamodt stated that many, if not all, of the inquiries the Planning Department gets are from property owners themselves.

Commissioner Davis Jr. clarified questions regarding the Historic District regulations, and stated that new construction needs to be reviewed by the HDC, which follow the Secretary of Interior Standards.

Commissioner Davis Jr. expressed favor in not only adding ADUs in CN-SF like the Master Plan explicitly says, but is in favor of adding them in R1 as well like the amendments propose.

Motion to recommend City Council adopt the proposed zoning ordinance text amendments to Chapter 122 sections 122-421, 122-422, 122-441, 122-468.HS, 122-469.CO, 122-470.TH, 122-471.AH, 122-472.CA, 122-473.AB, 122-474.CS as presented, with the following findings:

- 1. The proposed amendment is consistent with the guiding values of the Master Plan;*
- 2. The proposed amendment is consistent with the intent of this Zoning Ordinance;*
- 3. The proposed amendment will enhance the functionality, transportation network or character of the future development in the City;*
- 4. The proposed amendment will preserve the historic nature of the surrounding area and of the City;*
- 5. The proposed amendment will enhance the natural features and environmental sustainability of the City;*
- 6. The proposed amendment will protect the health, safety, and general welfare of the public;*
- 7. The proposed amendment will address a community need in physical or economic conditions or development practices;*
- 8. The proposed amendment will not result in the creation of significant nonconformities in the City;*

Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Hollifield
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

- Special Use Permit and Limited Site Plan Review: Marijuana Retailer at 121 E Michigan Ave
 - *Public Hearing*

City Planner Andy Aamodt presented the staff report. The applicant is seeking a Special Use Permit and Site Plan approval for a recreational marijuana retailer facility at 121 E Michigan Ave. This is just a limited site plan review as the applicant is not proposing changes to the building's footprint or any substantial changes to the site, other than the additional of some landscaping and trees, and an ADA ramp to the front entrance.

Allison Ireton and Craig Terrell, the applicants, spoke about their request. Other than working with MDOT and figuring out the easement with the gas station, they believe all of the other details staff noted in the staff report are fairly easy to address.

Motion to open the public hearing.

**Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Donnelly
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)**

Laura Kopp: Wanted to know what the difference of a provisioning center versus retailer is. Spoke about bicycle parking for the facility. Likes the mention of screening between the residential use. Also wants to know what facilities do about odor.

Susan Oaks: Is the Dairy Queen owner next-door to this building and sent an emailed letter (mentioned below). Is opposed to this request. Related the fact marijuana establishments are buffered so far from schools because of proximity to children, but there are plenty of children coming to their business. They expect negative impact of their business because parents will not want to bring children close to a marijuana establishment. They expect their parking lot to be used for some of the business's customers, and are nervous about impaired driving of the customers.

Annie Somerville: Speaking as a resident and stating the fact City Council has no say on such a special use permit, for full transparency. Lives down the street and has talked to the owner of the gas station next-door. That owner is for more development and more reuse of buildings in that area of town. Somerville then expressed excitement that this building will be reused and that it fits the Master Plan because the building's reuse will lead to the area becoming more walkable and safer. Unoccupied buildings can create problems. Wants to make sure this building has bike racks. The industry is working on destigmatizing recreational use and encourages safe use, and the laws say you cannot market to minors.

Note: Planning Commission acknowledged there were three public comments emailed. These public comments were from Diane Kerr, Cloverleaf Partners (Susan Oaks & Stephen Stricklen), and SHBARO Enterprises (Susan Oaks & Shelly Stricklen). These three public comments were opposed to the request.

Motion to close the public hearing.

**Offered By: Commissioner Donnelly; Seconded By: Commissioner Simmons
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)**

The applicants confirmed that this permit will just be an adult-use retailer for sales to people over 21.

Andy Aamodt confirmed the bicycle space require is 2 spaces, but staff's suggestion is that there should be at least 6 provided because this is a special use permit and should accommodate all transportation users.

Commissioner Simmons expressed the need to add screening to the west property line. The applicant confirmed that there should not be issues with screening.

Commissioner Simmons asked the applicant how many employees the business wishes to employ. The applicants confirmed there will be about 11 or 12 total, with three to six employees working on any given shift.

The applicants stated they have a retailer in Ann Arbor that has not had odor or safety concerns in their time there.

Commissioner Donnelly and Commissioner Davis Jr. encouraged at least six bike racks as well.

Commissioner Davis Jr. recapped the fact the Planning Commission has examined zoning ordinance requirements for marijuana retailers when developing that portion of the ordinance, and assured the public that Planning Commission does due diligence when reviewing these cases and especially stress the need for screening. Commissioner Davis Jr. then asked about signage. Aamodt confirmed the sign regulations for this type of business and that sign permits are permitted by the Building Department and Planning Department administratively. Commissioner Hollifield asked for clarity on the permanent freestanding sign regulations.

Commissioner Davis Jr. compared this proposed facility to Herbal Solutions downtown. Herbal Solutions is next to The Rocket toy store and has not had safety issues. Commissioner Hollifield seconded a lot of what Commissioner Davis Jr. stated, and notices odor issues in neighborhoods where there might be private growers more-so than passing by licensed establishments.

Commissioner Bettis stated this curbcut is very narrow and noted the easement issue will definitely help the vehicular access here.

Motion to approve the Special Use Permit for marijuana retailer use at 121 E Michigan Ave with the following findings and conditions:

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

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

Offered By: Commissioner Hollifield; Seconded By: Commissioner Donnelly

Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

Motion to approve the Limited Site Plan for 121 E Michigan Ave with the following findings and conditions:

Findings:

- 1. The application substantially complies with §122-311.*
- 2. The applicant confirmed the landscaping provided in the Landscape Plan shall supersede the landscaping provided in the General Site Plan.*

Conditions:

- 1. The building's ground floor transparency shall not decrease.*

2. *Provide proof of a shared-access easement with the adjoining 173 E Michigan Ave property for the use of the curb-cut.*
3. *Provide no less than six bicycle parking spaces.*
4. *Specify that evergreen shrubs and front landscaping shall be in conformance with 122-675.*
5. *Plan for stormwater mitigation, such as planting of raingardens, swales, or other techniques to ensure no stormwater is being conveyed onto the adjoining properties.*
6. *Any dumpster/waste collection areas shall conform with screening requirements of 122-608.*
7. *Provide a lighting plan conforming with the provisions of 122-609 and provide dark sky compliant lighting fixtures, if business is to be operated at night.*
8. *Screening between residential property to the north shall be screened with a planting buffer, with at least 80% opacity in accordance with 122-634. Screening shall also be provided along west property line in the form of fencing or planting buffer in accordance with 122-634.*
9. *Applicant shall obtain MDOT Right-of-Way permit for planting of street trees. Also shall obtain permission from 173 E Michigan Ave for the planting of three street trees.*

Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Hollifield
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

VII. Old Business

None.

VIII. New Business

None.

IX. Future Business Discussion / Updates

None.

X. Adjournment

Motion to adjourn.

Offered By: Commissioner Hollifield; Seconded By: Commissioner Donnelly
Approved: Yes – 6; No – 0; Absent – 1 (Talaga)

Meeting adjourned at approximately 9:08 pm.

Ypsilanti Non-Motorized Advisory Committee Meeting Minutes

Thursday, September 9, 2021– Zoom Virtual Meeting

1. Call to order - The meeting was brought to order at 7:02pm by teleconference. Committee members attending were Mike Davis Jr., Renee Echols, Helen Schulte and Bob Krzewinski (quorum met). Also attending was City Planner Andy Aamodt.
2. Introductions - Audience participation - Public input - None
3. General business
 - a. Agenda approval – Offered By: Committee member Schulte; Seconded By: Committee member Echols. Approved: Yes – 4; No – 0
 - b. Approval of July 2021 meeting minutes - Offered By: Committee member Echols; Seconded By: Committee member Schulte. Approved: Yes – 4; No – 0
 - c. Bylaws review – Review of Committee member terms dates.
 - d. New Committee member recruitment - Discussion on how to attract new Committee members. Committee member Davis will contact urban planning classes at Eastern Michigan University and the University of Michigan.
4. Old & continuing business
 - a. 2020 Committee priorities (Abbreviated List)
 1. City Non-Motorized Plan – Next steps – Discussion held on what should be a priority out of the new Non-Motorized Plan update with Committee member Davis favoring Neighborhood Connector routes and a Vision Zero campaign (i.e. zero traffic deaths by a certain year). Committee member Echols favored improving traffic and crash data, improved pedestrian signals and an improved crosswalk ordinance. Committee member Schulte favored slowing traffic and more speed bumps, Committee member Goings communicated prior to the meeting in an email that he favored Goal 3 (Shift to Non-Motorized Modes) Objectives 1 and 2 should definitely be prioritized. Goal 4 Objectives 1-2 go hand in hand there and are also things the Committee can directly accomplish. He also favored Goal 2, Objective 1 - Make Ypsilanti Accessible to All. This is a broad objective that includes items outside the Committees purview, but something we can have an active role in, and has more specific in outcomes than some of the more general goals.
 2. Pedestrian Improvements
 3. Bike Lanes
 4. Communication & Education
 - Sidewalk vegetation trim back promotion by Committee – Committee member Krzewinski will send a reminder to residents by social media to trim back vegetation obstructing sidewalks.
 - Summer Non-Motorized Committee newsletter was out in late August. The Fall 2021 deadline will be November 15, 2021.
 - Reports given by Committee member Krzewinski on events the Committee had a table at which were EMU Bike Rodeo (8/7) and Parkridge Summer Festival (8/28). As of

September 9th, the Washtenaw County Bike To Work Day on September 17 appears to be cancelled. The downtown Ypsilanti Halloween Festival is on for Friday, October 29 from 4pm to 6pm, and the Committee will have a table there passing out safe trick-or-treating handouts and lighted wrist bands (donated from The Ride/Ann Arbor Area Transportation Authority).

5. Neighborhood Connectors – Committee member Davis commented on this project with news that a Committee volunteer, Kai Le, is working on Connector maps.
6. Border To Border (B2B) Trail gap completion and enhancement. Committee member Krzewinski will contact City Public Services with some vegetation trim back and signage requests. The Grove Road B2B crossing improvements over I-94 is in active construction at the present time and will include fencing.
7. Bike & Walk Friendly Communities
 - Bike Friendly Community application was filed electronically on 8/30/2021. Results will be posted by the League of American Bicyclists in December 2021.
 - Walk Friendly Community – Copy of an earlier application was emailed to Committee members with a new application deadline of 2/15/2021). Committee members Schulte, Echols, Davis and Echols will work on the application project.
8. Events & Community Outreach – Committee member Krzewinski will conduct a cold weather bicycling talks in November and December.
- b. MDOT 2022 Ypsilanti non-motorized projects – Discussed with construction expected in 2022.
5. New Business
 - a. City Planning Department and Public Services Department updates – No updates.
6. Other Items – Announcements - Next meeting – Committee member Echols reminded Committee members that the [Police Advisory Commission](#) meets monthly and welcomes guests at its meetings. The next Non-Motorized Advisory Committee meeting will be held the 2nd Thursday
7. Adjournment - Offered by: Committee member Echols; Seconded by: Committee member Schulte:
Approved: Yes – 4; No – 0. Meeting adjourned at 8:09pm.

City of Ypsilanti Non-Motorized Advisory Committee 2020-21 Priorities (Complete List)

1. City Non-Motorized Plan – Complete update.
2. Sidewalk curb cut inventory & improvements.
 - Create an annual City Curb Cut Priority List
 - Create a City Curb Cut deficiency list
3. Pedestrian Improvements – (Signage, road markings, permanent radar speed signs at select locations, Rectangular Rapid-Flashing Beacon, traffic calming. Concentrate on where most pedestrian activity occurs)
 - Continue current efforts with MDOT on in-City State Route pedestrian improvements (i.e. Huron, West Cross, Washtenaw, Hamilton, Michigan).
 - Install permanent (i.e. solar powered) radar speed signs at locations with a high incidence of speeding.

- Rectangular Rapid-Flashing Beacon (RRFB) demonstration project
4. Bike Lanes
 - West Cross Street
 - Harriet/Spring/Factory/Maus
 - Spring repainting of existing bike lanes
 - Sharrows at beginning and end of bike lanes
 5. Communication & Education
 - Invite Mayor, City Council, Planning/Sustainability Commission members, City Manager, Police Chief, Public Services Director to Committee meetings.
 - Publish quarterly Non-Motorized Committee newsletter.
 - Review City Council, Planning Commission, Sustainability Commission agendas for possible Committee input at their meetings.
 - Spring bicycle safety education program for both motorists and bicyclists
 - Sidewalk/Curb Cut vegetation (summer) snow removal (winter) promotion by Committee
 - Amplify public notice of Commission/City Council projects that impact non-motorized activities
 6. Non-Motorized City budget – Determine yearly, non-motorized project funding amount available. Committee involvement in CIP review and non-motorized project funding disbursement decisions.
 7. Neighborhood Connectors - Low-speed street which has been "optimized" for bicycle & walking traffic. Potential projects: Adams (Cross to Forest), Pearl (Hamilton to Mansfield), 2nd Avenue (Michigan to Watling).
 8. Border To Border (B2B) Trail gap completion and enhancement.
 - Support City and Washtenaw County Parks & Recreation Commission efforts to complete the Trail through the City.
 - Install "State Law – Stop For Pedestrians In Crosswalk" signs at mid-block B2B Trail crossing of Cornell Street between Collegewood and Mayhew.
 9. Bike & Walk Friendly Communities
 - Submit Walk Friendly Community application when Non-Motorized Plan update complete
 - Bike Friendly Community (BFC) award recertification (current BFC award expires in November 2021)
 - Bike Friendly Business program drive
 10. Events & Community Outreach – B2B Trail walks, cold weather cycling talks, EMU Bike Rodeo, Parkridge Festival, Halloween safe trick-or-treating. Grants for helmet giveaways for events the Committee is at.
 11. Safe Routes To School



City of Ypsilanti
Community & Economic Development Department
September 15, 2021

Staff Review of Special Use and Site Plan
Marijuana Microbusiness
701 W Cross St

REVISED 9/14/2021

GENERAL INFORMATION

Applicant: Ahmad Assi
Project: "Proper Stash" – Marijuana Microbusiness
Public Hearing Date: September 15, 2021
Location: 701 W Cross St
(parcel ID: 11-11-40-131-019)
Zoning: "C" Center
Action Requested: Approval
Staff Recommendation: Approval with Conditions

PROJECT AND SITE DESCRIPTION

The applicant is seeking a Special Use Permit and Site Plan approval for a marijuana microbusiness facility at 701 W Cross St. The proposed microbusiness will replace the Tower Inn Café restaurant. The property's zoning of Center allows for this use upon approval as a special land use, and in this case only a limited site plan was required as the applicant is not proposing any changes to the building's footprint and minimal site layout changes.

The site, a corner lot, fronts W Cross St and also College Place. The building is a one-story building with a total of 4,261 square feet, and the lot is 7,162 square feet including half the alley. The building's entrance is from the front, from W Cross St. There is a small parking lot to the rear of the building, accessed from the public alley. The building has a nonconforming building height and nonconforming private frontage requirements, such as ground floor transparency.

Marijuana microbusinesses are defined in the zoning ordinance (and similarly defined in state law) as facilities "licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments."

Figure 1: Subject Site Aerial (2020)



Figure 2: Front of Site (September 8, 2021)



Figure 3: East Side of Site (September 8, 2021)



Figure 4: Rear of Site (September 8, 2021)



Figure 5: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	EMU	N/A
EAST	Vacant building	C
SOUTH	Single-family residential	CN
WEST	Restaurant/bar	C

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: The proposal is to make use of the existing vacant building. The use conforms generally to the provisions and requirements of the chapter. The "C" zoned property makes this a special land use, and the property, on this date, complies with locational standards pertaining to other marijuana facilities and schools.

- (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: There is some discussion locally, statewide, and federally as to the social and economic impact of marijuana in general. The City's voters strongly supported Proposal 1 to legalize adult-use marijuana by over 78%. Odor should be considered especially when growing up to 150 plants so close to another residence and so close to a restaurant.

Microbusinesses have a light-industrial aspect to their productions as they handle growing and processing on site. The State (MRA) has administrative rules for which microbusinesses need to adhere to, especially pertaining to fire and safety (R 420.208).

- (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: The special use is primarily retail/light industrial in nature, and re-uses the existing building. It draws all of its traffic, pedestrian or vehicular from W Cross St. and College Place.

- (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: This site is located on W Cross St, which has adequate access for customers. There are bike lanes on W Cross St. There is a bus stop across the street, approximately 200 feet away.

- (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: None are anticipated.

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

SITE PLAN: CRITERIA AND REVIEW

§122-311

For zoning compliance reviews, or plans where a Special Use permit is required but no site changes will likely be needed, the applicant may, at the determination of the City Planner, submit a limited site plan for review in lieu of a full site plan per §122-309(t).

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 6: Requirements

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-474 BUILDING TYPE	Determined by lot size	Commercial/Mixed-Use – Small (CS)	Unchanged
§122-537 USE-SPECIFIC	Marijuana Microbusiness: Site appears to comply with the use-specific requirements for marijuana microbusinesses.		

The building type is considered to be a *Commercial/Mixed-Use – Small* (CS) building type. The CS building type is required to have a *Commercial* private frontage. This includes at least 60% ground floor transparency. The front façade (including both the W Cross St and College Place frontages) appear to have far less than that minimum. The site plan states there is 9.1%. Nonetheless, if it falls short of 60% ground floor transparency then this would be considered a nonconforming private frontage and the nonconformity shall not expand. *Based on the revised elevation plan (Sheet A2) dated 9/10/2021, it appears there will be an increase to 10% ground floor transparency, because of the addition of the large window and glass door where the retail portion of the business will be. That increase complies with the zoning ordinance.*

Items to be Addressed: The building's ground floor transparency shall not decrease.

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."

There is one building on the site. There are no changes to the building or physical changes to the site.

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."

One issue is the site plan proposes to double-park in the rear parking area. This is a parking strategy that has occurred over a long period of time, where employees park in the spaces nearest the building and then potential customers park in front of them. There was once a variance approved to allow less than the zoning ordinance parking requirement on this property, but that variance was essentially nullified as the zoning ordinance now does not require parking for non-residential uses in Center zoning districts.

Figure 7: Site Access, Traffic and Parking Requirements

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)	Unknown due to age and maintenance.	Interior spaces appear to be 9' by 16.5' and the outer spaces appear to conform. However, double-parking is not an allowed parking layout.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-685 Barrier Free	Barrier free parking spaces must be provided in accordance with the state barrier free design requirements. The site plan's total of 39 spaces prompts 2 required barrier free spaces.	Unknown	Site plan accounts for 1 barrier free space; conforms to zoning code.
§122-684 Screening & Landscaping (external)	Parking lot screening if abutting R1, MD, CN, CN-Mid, CN-SF	No existing screening provided by subject site.	Unchanged
	3'-4' screen 80% opacity where visible from ROW	No parking lot screening	Unchanged
§122-691 Motor spaces	Not required due to Center zoning exception (§122-681)	Approximately 10	7 spaces (6 regular, 1 ADA)
§122-693 Bicycle spaces	If parking were required in Center districts: 1 per 5 motor spaces, minimum of 2 = 2 spaces required	Unknown	4 spaces
§122-692 Parking discounts	Transit	N/A	N/A
	Alternative Vehicles	N/A	N/A
	Bicycle	N/A	N/A
	PC discretion, special circumstances not listed above	N/A	N/A
	Walkable Urban Districts: parking requirements automatically halved in C, NC, HC, CN, CN-Mid, CN-SF; PC may waive 50% in GC if walkable area	N/A	N/A
§122-672 SIDEWALKS	Must be along public street.	Sidewalk existing.	No changes. Sidewalk looks narrow on College Place- shall be at least 5' wide. Should be dimensioned in site plan.

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§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.	None existing.	Unchanged

Items to be Addressed:

- Applicant shall remove row of double-parking.
- Site plan shall confirm sidewalk is at least 5' wide.

Figure 8: College Place Sidewalk



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 9: Screening Requirements

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	Some fixtures existing.	New lighting fixtures proposed on building. However fc is not stated on a photometric plan.
§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	Dumpster without enclosure.	Dumpster enclosure proposed but height is unknown.
§122-631 Landscape plan	Not required.	Landscaping work being conducted to improve site.	Landscaping proposed in landscaping plan.
§122-634 Screening Between Land Uses <i>if conflicting use</i>	Required – subject property abuts first-floor residential use to the rear.	No current screening.	Unchanged.
§122-636 Street Trees	1 tree per 30' of lineal frontage, centered between sidewalk and back of curb: 170.55'/30' = 6 trees	None.	Unchanged.

Items to be Addressed:

- Any dumpster/waste collection area to conform with screening requirements of 122-608
- Applicant shall submit a lighting plan conforming with the provisions of 122-609.

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."

Right-of-way permits through MDOT will be required for right-of-way work on W Cross St, if applicable.

MASTER PLAN CONSIDERATIONS

§122-311(k)

"An objective of site plan review shall be to protect and promote public health, safety, sustainability and general welfare. It is also the intent of site plan review to improve the quality of existing developments as they are expanded, contracted, or redeveloped in keeping with sound site development standards of this chapter and city master plan."

Great place to do business, especially green and creative. This development helps with the potential growth of a local business in a convenient location. The re-use of the building promotes public health, safety, sustainability and general welfare.

STAFF RECOMMENDATIONS: SPECIAL USE

Staff recommends the Planning Commission **approve** the Special Use Permit for marijuana microbusiness use at 701 W Cross St with the following findings and conditions:

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

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

STAFF RECOMMENDATIONS: SITE PLAN

Staff recommends the Planning Commission **approve** the Limited Site Plan for 701 W Cross St with the following findings and conditions:

Findings:

- The application substantially complies with §122-311.

Conditions:

- The building's ground floor transparency shall not decrease.
- Applicant shall remove row of double-parking.
- Site plan shall confirm sidewalk is at least 5' wide.
- Any dumpster/waste collection area to conform with screening requirements of 122-608.
- Applicant shall submit a lighting plan conforming with the provisions of 122-609.

Andy Aamodt
City Planner, Community & Economic Development Department

CC File
 Applicant

PROPER STASH

SHEET INDEX	
SHEET NO.	SHEET TITLE
S1	SITE PLAN, ZONING INFORMATION
S2	SITE LIGHTING PLAN
A1	FLOOR PLAN
A2	ELEVATIONS

DESIGNED IN ACCORDANCE WITH:

2015 MICHIGAN BUILDING CODE
2015 MICHIGAN PLUMBING CODE
2015 MICHIGAN MECHANICAL CODE
2017 NATIONAL ELECTRICAL CODE WITH
MICHIGAN ELECTRICAL CODE PART 8 RULES JANUARY 4, 2019
2015 INTERNATIONAL ENERGY CONSERVATION CODE
2013-ASHRAE STANDARD 90.1
2015 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS

LEGAL DESCRIPTION:

701 W CROSS, CURRENTLY NAME "TOWER INN", REWRITTEN PER MTG SURVEY 07/17/12 PLYN 49W-2A BEG AT THE SLY CR BETWEEN LOTS 162 & BLK 1, POSTS ADD TO PMSLTAL, TH ALG THE SYLINE OF SAID LOT 2, TH N 89-35-45 W 35.54 FT, TH N 10-35-00 W TO SILN CROSS STREET, TH E ALG SYLINE OF SAID LOT 1, TH WLYNG SAID SYLINE N 89-35-45 W 18.46 FT TO THE POB, PT OF LOTS 182, BLK 1, POSTS ADDITION, OLD LEGAL REWRITTEN PER CL L4365 P336 PLYN 49W-2A BEG AT THE SLY CR BETWEEN LOTS 1 & 2, BLK 1, POSTS ADD TO PMSLTAL, TH ALG THE SYLINE OF SAID LOT 2, TH N 89-35-45 W 35.54 FT, TH N 10-35-00 W TO SILN CROSS STREET, TH E ALG SYLINE OF SAID LOT 1, TH WLYNG SAID SYLINE N 89-35-45 W 18.46 FT TO THE POB, PT OF LOTS 1 & 2, BLK 1, POSTS ADDITION, OLD LEGAL REWRITTEN PER CL L4365 P336 PLYN 49W-2A BEG AT THE SLY CR BETWEEN LOTS 1 & 2, BLK 1, POSTS ADD TO PMSLTAL, TH ALG THE SYLINE OF SAID LOT 2, TH N 89-35-45 W 35.54 FT, TH N 10-35-00 W TO SILN CROSS STREET, TH E ALG SYLINE OF SAID LOT 1, TH WLYNG SAID SYLINE N 89-35-45 W 18.46 FT TO THE POB, PT OF LOTS 1 & 2, BLK 1, POSTS ADDITION.

PROJECT DESCRIPTION: CHANGE OF USE FROM RESTAURANT TO MARIJUANA

MICROBUSINESS. EXTERIOR WORK INCLUDES A NEW DUMPSTER ENCLOSURE AND 1 NEW WALL PACK LIGHT. SOME EXISTING WINDOWS WILL BE COVERED ON THE INTERIOR. NO BUSINESS ACTIVITIES WILL OCCUR OUTSIDE OF THE BUILDING

SITE OWNER

ROIS SAVVIDES/ CHRISANDY INC

TENANT/ DEVELOPER

ACE ASSI,

HOURS OF OPERATION

RETAIL STORE WILL BE OPEN 10 AM- 9PM. 6-10 EMPLOYEES IS TYPICAL

USE, BUILDING TYPE, SIGNAGE	
ZONING MAP	THIS PROPERTY IS ZONED C- CENTER DISTRICT
12-246	A MARIJUANA MICRO-BUSINESS IS A SPECIAL USE IN THE CENTER DISTRICT
12-247	<u>BUILDING MOUNTED SIGNAGE</u> MAX 1 SF PER FOUR OR LESS BUILDING FRONTAGE OR 100SF, WHICHEVER IS LESS EXISTING SIGNS TO REMAIN, WITH NEW COPY CROSS ST FRONT SIGN, 52.2 FT COLLEGE PLACE FRONTAGE 79.8 FT FRONT AWNING 26 SF ROOF-TOP SIGN 24 SF TOTAL = 50 SF
12-245	COMMERCIAL MIXED-USE SMALL IS A PERMITTED <u>BUILDING TYPE</u> IN THE CENTER DISTRICT. (SINGLE STORY COMMERCIAL IS NOT A PERMITTED BUILDING TYPE)
12-208	A NEW <u>DUMPSITE</u> ENCLOSURE IS PROPOSED ENCLOSURE MUST BE MASONRY ON 3 SIDES, 1 FOOT TALLER THAN THE DUMPSITE
12-223	1/2 OF ALLEY IS INCLUDED IN LOT AREA CALCULATIONS
12-237	MARIJUANA MICRO BUSINESS MUST BE 100 FT FROM THE SCHOOL AND 500 FT FROM ANOTHER MICRO BUSINESS THE NEAREST SCHOOL APPEARS TO BE HIGH SCHOOL 1600 N RIVER ST. MORE THAN 3,000 FT DISTANT IT IS ASSUMED THAT EASTERN MICHIGAN UNIVERSITY IS NOT COUNTED AS A SCHOOL FOR THE PURPOSES OF THIS SECTION THE LOCATION OF OTHER MARIJUANA MICROBUSINESSES IS UNKNOWN

AREA ANALYSIS

EXISTING		
EX. BUILDING AREA		4,261 SF
RETAIL AREA		631 SF
GROW & PRODUCTION AREA		3,630 SF
EX. LOT AREA	4,641 SF (0.14 ACRES)	
EX. LOT AREA WITH 1/2 OF ALLEY	7,162 SF (0.16 ACRES)	
	3,630 SF	
EX. LOT COVERAGE	<u>7,162 SF</u>	= 50.7 %

SCHEDULE OF REGULATIONS

BUILDING TYPE CS COMMERCIAL MIXED-USE/ SMALL	REQ'D	EXISTING	PROPOSED	VARIANCE
LOT AREA	1800-7200 SF	7,162 SF	NO CHANGE	NONE
LOT WIDTH	15-60 FT	55 FT±	NO CHANGE	NONE
LOT DEPTH	80-120	115 FT±	NO CHANGE	NONE
LOT COVERAGE	0.90%	50.7%	NO CHANGE	NONE
FRONT YARD/ NORTH	0-15 FT	0 FT±	NO CHANGE	NONE
SIDE/ EAST	NO REQMT	0 FT±	NO CHANGE	NONE
SIDE/ WEST	NO REQMT	0 FT±	NO CHANGE	NONE
MIN REAR YARD	5 FT	34 FT±	NO CHANGE	NONE
MAX BLDG HEIGHT	2 STORIES	1 STORY	NO CHANGE	EXISTING NON-CONFORMITY
PARKING LOCATION	SIDE OR REAR	REAR	NO CHANGE	NONE

COMMERCIAL FRONTAGE CROSS STREET (FRONT)	REQ'D	EXISTING	PROPOSED	VARIANCE
MAX SPACE BETWEEN OPENINGS	2 FT	7'-2" ±	NO CHANGE	EXISTING NON-CONFORMITY
DOOR RECESS	0-5 FT	1 FT	NO CHANGE	NONE
MIN GROUND FLOOR TRANSPARENCY	60%	91%	10.0%	EXISTING NON-CONFORMITY
MAX HEIGHT TO WINDOW SILL	2.5 FT	3.5 FT	NO CHANGE	EXISTING NON-CONFORMITY

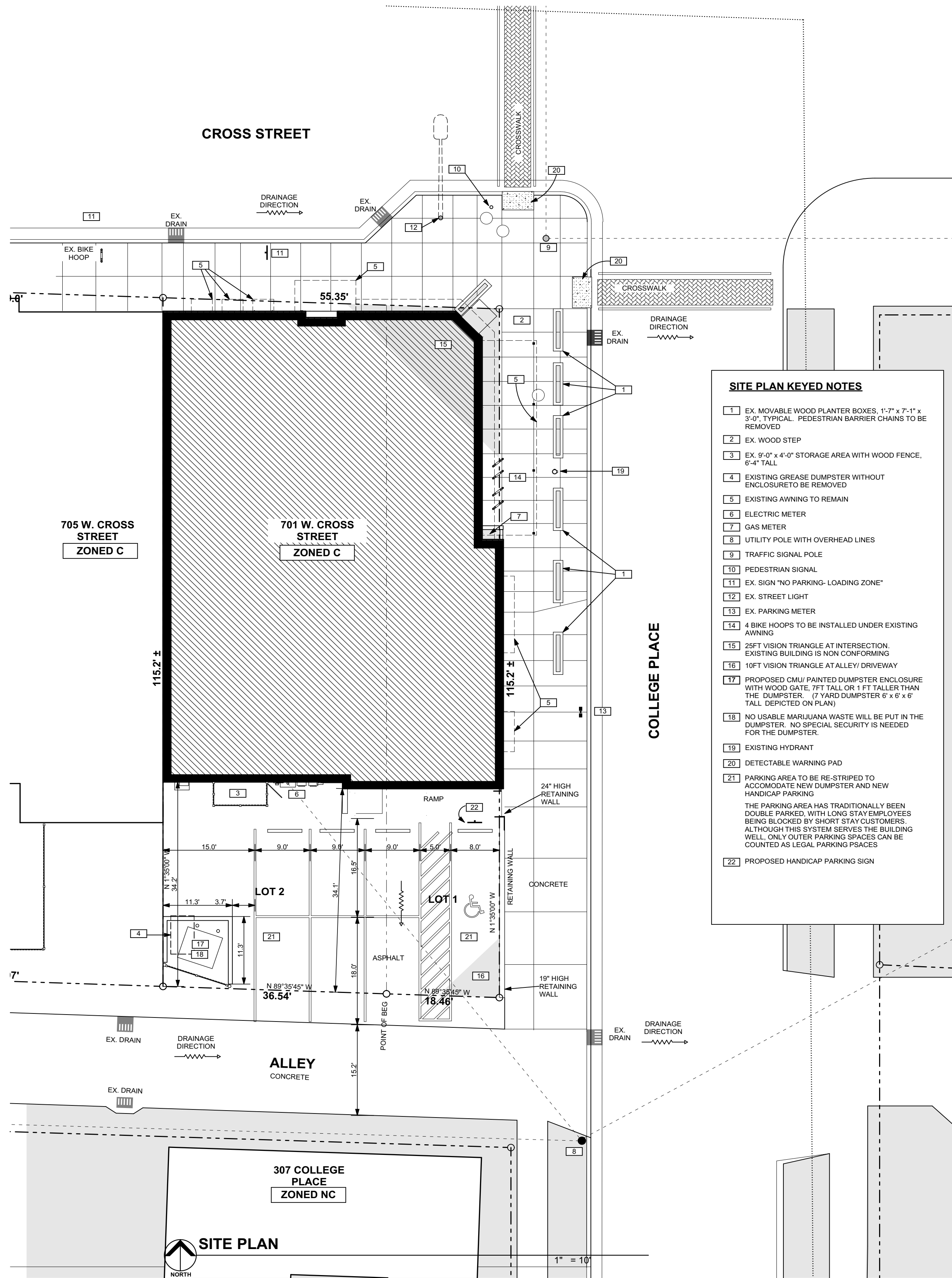
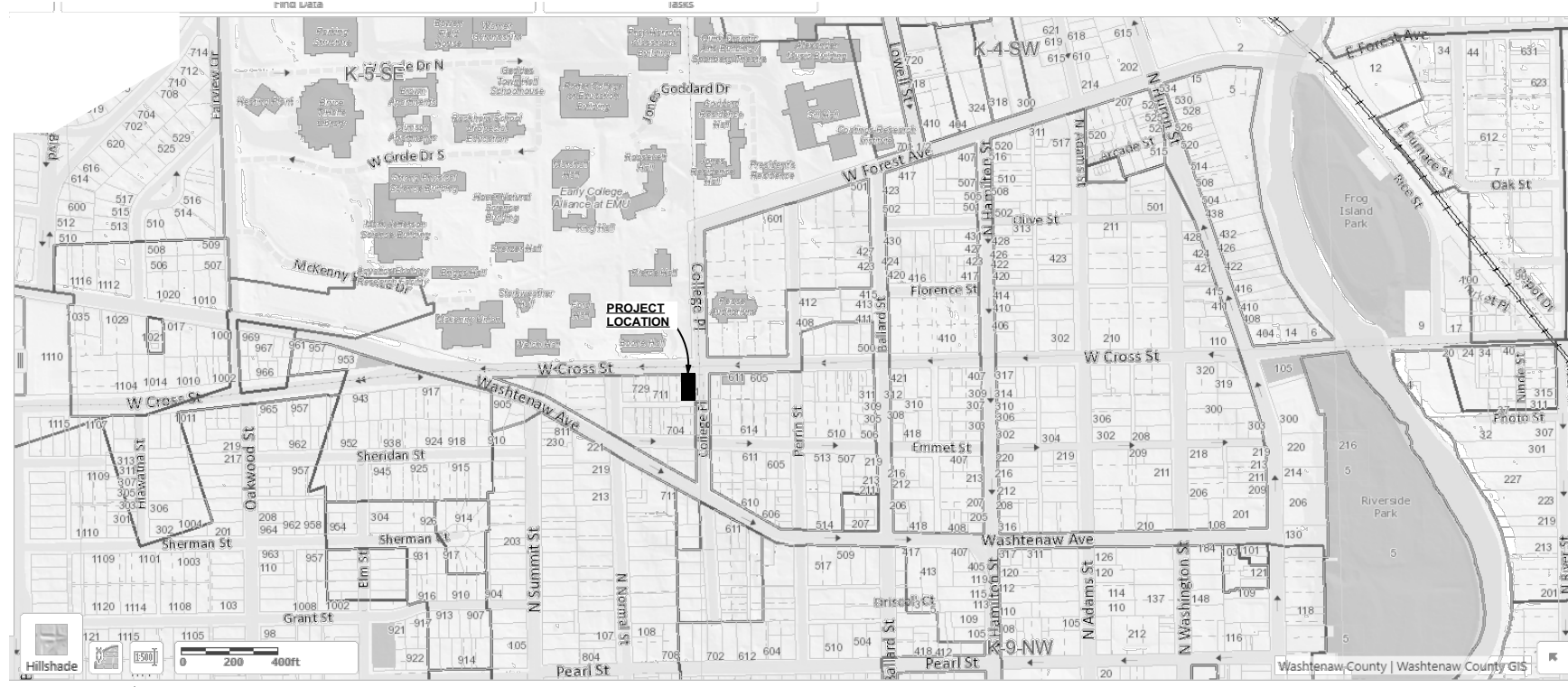
*PERCENTAGES REPRESENT BOTH FACADES COMBINED. NEW WINDOW ON CROSS STREET IS PROPOSED TO MAINTAIN THE EXISTING LEVEL OF TRANSPARENCY AFTER EXISTING WINDOWS ARE COVERED ON THE INSIDE TO FACILITATE GROW ROOM REQUIREMENTS

LANDSCAPING

122-634	<u>SCREENING BETWEEN LAND USES</u> SCREENING IS REQUIRED TO THE SOUTH, BECAUSE THIS NON-RESIDENTIAL USE ABUTS A PROPERTY BUILDING WITH RESIDENTIAL ON THE FIRST FLOOR. SCREENING IS NOT PROPOSED BECAUSE AN ALLEY EXISTING BETWEEN THE TWO PROPERTIES
122-637	<u>FOUNDATION LANDSCAPING</u> IS NOT REQUIRED IN THE CENTER DISTRICT
122-638	<u>SITE LANDSCAPING</u> 10% OF SITE IS REQUIRED TO BE LANDSCAPED 10% OF SITE IS LANDSCAPED, AND NO NEW LANDSCAPING IS PROPOSED
122-634	<u>LANDSCAPING OF PARKING LOTS</u> 1 TREE IS REQUIRED FOR EVERY 5 SPACES THIS PARKING LOT INCLUDES 5 SPACES, NOT INCLUDING TADEM PARKING SPOTS NO TREES EXIST, AND NOT TREES ARE PROPOSED SCREENING IS REQUIRED AT THE PERIMETER OF PARKING LOTS NEXT TO CH ZONING TO THE SOUTH. NO SCREENING IS PROPOSED DUE TO THE ALLEY SCREENING IS REQUIRED WHERE PARKING IS VISIBLE FROM COLLEGE PLANE. NO SCREENING IS PROPOSED

PARKING

122-681 (c)	PARKING QUANTITIES DO NOT APPLY IN CENTER DISTRICT	
122-691	PARKING QUANTITIES (FOR REFERENCE)	
	RETAIL AREA 626 SF/ 250	2.5 SPACES
	CREAT. PRODUCTION 1,551 SF/ 1,000SF	14.8 SPACES
	SUBTOTAL	17 SPACES
	20% REDUCTION FOR PROXIMITY TO TRANSIT STOP (ON OPPOSITE SIDE OF CROSS STREET) REQUIRED	
	4 CROSSED BIKE HOOPS TO BE CONSIDERED WALKABLE	-3.4 SPACES
	CROSSABLE BIKE HOOPS COUNT AS 1 PARKING SPACE	-1 SPACE
	50% REDUCTION FOR WALKABLE DISTRICTS	12.6 SPACES
	4 SPACES REQUIRED (EXCEPT IN CENTER DISTRICT)	
	4 PARKING SPACES PROVIDED, NOT COUNTING TANDEN PARKING.	
122-693	BIKE PARKING	
	1 BIKE HOOP FOR EVERY 5 SPACES, MIN 2 BIKE HOOPS REQUIRED	
	4 BIKE HOOPS REQUIRED BY MICROBUSINESS LICENSING APPLICATION	



COPYRIGHT 2021
BALLOU ENTERPRISES PLLC

WINDOWS	10 SEPT 2021
SITE PLAN	15 AUG 2021
CONCEPT	23 JUL 2021

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

PROJECT:
PROPER STASH
701 W. CROSS STREET
YPSILANTI, MI

TITLE: SITE PLAN

JOB NO:
2138



SHEET NO.

S1



Durable Security Lighting!

The 9515F Series is a rugged, durable LED wall pack that provides full cutoff (i.e., zero uplight and low glare at high angles). It is perfect for outdoor perimeter and area lighting, especially in settings required dark-sky compliance. With a die cast aluminum housing and a polycarbonate lens, the 9515F Series will stand up to many years of punishing environmental conditions. High-efficiency, long-life LEDs provide both energy and maintenance cost savings compared to traditional, HID wall packs.

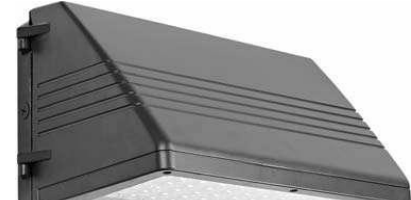
Features

- Suitable for WET location/Outdoor
- Lumen output from 4900-14000lm, to replace 100-400W MH
- Full Cutoff and compliance to Dark Sky requirement
- Type II polycarbonate optical lens with UV stabilizers
- Built-in UL class 2 driver, optional for photocell
- Available in durable polyester dark bronze
- UL/cUL wet location listed & DLC qualified
- Security
- Pathway
- Building entryways
- Walkways
- Junction box or wall mount directly and wire through side knockouts

Medium Size
45W & 70W



Large Size
90W & 135W



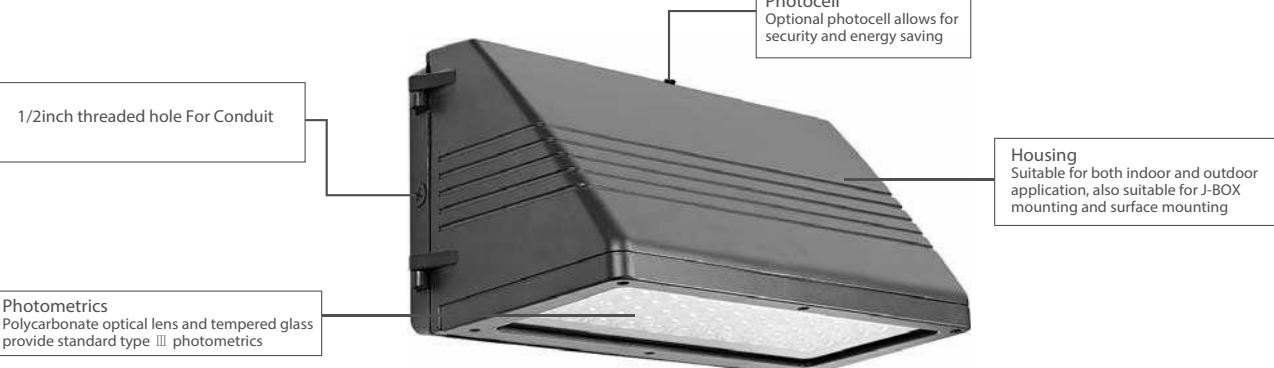
LED Cutoff Wall Packs, 120-277V

Quick Search Code: S18007

Product No	Description	Equivalency
9515FCBZ045-50K	45W 4900LM 5000K W:14.21"	175 MH
9515FCBZ045-40K	45W 4900LM 4000K W:14.21"	175 MH
9515FCBZ070-50K	70W 7300LM 5000K W:14.21"	250 MH
9515FCBZ070-40K	70W 7300LM 4000K W:18.09"	250 MH
9515FCBZ090-50K	90W 9500LM 5000K W:18.09"	400 MH
9515FCBZ135-50K	135W 14000LM 5000K W:18.09"	600 MH
WPI-PC	Photocell-Button, 120V/120-277V	

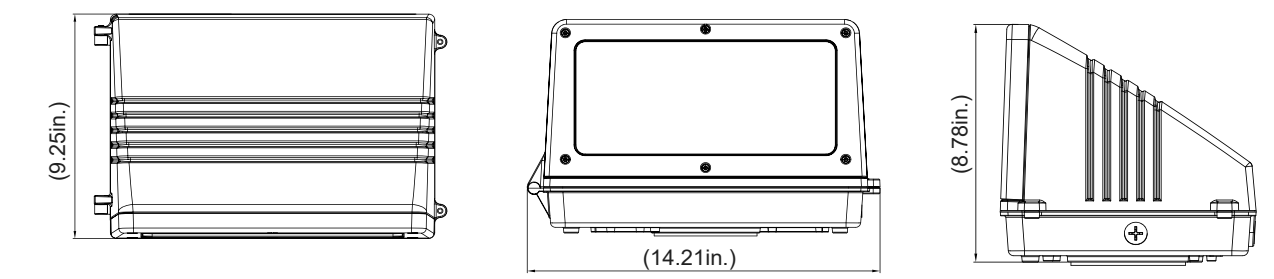
Superior Lighting | 3530 NW 53rd St Fort Lauderdale, FL 33309 | 1-800-545-7778

Infographic



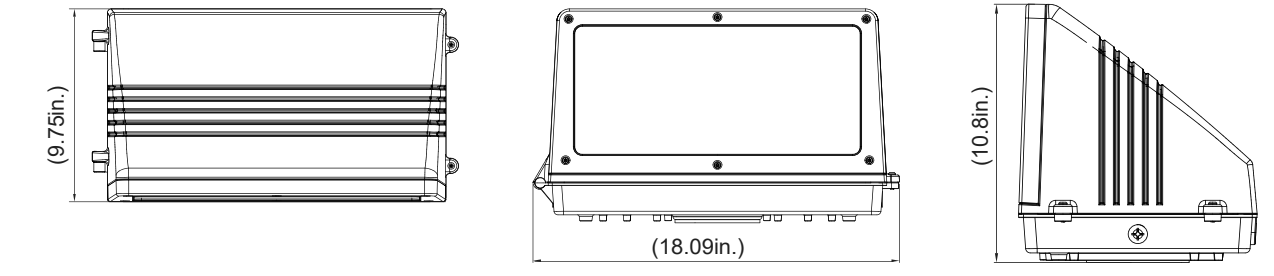
Dimensions

Medium Size: 45W & 70W



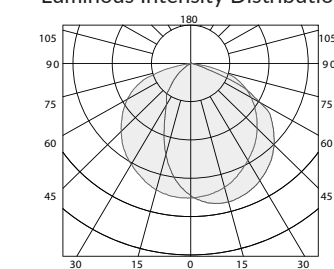
Dimensions

Large Size: 90W & 135W

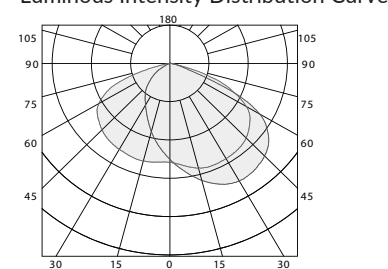


Photometrics

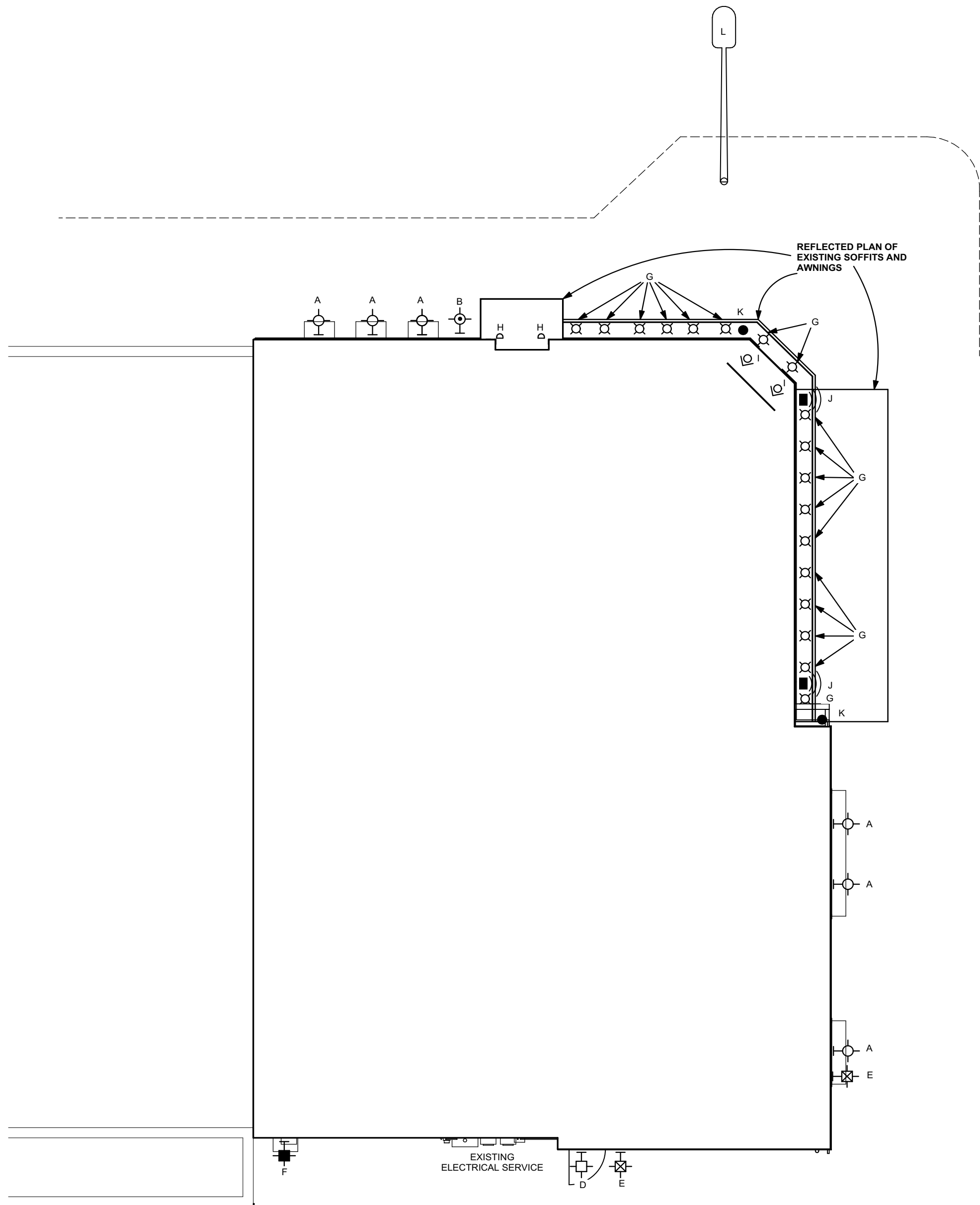
Medium size
Luminous Intensity Distribution Curve



Large size
Luminous Intensity Distribution Curve



Superior Lighting | 3530 NW 53rd St Fort Lauderdale, FL 33309 | 1-800-545-7778



1/8" = 1'-0"

SITE LIGHTING

ALL SITE LIGHTING IS EXISTING EXCEPT FOR FIXTURE F		
A		EXISTING GOOSE NECK LIGHT ABOVE AWNING, WITH LED LAMP
B		EXISTING CYLINDRICAL UP/ DOWN WALL-MOUNTED SCOSCE
C		EXISTING CYLINDRICAL UP/ DOWN WALL-MOUNTED SCOSCE
D		EXISTING FLUORESCENT WALL PACK ABOVE DOOR.
E		EXISTING WALL PACK, LIKELY NOT FUNCTIONING
F		NEW FULL-CUT-OFF WALLPACK, 70 WATT LED, 4000°K, ACTIVATED BY MOTION SENSOR AND PHOTOELECTRIC SWITCH. MOUNT HIGH ON WALL, APPROX 15'-0" ABOVE PAVEMENT 9515FCBZ070-40K BY SUPERIOR LIGHTING OR SIMILAR (1 LOCATION)
G		SOFFIT-MOUNTED INCANDESCENT FESTOON LIGHTS
H		FLUORESCENT STRIP LIGHT MOUNTED BEHIND AWNING
I		ROOF-MOUNTED FLOOD LIGHTS ILLUMINATING ROOF-MOUNTED SIGN
J		SOFFIT-MOUNTED SPEAKERS
K		SOFFIT-MOUNTED SECURITY CAMERA
L		EXISTING STREET LIGHT

COPYRIGHT 2021
BALLOU ENTERPRISES PLLC

SITE PLAN
CONCEPT

15 AUG 2021
23 JUL 2021

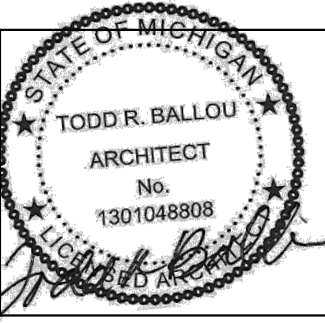
focus / design

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

PROJECT:
PROPER STASH
701 W. CROSS STREET
YPSILANTI, MI

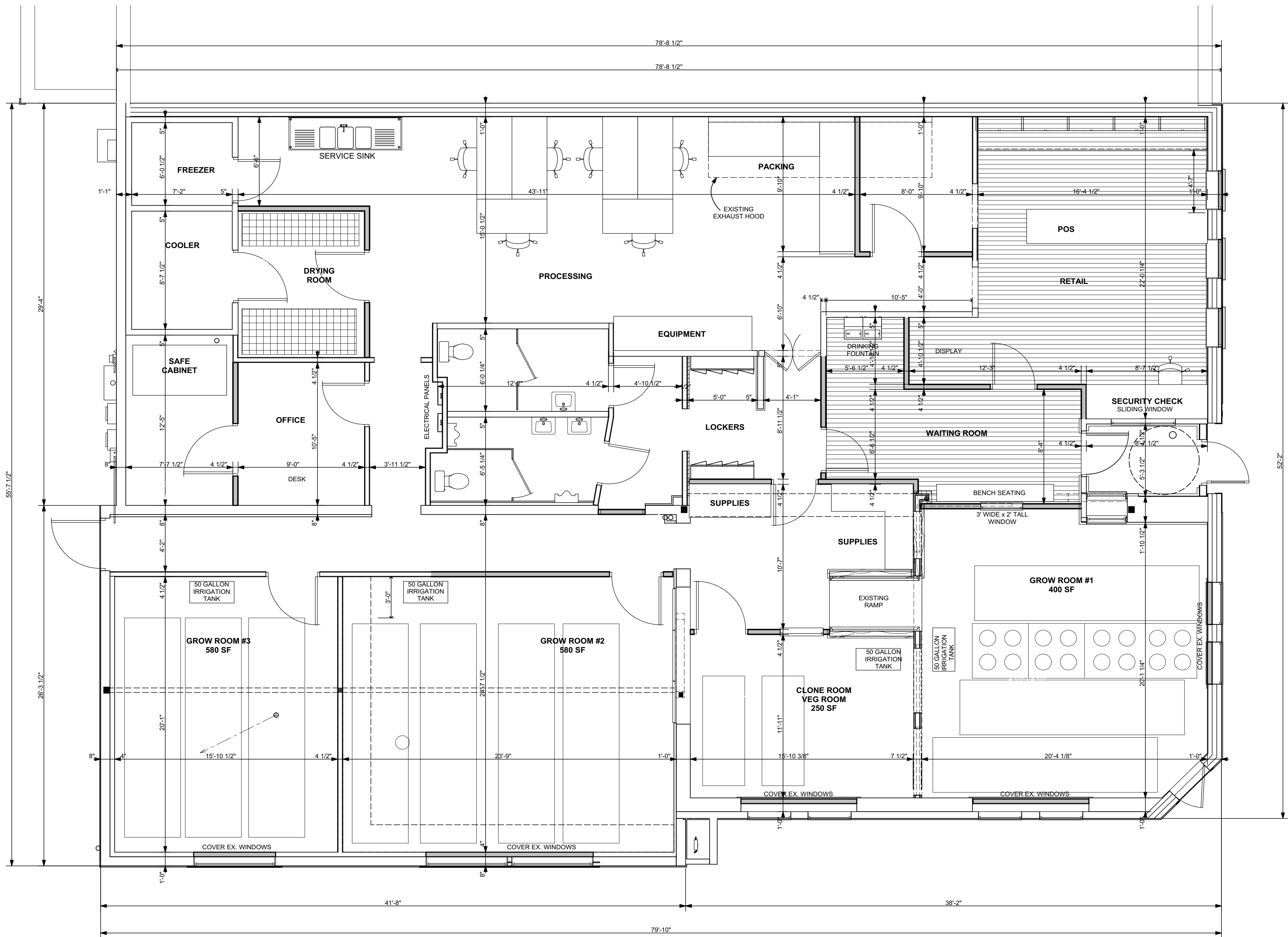
TITLE: **SITE LIGHTING**

JOB NO:
#PIn



SHEET NO.

S2



 1ST FLOOR PLAN

1/4" = 1'-0"

COPYRIGHT 2021
BALLOU ENTERPRISES PLLC

SITE PLAN
CONCEPT

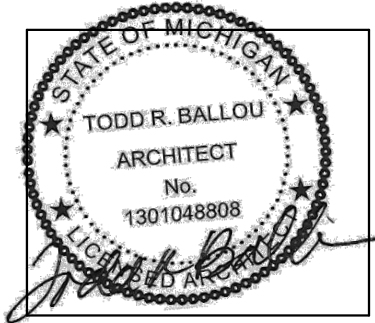
15 AUG 2021
23 JUL 2021

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

PROJECT:
PROPER STASH
701 W. CROSS STREET
YPSILANTI, MI

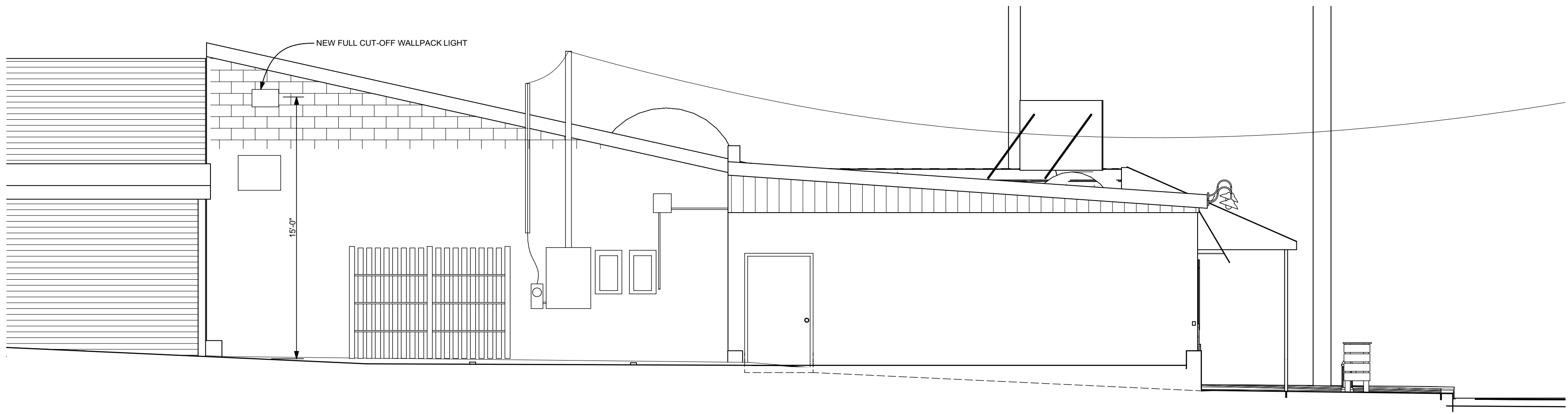
TITLE: **FLOOR PLAN**

JOB NO:
#Pln

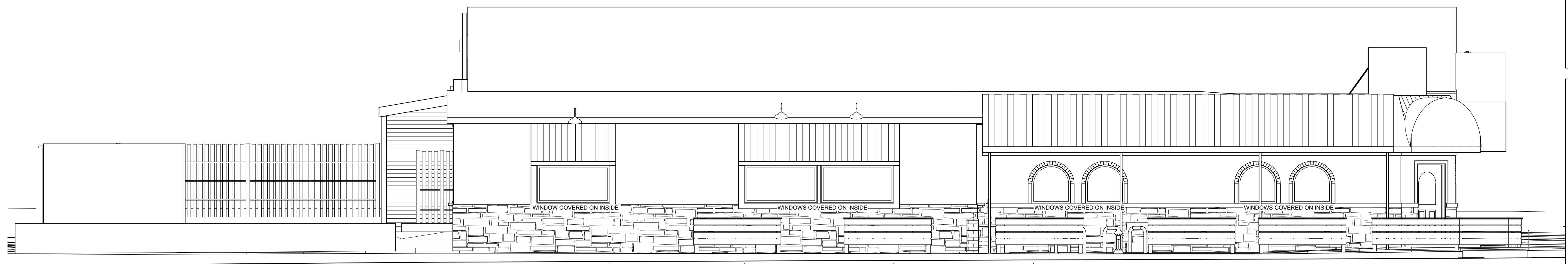


SHEET NO.

A1



2
4 REAR ELEVATION 1/4" = 1'-0"

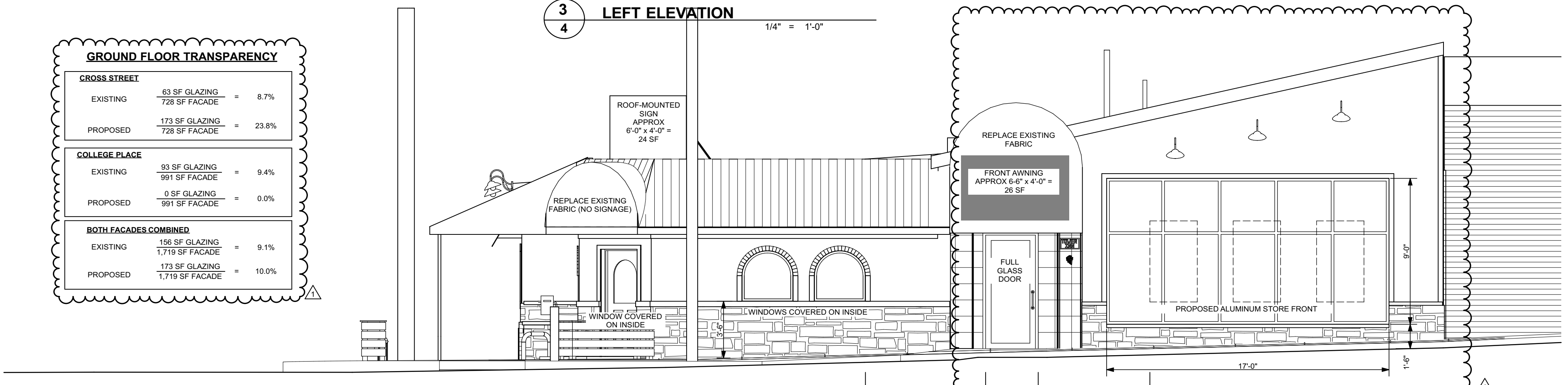


LARGEST SPACE BETWEEN OPENINGS 11'-0"

LARGEST SPACE BETWEEN OPENINGS 11'-0"

3
4 LEFT ELEVATION 1/4" = 1'-0"

GROUND FLOOR TRANSPARENCY			
CROSS STREET			
EXISTING	63 SF GLAZING	=	8.7%
	728 SF FACADE		
PROPOSED	173 SF GLAZING	=	23.8%
	728 SF FACADE		
COLLEGE PLACE			
EXISTING	93 SF GLAZING	=	9.4%
	991 SF FACADE		
PROPOSED	0 SF GLAZING	=	0.0%
	991 SF FACADE		
BOTH FACADES COMBINED			
EXISTING	156 SF GLAZING	=	9.1%
	1,719 SF FACADE		
PROPOSED	173 SF GLAZING	=	10.0%
	1,719 SF FACADE		



1
4 FRONT ELEVATION 1/4" = 1'-0"

LARGEST SPACE BETWEEN OPENINGS 7'-2"

LARGEST SPACE BETWEEN OPENINGS 7'-2"

COPYRIGHT 2021
BALLOU ENTERPRISES PLLC

WINDOWS
SITE PLAN
CONCEPT

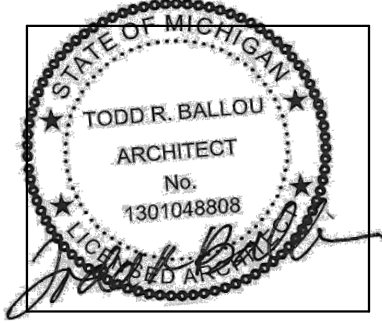
10 SEPT 2021
15 AUG 2021
23 JUL 2021

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

PROJECT:
PROPER STASH
701 W. CROSS STREET
YPSILANTI, MI

TITLE: ELEVATIONS

JOB NO:
2138



SHEET NO.

A2

SITE PLAN REVIEW APPLICATION
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Applicant

Name <i>Ahmad Assi</i>		
Address [REDACTED]		
City [REDACTED]	State <i>MI</i>	Zip [REDACTED]
Phone [REDACTED]	Email [REDACTED]	

Property

Name of project <i>Proper Stash</i>
Address <i>701 W. Cross Street</i>
List all parcel identification numbers included in development <i>11-11-40-131-019</i>
Property owner* <i>Rois Savvides / Chrisandy, Inc.</i>
Current use <i>Restaurant</i>
Proposed use <i>Marijuana Microbusiness</i>
Current zoning <i>C - Center</i>
Legal description of property (may be attached) <i>Part of lots 1+2, Blk 1 Postle Addition - see attached</i>

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Signature

I hereby attest that the above information is accurate and complete. I am authorized to and grant permission to the City of Ypsilanti staff to access the subject property for the purposes of preparing staff reports and/or evaluating this application.	
Signature: [REDACTED]	Date: <i>8-16-2021</i>
Print Name: <i>AHMAD ASSI</i>	

You must complete the checklist on the following page before turning in your application.

Site Plan Required Information Checklist

This checklist **must** be completed by site plan designer and submitted with site plan review application. The City Planner or Planning Commission may require other data they deem necessary. **Four full-size folded copies of the plans are required, as well as one electronic copy (PDF preferred).**

The Planning and Development Department will reject any incomplete submission.

Project-identifying information	
X	Name of project
X	Brief description of project
X	Location map showing major thoroughfares and site location (no scale necessary)
X	Name, address and phone number of the site owner
X	Name, address and phone number of the developer
X	Name, address and phone number of the plan designer and their professional seal
Existing conditions	
X	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
X	Area of the site in square feet and acres, excluding all existing and proposed rights-of-way.
X	Property lines and dimensions, including lines and dimensions of all rights-of-way & easements
X	All structures and accessory structures, their uses and dimensions. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
X	Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within 100 feet of the site. The centerline of road rights-of-way shall be shown.
X	Use(s) of existing buildings
NA	Existing landscaping
	Dimensions of all structures and lot lines within 50 feet of the site
X	Existing zoning of the site and all adjacent properties
Proposed conditions	
X	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
NA	Any changes to site dimensions, and completed <i>Lot Split/Combination Application</i>
NA	Any changes to zoning, and completed <i>Zoning Map Amendment or Text Amendment Application</i>
NA	Any variances requested, and completed <i>Variance Application</i>
NA	Any changes to rights-of-way or easements on the property
X	All structures and accessory structures, their uses and dimensions, and addition information that may be required by code. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
X	Building floor plans and architectural wall elevations.
X	Location and dimensions of any open-air uses, such as outdoor cafes, open-air sales, or outdoor storage
X	Parking areas, access drives, or sidewalks, showing the method of surfacing, number and size of spaces, aisles, loading areas, and handicapped access ramps.
X	Landscape plan. Existing vegetation that is to be retained on the site shall be shown.
X	Direction and method of stormwater drainage, ground elevations of all existing buildings, site contours at 2 foot intervals, drives and parking lots, and any unusual surface conditions. Include the method of collection; the method and location of the connection to existing stormwater system; and first flush method and type of device that is proposed.
NA	Indicate all areas of this site that are located within floodplains.
NA	If phased construction is to be used, each phase must be noted and each phase must stand on its own.

Site designer initials: TPB

LEGAL DESCRIPTION:

701 W CROSS, CURRENTLY NAMED "TOWER INN", REWRITTEN PER MTG SURVEY 07/17/12 YPC 49W-2A BEG AT THE S'LY COR BETWEEN LOTS 1&2, BLK 1, POST'S ADD TO YPSILANTI, TH ALG THE S'LY LINE OF SAID LOT 2, TH N 89-35-45 W 36.54 FT, TH N 01-35-00 W TO S/LN CROSS STREET, TH E ALG S'LY LINE OF CROSS STREET TO W/LN COLLEGE PLACE, S'LY ALNG W/LN OF COLLEGE PLACE TO N/LN OF ALLEY & S'LY LINE LOT 1, TH WLY ALNG SAID S'LY LINE N 89-35-45 W 18.46 FT TO THE POB. PT OF LOTS 1&2, BLK 1 POST'S ADDITION. OLD LEGAL REWRITTEN PER LC L4365 P336 YPC 49W-2A BEG AT THE S'LY COR BETWEEN LOTS 1 & 2, BLK 1, POST'S ADD TO YPSILANTI, TH ALG THE S'LY LINE OF SAID LOT 2, TH N 89-35-45 W 36.54 FT, TH N 01-35-00 W TO S/LN CROSS STREET, TH ALG S'LY LINE OF CROSS STREET TO W/LN COLLEGE PLACE, S'LY ALNG W/LN OF COLLEGE PLACE TO N/LN OF ALLEY & S'LY LINE LOT 1, TH WLY ALNG SAID S'LY LINE N 89-35-45 W 19.15 FT TO THE POB. PT OF LOTS 1 & 2, BLK 1 POST'S ADDITION.

PROJECT DESCRIPTION: CHANGE OF USE FROM RESTAURANT TO MARIJUANA MICROBUSINESS. EXTERIOR WORK INCLUDES A NEW DUMPSTER ENCLOSURE AND 1 NEW WALL PACK LIGHT. SOME EXISTING WINDOWS WILL BE COVERED ON THE INTERIOR.

PROPER STASH
LEGAL DESCRIPTION
8/16/2021

focus / design

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

Andreas Properties

Ypsilanti MI 48197

8/13/2021

Dear City of Ypsilanti official,

This letter is to verify that we approve of the site plans and the Proper Stash company has our permission to proceed with the built out as designed by Todd Ballou for the 701 W. Cross, Ypsilanti property.

Thank you

8-17-'21

Rois Savvides

Andrea's Properties & Chrisandy Inc.

Please Advise:

Rationale Update for Ronin & Roth – 701 W. Cross Street:

The change of land use to a micro-business will create a synergy with local & neighboring businesses and attract new business to the area by drawing in more local foot & bike traffic. This will be done in a socially & economically stable manner, without negative impacts to the community, and staying consistent with the all standards provided in the Zoning Ordinance Section 122-134.



City of Ypsilanti
Community & Economic Development Department

September 15, 2021

**Staff Review of Special Use Expansion and Site Plan
Patient Station – 539 S. Huron St.**

GENERAL INFORMATION

Applicant: 539 Huron Real Estate Company
539 S. Huron St.
Ypsilanti, MI 48197

Project: Patient Station – Temporary detached trailer and curbside area

Public Hearing Date: September 15, 2021

Location: North of I-94 on east side of Huron. Parcel ID# 11-11-37-101-002.

Zoning: "GC" General Corridor

Action Requested: Approval

Staff Recommendation: Approval, with conditions.

PROJECT AND SITE DESCRIPTION

The applicant is applying to expand their Special Use permit. The special permit is currently for medical marijuana provisioning center and recreational marijuana retailer uses. The existing building houses these uses, and the applicant proposes to continue using a curbside pickup strategy and proposes to continue using a temporary detached trailer which Planning Commission temporarily approved of on September 16, 2020.

The existing building is approximately 550 square feet on a lot of approximately 1.18 acres. There is currently parking to the north and south, as well as vehicle access to and from S. Huron St. The vehicle access to Bell and to Kramer have been blocked at this time.

To clarify, the "detached trailer" discussed tonight is the rear, standalone trailer. It is circled in yellow in Figure 2 below and a photo of it is shown in Figure 3.

Attached at the end of this packet are the minutes from the September 2020 meeting for your reference.

Figure 1: Subject Site Location (2020 Aerial)



Figure 2: Capture of Site Plan (Circled is Detached Temporary Trailer)

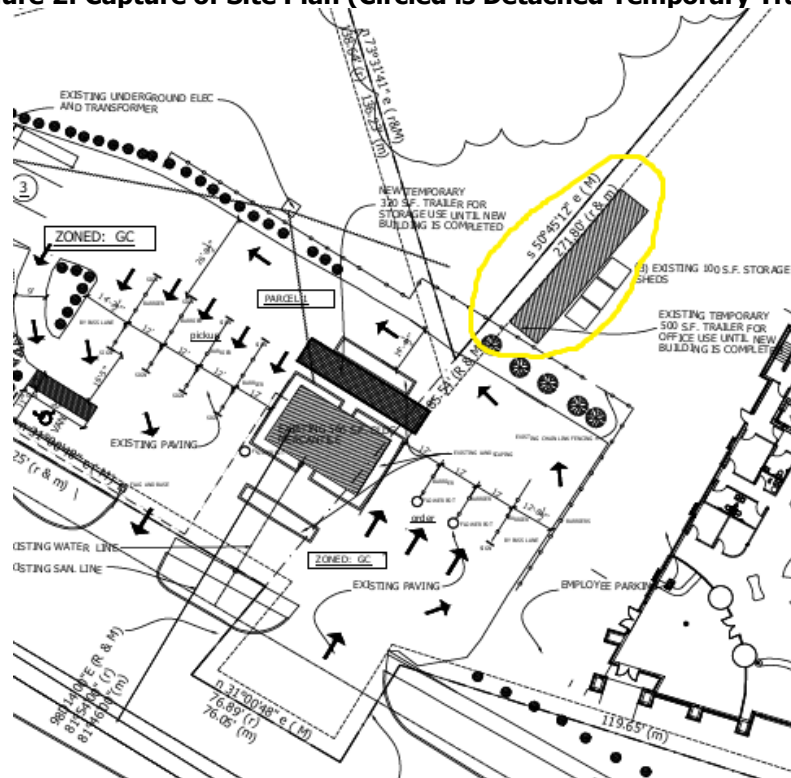


Figure 3: Photograph of Detached Temporary Trailer (September 9, 2021)



Figure 4: Photograph of Site (September 9, 2021)



Figure 5: Photograph of Site (September 9, 2021)



Figure 6: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Gas Station	NC- Neighborhood Corridor
EAST	Vacant Land; Residential	GC, Park (vacant properties), and CN-Mid (residential properties)
SOUTH	Vacant Land I-94 Ramp	GC- General Corridor PMD- Production, Manufacturing, Distribution
WEST	Warehouse	PMD- Production, Manufacturing, Distribution

HISTORY OF SITE

Patient Station has had many different reviews over the past few years. There are two pending approvals that are yet to be acted on regarding this site:

1. There are proposed plans to build a 9,918 square foot structure south of the existing building, with associated parking and site improvements, and to demolish the existing structure. These plans were previously approved by Planning Commission in June and August of 2018 for medical marijuana provisioning center use. That approval still stands, and the project is currently in the detailed engineering review phase. Because of so many moving pieces to this engineering site plan, the project is in its fourth engineering review.
2. Planning Commission September 2020 approvals.
 - a. Small addition (~320 square feet) to the rear of the existing building. This is going through building permits currently.
 - b. Temporary curbside traffic circulation area to the rear of the property.
 - c. Note: temporary detached trailer has indeed been used for office purposes throughout the past year, in compliance with the September 2020 approvals.

In terms of Patient Station's history in the past year, the following events have occurred:

- September 2020 Planning Commission conditional approval for the permanent small addition to the rear of the existing building, temporary detached trailer for office use for up to a year, and temporary traffic circulation area for up to 90 days.
- City engineers reviewed the plans for the rear traffic circulation area, which was approved as part of the September 2020 approval. Our engineer stated the grading was inconsistent with the previous land survey, the grading was being graded onto the City's property to the rear, and the City's property to the rear had begun to be taken by the applicant. The applicant had cleared trees and natural area on the City's property, to the rear of their property. This temporary traffic circulation area was then held up and could not be approved until this was fixed.
- In early July 2021 Patient Station fixed up the City's property that was taken by replanting about 16 trees and sodding the area.
- Patient Station submitted building plans and are in the building permit process for their small addition to the rear of the existing building, which was part of the September 2020 approval.
- Patient Station has submitted building plans and detailed engineering plans for the new building's construction and are working on their fourth engineering review. A few alterations along the way, especially regarding stormwater management and grading have affected their engineering review.

DISCUSSION

Section 122-328 of the Zoning Ordinance requires that an expansion to a special land use go before Planning Commission, subject to the same procedures followed for an original special use permit. There are a few factors in Patient Station's reasoning for their requests, and they are summarized in their attorney Dennis Cowan's letter (attached in this packet). Here are some of City staff's thoughts on these issues.

COVID-19

In light of COVID-19, Patient Station intends to use curbside and the temporary trailer. However, the Zoning Ordinance, which outlines the requirements that special uses and site plans need to adhere to, does not allow for relief for a site in dealing with the many variables a pandemic has thrown in. There is no great middle-ground for a such retail business to be able to conduct sales, in a COVID-19-safe manner, while fully adhering to the Zoning Ordinance, an ordinance which inherently assumes society to be healthy.

The City has been lenient in dealing with businesses and curbside operations business may have initiated. It is admittedly difficult to enforce the zoning ordinance while dealing with the COVID-19 pandemic. There are serious health concerns for customers and Patient Station workers to be operating and visiting the business in such a small enclosed space, even if masked and vaccinated.

Detached temporary storage trailer

On face, the use of the standalone trailer, being temporary, should comply with the Temporary Use Permit requirements as specified in Section 122-335. The request from the applicant is that the trailer remain until construction begins, in which it will transform into a construction trailer which is legal by the zoning ordinance (Construction trailers for uses incidental to construction work may be authorized for up to 12 months, and City staff may administratively approve such temporary use permit). However, it is not certain that this trailer will indeed be temporary. It has been in existence for nearly a year and the project's construction has not yet begun. Also, it is not certain when the new building will be constructed, especially with COVID-19 complications in the construction industry. To be quite honest, staff and Planning Commission were quite liberal in the deployment of the temporary use provisions to allow it for a year to begin with.

In all, City staff feels uneasy about allowing this use to continue to exist because it is well beyond "temporary" at this point. The September 2020 Planning Commission decision was with the condition that the "temporary trailer shall not become permanent." Special Use Permits can be revoked by Planning Commission if conditions are violated (§122-326). Building-wise, commercial uses should be taking place in permanent buildings, and the building does not conform with the SC "Single-Story Commercial" setback requirements if it were to be a permanent building.

Curbside

The proposed curbside layout does not easily fall into the zoning ordinance. The zoning ordinance does not allow for drive-through marijuana establishments but this is not a drive-through by the traditional concept of a drive-through. This is vehicle queuing in order to have workers and customers do business in a safe manner.

A curbside approval might be in the form of a Temporary Use Permit, where similar to the previous September 2020 case, Planning Commission could award a third temporary use permit if the City Building or Planning Department authorize the first two. This may be in the form of a "Temporary Seasonal Use."

Specifically, the zoning ordinance says “seasonal temporary uses or unusual, nonrecurrent temporary uses, and associated signs may be authorized for up to 30 days.” (§122-335.d). Planning Commission may determine that this temporary curbside use is in the scope of a “temporary seasonal use.”

If Planning Commission determines a curbside ordering system to be a “drive-through,” then the Site Plan should be denied because drive-throughs are not allowed for marijuana retailer establishments (§122-538).

For reference regarding construction- construction trailers for uses incidental to construction work may be authorized for up to 12 months. City staff may administratively approve such temporary use permit. But because this trailer is explicitly labeled as “for office use”, not construction use, staff deems this as separate from the eventual construction use and thus requiring the review of Planning Commission.

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: The applicant proposes to make medical marijuana provisioning center and recreational marihuana retailer use of the existing building and temporary structure until the proposed new facility is constructed. The “GC” zoned property makes this a Special Land Use, and the property, on this date, complies with locational standards pertaining to other marijuana facilities and schools.

In September 2020, City staff encouraged that the temporary structure and temporary traffic circulation area do not turn into permanent site improvements.

- (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: There is some discussion locally, statewide, and federally as to the social and economic impact of marijuana in general. The City’s voters strongly supported Proposal 1 to legalize adult-use marijuana by over 78%. However, offensive odor is a consideration, and must be taken into account.

Staff has environmental concerns about the increased use of automobiles and automobiles queueing and idling. However, staff also has public health concerns about Patient Station opening up their retail building and having staff and customers breathing, even if masked/vaccinated, in such a small confined space.

- (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: There is significant vegetation screening this location from the residential area to the east. The continued blocking of the vehicle access to Kramer to the north shall be continued to minimize inadvertent commercial traffic.

The use of multiple structures on the site is not preferred for a marijuana facility, but City staff understands there will be a transition taking place with the construction of the new facility. Section 122-550 stipulate that provisioning centers/marijuana retailers, respectively, contain marijuana "within the main building in an enclosed, locked facility," therefore marijuana shall only be stored in the main, existing building. Marijuana shall not be stored or contained in the temporary trailer or in the curbside area.

The curbside area shall either be lighted in conformance with the zoning ordinance, or must take place only during daylight hours. If lighting is not intended, staff suggests Planning Commission specify the daylight hours for which the curbside area will take place.

- (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: This location has access to transportation facilities, with the exception of transit and bicycle.

- (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: None are anticipated.

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."*

New items to be addressed (pertinent to expansion):

- Temporary trailer is beyond a temporary structure and shall not be approved as part of this special use permit and site plan review.
- Curbside area shall not become permanent and should be restricted to 90 days to be consistent with the temporary use permit provisions.
- Curbside areas shall not store or contain marijuana.
- Curbside area shall be lighted in conformance with the zoning ordinance, or Planning Commission shall specify the hours of the curbside service. For example, Planning Commission may specify daylight hours to be 8 am to 6 pm.

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."

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."

There is one small building (approximately 18'x30'), with a small 320 square foot addition in the process of permitting (approved by Planning Commission in September 2020) in the center of the site, as well as a canopy. Parking is to the north and south of the building.

The detached trailer at issue is a temporary, standalone 500 square foot trailer located in the rear yard to the southeast of the building.

Referencing §122-335(h)(1), the structures should comply with the regulations of the zoning ordinance, including setback requirements. City staff interprets the present building and site a "Single Story Commercial Building" building type and the permanent addition will need to conform to the requirements thereof. City staff is struggling to see how the detached temporary trailer can continue to be recognized as a detached accessory building, as the building has been used for the business and has been in existence for nearly a year already. Principal buildings must follow the requirements in §122-477 (see Figure 8 below).

Figure 7: Building Location and Site Arrangement

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
GC & BUILDING TYPE §122-477.SC	Determined by lot size	Single Story Commercial Building	Single Story Commercial Building

Figure 8: Capture Single Story Commercial Building Requirements

Sec. 122-477. SC Single Story Commercial Building

SC SINGLE STORY COMMERCIAL BUILDING

These are generally designed for a single commercial use, located in lots that accommodate accessory parking, loading, and waste disposal areas.

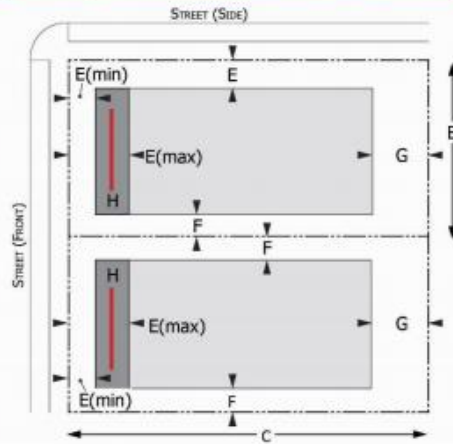
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	7,500	90,000
B	Lot width (ft)	50	300
C	Lot depth (ft)	100	300
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	5 ⁽¹⁾	15 ⁽¹⁾
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	15 ⁽²⁾	--
H	Frontage buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	1
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side, street side, and rear yards.	
PRIVATE FRONTAGES		Thoroughfare Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
 (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.

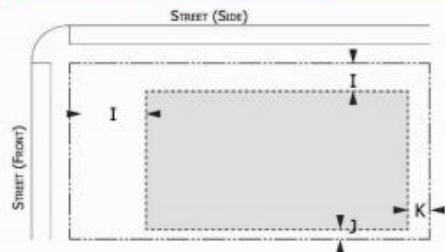


EXAMPLE

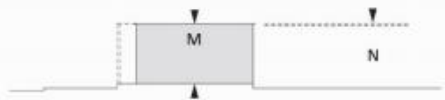
LOT REQUIREMENTS AND BUILDING ENVELOPE



ACCESSORY BUILDING ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



New Items to be Addressed (pertinent to expansion): 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."

There are two access drives off Huron, as well as one off Kramer. The one drive off Kramer has been blocked and shall remain blocked with no parking allowed. This was blocked at neighborhood request due to concerns about traffic using Kramer/Bell to access the site or to cut through. Planning Commission required this condition as part of their approvals in 2018 and 2020. Staff recommends keeping the Kramer drive blocked with no parking allowed.

The applicant wishes to make use of the existing parking lot surface for the curbside area, while keeping four required parking spaces (including the barrier-free ADA parking).

Figure 9: Site Access, Traffic, and Parking

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-607 Building entrances	No principal building can be placed on a lot unless the building is situated in such a manner that the front entry into the building faces the street to which the property is addressed.	Front entrance exists.	Unchanged
§122-670 CIRCULATION STANDARDS	CN, C, HC, NC, GC, HHS: Sites <3 acres: circulation plan to ID potential cross and joint access to adjacent parcels Sites >3 acres: block plan	Less than 3 acres	Unchanged
	Easements: nonmotorized plan, ReImagine Washtenaw, other	None	Unchanged
§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)	Existing parking dimensions not known. Appear to comply.	Unchanged

§122-685	BARRIER FREE	Barrier free parking spaces must be provided in accordance with the state barrier free design requirements.	1 Barrier Free	Unchanged
§122-683	Access	5' walkway from parking lot to parks, commercial, transit, walkways, institutions; raised/marked crosswalks within parking lot	No raised or marked crosswalks within parking lot. Parking area in the front is compact and vehicles must enter and exit the site in a forward motion. Backing-out onto S. Huron is prohibited.	Unchanged.
	Ingress & Egress	• Aligned across ROW, or offset by 25' • >50' from intersection • 20'-30' driveway	Measures between 20 and 30 ft. measures less than 50 fifty ft. from Kramer St. intersection.	Unchanged
	Internal Maneuvering	Each driveway providing access to an off-street parking lot containing five or more parking spaces shall be a minimum of ten feet in width. Minimum of 10' in width.	Each driveway is more than 10 ft wide	Unchanged
	Surfacing	Durable bonded material in accordance with accepted engineering standards, or alternative surfacing materials to minimize impervious surface and stormwater runoff, employ environmental and other best practices, and achieve low impact design, at the discretion of the City Engineer.	Asphalt in parking lot.	Unchanged
	Drainage	Graded and drained to public storm sewers or alternate drainage best practices acceptable to City Engineer. No surface water shall be permitted to drain onto adjoining properties. No surface water drainage from an off-street parking lot shall be permitted to drain across a public sidewalk.	On site storm sewer drain graded in front parking lot.	Unchanged

	Setback from Street	Parking lot setbacks are designated by the zoning district in which they are located. An allowed exception are circular drives, which may be located in a required minimum front yard or street side yard, provided that such drives shall be designed so that no parking space is located closer than 25 feet to any street right-of-way line.	Parking located in the rear and side of the building.	Location of parking spaces complies.
	Striping	For parking lots containing five or more spaces, all spaces shall be outlined with three-inch wide strips of white or yellow paint, except that barrier-free spaces shall be blue, with a symbol of compliance in blue, and signed in accordance with the State Barrier-Free Code.	Parking spaces striped, appear to comply.	Complies.
	Wheel Stops	For parking lots containing five or more spaces or accessory to commercial uses, wheel stops or curbing shall be provided for all parking spaces to prevent any vehicle from projecting beyond the parking lot area, bumping any wall or fence, or encroaching upon any landscaping.	Parking spaces have wheel stops, appear to comply.	Unchanged
	Lighting	With the exception of multiple-family dwellings on individual lots containing no more than four units, parking and loading facilities utilized during night-time hours shall be artificially illuminated. All such outdoor lighting shall meet the requirements of §122-609.	Existing light fixtures.	Lighting is not specified for curbside area. If taking place during night hours, lighting shall meet requirements.
§122-684	Screening & Landscaping (internal)	1 tree per 8 spaces	Over a dozen trees currently on site.	Unchanged
		1 landscape island for each 16 spaces	No islands: less than 16 spaces	Unchanged

		Islands w trees: 9' wide min and 160' sf Islands w 5' min walkway: 11' wide min Islands: curbed or used for stormwater	No landscaped islands	Unchanged
		All aisle-ends & corners protected w curbed island	None	Unchanged
		3' between curb and planting (5' if vehicle overhang)	Less than 3'	Unchanged
	Screening & Landscaping (perimeter)	Screened in accordance with 122-634 if abutting R1, MD, CN, CN-Mid, CN-SF	Does not abut subject zoning districts.	Unchanged
		3'-4' screen 80% opacity where visible from ROW	Sufficient opacity	Unchanged
		Landscaped areas, walls, structures, walks- must be protected by curbing	Sufficient curbing	Unchanged
§122-691	Motor spaces	BY USE: 1 per 250 square feet of gross floor area of retail = 5.52 (this is using the temporary trailer s.f., therefore 6 required)	4 existing	Unchanged – if temporary trailer is approved then two additional parking spaces required for 6 total spaces. If not approved then four spaces required.
§122-693	Bicycle spaces	1 per 5 motor spaces, minimum of 2	Not known	Unchanged. Bike rack for 2 spaces/loops required.
§122-692	Parking discounts	Transit	None	Unchanged
		Alternative Vehicles	None	Unchanged
		Bicycle	None	Unchanged
		PC discretion, special circumstances not listed above		
§122-672	SIDEWALKS	Provide a sidewalk or shared-use path	Sidewalk existing.	Unchanged

§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.	Sufficient visibility at driveways and intersections.	Unchanged
§122-695	Off-street loading	Commercial- 0 – 1,999 square feet = 0 spaces required	Not known.	Unchanged

New Items to be Addressed (pertinent to expansion):

- If temporary trailer is approved then 6 spaces will be required.
- Curbside area shall be lighted in conformance with §122-609 if used during night hours, or Planning Commission shall specify hours of operation for area.
- Applicant shall provide at least two bike loops/spaces for bike parking.

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."

No changes to site lighting or screening are proposed as part of this development.

Figure 10: Screening

ORDINANCE REFERENCE	REQUIRED	EXISTING CONDITIONS	PROPOSED
§122-609 Lighting	• not >0.5 fc at lot line • not >16' in height • not < 0.3 fc anywhere where lighting required. • must average > 0.5 fc across entire area where lighting required.	Unknown	Unchanged. Added temporary traffic circulation area shall be lighted if operated during night hours.
§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	None	Unchanged
§122-631 Landscape plan	Not required	Various existing landscaping on site.	Unchanged
§122-634 Screening Between Land Uses <i>if conflicting use</i>	Not conflicting use.	Plant screening along rear.	Unchanged
§122-636 Street Trees	1 tree per 30' of lineal frontage, centered between sidewalk and back of curb.	Street trees along S. Huron and Kramer St.	Unchanged
§122-638 Site Landscaping	10%	Meets requirement	Unchanged

New Items to be Addressed (pertinent to expansion): Curbside area shall be lighted in conformance with §122-609 if operated during night hours.

STAFF RECOMMENDATIONS: SPECIAL USE

Staff recommends the Planning Commission **approve** the Special Use Permit expansion for the Patient Station at 539 S Huron with the following findings and conditions:

Findings:

1. Detached temporary trailer is beyond a temporary structure and shall not be approved as part of this special use permit and site plan review.
2. Other than noted above, the application is substantially in compliance with §122-324(b).

Conditions

1. Special use permit expansion is granted for the curbside area, not for the detached temporary trailer. Detached temporary trailer shall be removed.
2. Curbside area shall not become permanent and should be restricted to 90 days to be consistent with the temporary use permit provisions.
3. Curbside areas shall not store or contain marijuana.
4. Curbside area shall be lighted in conformance with the zoning ordinance, or Planning Commission shall specify the hours of the curbside service.
5. Special use expansion approval shall be subject to approval of site plan and applicable site plan conditions.

STAFF RECOMMENDATIONS: SITE PLAN

Staff recommends the Planning Commission **approve** the amended site plan for the Patient Station at 539 S Huron with the following findings and conditions:

Findings

1. The application substantially complies with §122-311.
2. The temporary nature of the curbside area prompts temporary use permit regulations (§122-335).

Conditions

1. Detached temporary trailer is not approved and shall be removed from the site plan.
2. Temporary use permit for curbside area expires after 90 days. After 90 days, the curbside features shall be removed.
3. Curbside pickup area shall be reduced to three lanes to allow for proper barrier free parking access.
4. Applicant shall provide at least two bike loops/spaces for bike parking.
5. ** Temporary traffic circulation area shall be lighted in conformance with §122-609 if used during night hours.

**Only if Planning Commission does not specify hours

Andy Aamodt
City Planner, Community & Economic Development Department

CC File
 Applicant team

APPROVED MEETING MINUTES
Planning Commission - Virtual Meeting
Wednesday, September 16, 2020 – 7:00 P.M.

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application in accordance with Governor Whitmer's Executive Order. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet. The public may choose to participate during Audience Participation or the Public Hearing through the video conferencing application, or may submit e-mailed comments to aaamodt@cityofypsilanti.com by 4 pm, September 16.

I. Call to Order

II. Roll Call

Matt Dunwoodie, Chair	P
Jared Talaga, Vice-Chair	P
Eric Bettis	P
Mike Davis Jr.	P
Jessica Donnelly	P
Phil Hollifield	P
Heidi Jugenitz	P
Michael Simmons	A

III. Approval of Minutes

- August 19, 2020 Meeting

Motion to approve

Offered By: Commissioner Hollifield; Seconded By: Commissioner Jugenitz
Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

IV. Audience Participation

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

Motion to open audience participation.

Offered By: Commissioner Hollifield; Seconded By: Commissioner Jugenitz
Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

Motion to close audience participation.

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield
Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

V. Presentations and Public Hearing Items

- Special Use Permit & Limited Site Plan Review: Automobile Sales at 505 Tyler Rd.
City Planner Andy Aamodt presented the SUP and LSP.
Former medical office that has been vacant for a year. There is no changes to the layout

of the site except for parking space parking. The parcel is less than half an acre. Staff believes this use conforms to the provisions and requirements of the zoning ordinance. There would be the maximum of 13 automobiles at the site. Site will not be conducting auto repairs. Staff believes the site is designed well for the proposed use. The commission can specify hours of operation and screening. If that is not specified, the applicant would need to create a lighting plan. Staff had concern about wheel stops, they need to be moved so no vehicle overhangs the sidewalk. The applicant shall provide at least one barrier one free barrier free parking spot.

Applicant is working on edging the sidewalk and is currently taking care of it. There will be three employees max at the location at the same time. They're planning on having hours of operation from 10-6pm.

○ Public Hearing

Motion to open the public hearing

**Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Hollifield
Approved: Yes – 7; No – 0; Absent – 1 (Simmons)**

n/a

Motion to close the public hearing.

**Offered By: Commissioner Hollifield; Seconded By: Commissioner Jugenitz
Approved: Yes – 7; No – 0; Absent – 1 (Simmons)**

*Motion that the Planning Commission **approve** the Special Use Permit for automobile sales use at 505 Tyler Rd. with the following findings and conditions:*

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

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

**Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Hollifield
Approved: Yes – 7; No – 0; Absent – 1 (Simmons)**

*Motion that the Planning Commission **approve** the Limited Site Plan for 505 Tyler Rd. with the following findings and conditions:*

Findings:

- *The application substantially complies with §122-311.*
- *The existing building and site design are legal nonconforming under §122-352*

Conditions:

- *Wheel stops must be placed in a manner so that no vehicle may park on or hang over any part of the sidewalk.*
- *Signage to be applied for separately.*
- *Parking spaces shall be striped in accordance with the zoning ordinance §122-685.*
- *At least one barrier free parking space shall be provided.*
- *Applicant shall confirm number of employees on maximum shift.*
- *Applicant shall provide 3 bicycle parking loops.*

- *Trash storage area must be on a paved surface, and screened with an enclosure conforming with §122-608f.*
 - *Hours of operation shall be 10am-6pm or sunset, whichever may occur later, unless a lighting plan conforming with the provisions of §122-609 is submitted and approved.*
- Friendly amendment offered by Commissioner Hollifield:*** *Hours of operation beginning at 8am.*

Friendly amendment accepted by commissioner Davis Jr.

Offered By: Commissioner Davis Jr.; Seconded By: Commissioner Talaga

Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

- Special Use Permit & Limited Site Plan Review: Recreational Marijuana Microbusiness at 815 Huron River Drive.

Andy Aamodt provided a staff report. Application for a recreational marijuana microbusiness use. The site is currently is a laundromat with a barber shop. The parcel is under 1 acre. This is the first microbusiness application the City has seen.

Proposal includes solar panels, and a green roof.

Staff recommends approval with conditions.

There are concerns about windows being removed, single story buildings are required to have 50% transparency on the façade.

Lowell Street is a southbound one way, and this could cause issues. Staff would like to see parking lot screening.

Commissioner Dunwoodie has concerns about existing trees being removed to satisfy staff recommendations for screening.

Applicant: Mo. The laundromat is vacant, and the barbershop is not. The existing windows will stay, and they are planning on adding additional windows.

Commissioner Davis Jr. asked if the applicant would have any difficulties adding additional screening without removing the existing trees.

- Public Hearing

Motion to open the public hearing.

Offered By: Commissioner Donnelly; Seconded By: Commissioner Davis Jr.

Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

n/a

Motion to close the public hearing.

Offered By: Commissioner Hollifield; Seconded By: Commissioner Donnelly

Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

*Motion that the Planning Commission **approve** the Special Use Permit for recreational marijuana microbusiness use at 815 Huron River Drive with the following findings and conditions:*

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

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

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

*Motion that the Planning Commission **approve** the Limited Site Plan for 815 Huron River Drive with the following findings and conditions:*

Findings:

- *The application substantially complies with §122-311.*

- *The existing building and site design are legal nonconforming under §122-352*

Conditions:

- *The amount of ground-floor transparency shall not be decreased at the retail portion of the building.*

- *Applicant provide an elevation view of the eastern façade*

- *Applicant provide a "right turn only" directional sign for vehicles exiting onto Lowell Street.*

- *Applicant provide off-street parking landscaping or screening in conformance with 122-684 and 122-675 that does not jeopardize existing street trees.*

- *Bike rack shall contain five spaces/loops.*

- *Applicant shall submit a lighting plan conforming with the provisions of 122-609.*

- *Applicant shall confirm height of dumpster enclosure conforming with 122-608.*

Offered By: Commissioner Jugenitz; Seconded By: Commissioner Hollifield

Approved: Yes – 7; No – 0; Absent – 1 (Simmons)

- Special Use Permit Expansion & Site Plan Review: Medical marijuana provisioning center/recreational marijuana retailer at 539 S. Huron St.
 - Tabled from August 19, 2020 MeetingStaff presentation – there has been a little bit of change to the proposed plans. The applicant is now applying to make the trailer connected to the rear an expansion of the building. The second trailer will be an accessory structure. A temporary traffic circulation plan has been provided. The proposed traffic circulation area on crushed gravel, should also follow the Temporary Use Permit review standards. Crushed gravel is not an acceptable permanent surface according to the zoning ordinance. Staff recommends the Planning Commission approve the Special Use Permit expansion for the Patient Station at 539 S Huron with findings and conditions. Commissioner Dunwoodie has concerns over approving one temporary drive-up after not approving a similar request in the past. Andy Aamodt stated that this temporary curbside service is allowed because of the pandemic. Applicant: Dennis Cowan and Jim Nemeth from Patient Station clarified questions from the commission. They do plan to bring a lighting plan.

The commission discussed roles of the building department and the planning commission concerning temporary permits

Commissioner Dunwoodie does not see the point of approving a temporary traffic

circulation area that does not use material approved by engineering.

*Motion that the Planning Commission **approve** the Special Use Permit expansion for the Patient Station at 539 S Huron with the following findings and conditions:*

Findings:

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

Conditions

- 1. Special use expansion approval shall be subject to approval of site plan and applicable site plan conditions.*
- 2. Temporary trailer and gravel traffic circulation area shall not become permanent.*
- 3. Temporary trailer and traffic circulation area shall not store or contain marijuana.*
- 4. Temporary traffic circulation area shall operate only during daylight hours until such time as the applicant provides a lighting plan conforming with the provisions of §122-609.*

**Offered By: Commissioner Jugenitz; Seconded By: Commissioner Donnelly
Approved: Yes – 4; No – 3 (Davis Jr., Hollifield, Jugenitz) ; Absent – 1 (Simmons)**

*Motion that the Planning Commission **approve** the site plan and temporary use permits for the Patient Station at 539 S Huron with the following findings and conditions:*

Findings

- 1. The application substantially complies with §122-311.*
- 2. The temporary nature of both the trailer and gravel traffic circulation area prompt temporary use permit regulations (§122-335).*

Conditions

- 1. Staff recommends the temporary trailer shall remain on the site for no longer than one year, or until the future building is granted a Certificate of Occupancy, whichever is less.*
- 2. Temporary trailer and temporary warming booths shall be inspected and permitted by the Building Department.*
- 3. The third temporary use permit will take effect only after the first two are permitted by the Building Department.*
- 4. Gravel must not exceed barricade boundaries on site plan, and area must be restored after expiration of temporary use permit.*
- 5. Temporary traffic circulation area shall be graded in a manner that does not convey stormwater onto adjoining properties.*
- 6. Applicant shall receive approval for traffic circulation area by City Engineer.*
- 7. Applicant shall provide at least two bike loops/spaces for bike parking.*
- 8. Temporary traffic circulation area shall be lighted in conformance with §122-609 if used during night hours.*

**Offered By: Commissioner Jugenitz; Seconded By: Commissioner Donnelly
Approved: Yes – 6; No – 1 (Hollifield) ; Absent – 1 (Simmons)**

VI. Old Business

- Draft Bylaws Amendment

*Motion that Article V- Meetings, Section 5. to be amended as follows:
Section 5. The normal order of business at meetings shall be as follows:*

- 1. Call to order*
- 2. Roll call*
- 3. Approval of minutes*
- 4. Audience participation*
- 5. Committee Reports*
- 6. Any business item requiring a public hearing*
- 7. Old business*
- 8. New business*
- 9. Adjournment*

**Offered By: Commissioner Hollifield; Seconded By: Commissioner Jugenitz
Approved: Yes – 7; No –0; Absent – 1 (Simmons)**

VII. New Business n/a

VIII. Future Business Discussion / Updates The sustainability commission recommended approval of the sustainability plan. The commission will want to hold a joint meeting before the next PC meeting.

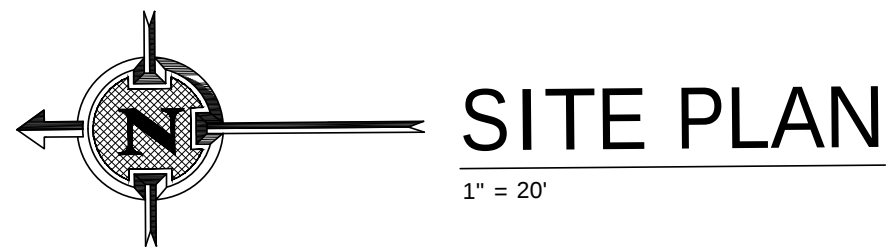
IX. Committee Reports

- Committee Discussion
- Non-Motorized Committee Report
Commissioner Davis Jr. updated the commission. Closed captioning service is being provided by a third party which is helpful. Draft of the report is being worked on, hopefully delivered to the Commission by February.
- Housing Affordability and Accessibility Committee Report
Commissioner Jugenitz updated the commission. Formal findings to council will be scheduled in October. Washtenaw Housing Alliance will be hearing findings next week.

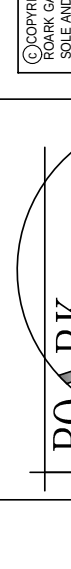
X. Adjournment

Motion to adjourn

**Offered By: Commissioner Donnelly; Seconded By: Commissioner Jugenitz
Approved: Yes – 7; No – 0; Absent – 1 (Simmons)**



parcel 3:
all that part of french claim 680, city of ypsilanti, washtenaw county, michigan, describes as follows:
beginning at the intersection of the centerline of french street and morrow avenue; thence south
31 degrees 00 minutes 48 seconds a distance of 91.51 feet along the centerline of french street to
the point of beginning; thence south 60 degrees 26 minutes 12 seconds east a distance of 269.08
feet; thence north 31 degrees 00 minutes 48 seconds west a distance of 111.31 feet; thence north
58 degrees 59 minutes 12 seconds a distance of 86.00 feet; thence north 58 degrees 59 minutes 12
seconds west a distance of 183.00 feet to the centerline of french street; thence north 31 degrees
00 minutes 48 seconds east a distance of 111.31 feet to the intersection of the centerline of
a line described as commencing at the intersection of the centerlines of morrow avenue and
french street; thence north 31 degrees 00 minutes 48 seconds west a distance of 111.31 feet to
a street a distance of 26.56 feet; thence south 58 degrees 59 minutes 12 seconds east a distance of 33.00
feet to the point of beginning; thence south 37 degrees 57 minutes 08 seconds west a distance of 308.44
feet; thence north 37 degrees 57 minutes 08 seconds east a distance of 111.31 feet; thence south 37
degrees 58 minutes 05 seconds east a distance of 111.81 feet to a point of ending.

PROJECT DESCRIPTION: SITE DESIGN FOR PATIENT STATION MEDICAL MARIJUANA PROVISIONING CENTER		ISSUED FOR		DATE	
DRAWN BY: DJM		PLANNING		8.17.21	
CHECKED: DJM					
SCALE: 1" = 20'					
DATE: 8.17.21					
JOB NUMBER: 20200022					
TITLE: SITE PLAN					
SHEET NUMBER S1 OF 1				Copyright 2021. This drawing is the property of ROCK ARCHITECTS/LLC. All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from ROCK ARCHITECTS/LLC. AND BE HELD RESPONSIBLE FOR ALL FOR ANY VIOLATIONS OF ANY APPLICABLE CODES AND ORDINANCES. THIS DRAWING WAS PREPARED FOR THE PROJECT.	
				ARCHITECT SIGNATURE:	

SITE PLAN REVIEW APPLICATION
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Applicant

Name 539 Huron Real Estate Company, LLC		
Address 539 S. Huron St.		
City Ypsilanti	State MI	Zip 48197
Phone [REDACTED]	Email [REDACTED]	

Property

Name of project Patient Station	
Address 539 S. Huron St., Ypsilanti, MI	
List all parcel identification numbers included in development 11-11-37-101-002 (Parcels 1 and 2); 11-11-37-101-006 (Parcel 3)	
Property owner* 539 Huron Real Estate Company, LLC	
Current use Marijuana Provisioning Center	
Proposed use Same	Review Requests: 1) Extend time of use of temporary trailer approved in Sept. 2020; 2) Allow curb-side pick-up on current site as shown on site plan; 3) Extend time for commencement of construction (if needed)
Current zoning General Commercial (GC)	
Legal description of property (may be attached) See attached Legal Description	

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Signature

I hereby attest that the above information is accurate and complete. I am authorized to and grant permission to the City of Ypsilanti staff to access the subject property for the purposes of preparing staff reports and/or evaluating this application.	
Signature: 539 Huron Real Estate Company, LLC [REDACTED]	Date: 08/18/21
By: [REDACTED]	
Print Name: Eric Nemeth Managing Member	

You must complete the checklist on the following page before turning in your application.

Site Plan Required Information Checklist

This checklist **must** be completed by site plan designer and submitted with site plan review application. The City Planner or Planning Commission may require other data they deem necessary. **Four full-size folded copies of the plans are required, as well as one electronic copy (PDF preferred).**

The Planning and Development Department will reject any incomplete submission.

Project-identifying information	
☒	Name of project
☒	Brief description of project
☒	Location map showing major thoroughfares and site location (no scale necessary)
☒	Name, address and phone number of the site owner
☒	Name, address and phone number of the developer
☒	Name, address and phone number of the plan designer and their professional seal
Existing conditions	
☒	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
☒	Area of the site in square feet and acres, excluding all existing and proposed rights-of-way.
☒	Property lines and dimensions, including lines and dimensions of all rights-of-way & easements
☒	All structures and accessory structures, their uses and dimensions. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
☒	Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within 100 feet of the site. The centerline of road rights-of-way shall be shown.
☒	Use(s) of existing buildings
☒	Existing landscaping
☒	Dimensions of all structures and lot lines within 50 feet of the site
☒	Existing zoning of the site and all adjacent properties
Proposed conditions	
☒	Scale (minimum of one inch equals 200 feet), north arrow, date of original drawing and any revisions
☒	Any changes to site dimensions, and completed <i>Lot Split/Combination Application</i>
☒	Any changes to zoning, and completed <i>Zoning Map Amendment or Text Amendment Application</i>
☒	Any variances requested, and completed <i>Variance Application</i>
☒	Any changes to rights-of-way or easements on the property
☒	All structures and accessory structures, their uses and dimensions, and addition information that may be required by code. These include but are not limited to buildings, signs, drives, parking areas, sidewalks, utilities, lighting, fences, flagpoles, and dumpsters/refuse collection areas.
☒	Building floor plans and architectural wall elevations.
☒	Location and dimensions of any open-air uses, such as outdoor cafes, open-air sales, or outdoor storage
☒	Parking areas, access drives, or sidewalks, showing the method of surfacing, number and size of spaces, aisles, loading areas, and handicapped access ramps.
☒	Landscape plan. Existing vegetation that is to be retained on the site shall be shown.
☒	Direction and method of stormwater drainage, ground elevations of all existing buildings, site contours at 2 foot intervals, drives and parking lots, and any unusual surface conditions. Include the method of collection; the method and location of the connection to existing stormwater system; and first flush method and type of device that is proposed.
☒	Indicate all areas of this site that are located within floodplains.
☒	If phased construction is to be used, each phase must be noted and each phase must stand on its own.

Site designer initials: DJM

LEGAL DESCRIPTION

The land referred to in this Commitment is located in the City of Ypsilanti, County of Washtenaw, State of Michigan, and described as follows:

PARCEL 1

Lot 2 and part of Lot 3, PLAN OF CLARKSVILLE, according to the Plat thereof, Recorded in Liber M, Page 1, Washtenaw County Records, described as follows: Beginning at the Northeast corner of said Lot 2; thence Southerly 132.12 feet along the Easterly line of Lots 2 and 3; thence Westerly deflecting 89 degrees 56 minutes 30 seconds to the right 138.64 feet along the Southerly line of said Lot 3; thence Northwesterly deflecting 56 degrees 17 minutes 20 seconds to the right 85.54 feet; thence Northeasterly deflecting 81 degrees 54 minutes to the right 91.25 feet along the easterly line of Huron Street as now laid out and used; thence Easterly deflecting 41 degrees 47 minutes to the right 118.29 feet along the Northerly line of said Lot 2 to the POINT OF BEGINNING.

PARCEL 2

Part of Lot 3 PLAN OF CLARKSVILLE, according to the plat thereof, Recorded in Liber M, Page 1, Washtenaw County Records, and part of French Claim 680, described as follows: Beginning at the intersection of the centerline of Huron Street with the centerline of Monroe Avenue (now abandoned); thence Northeasterly 76.89 feet along the centerline of Huron Street; thence Southeasterly deflecting 98 degrees 14 minutes to the right 271.80 feet; thence Southwesterly deflecting 81 degrees 46 minutes to the right 121.83 feet; thence Northwesterly deflecting 88 degrees 33 minutes to the right 269.07 feet to the center of Huron Street; thence Northeasterly deflecting 91 degrees 27 minutes to the right 90.67 feet along the center of Huron Street to the POINT OF BEGINNING, excepting therefrom that part taken for Highway purposes as set forth in Declaration of Taking, Recorded in Liber 1296, page 428.

PARCEL 3

All that part of French Claim 680, City of Ypsilanti, Washtenaw County, Michigan, described as follows: Commencing at the intersection of the centerline of Huron Street and Monroe Avenue; thence South 31 degrees 00 minutes 48 seconds West a distance of 91.51 feet along the centerline of Huron Street to the POINT OF BEGINNING; thence South 60 degrees 26 minutes 12 seconds East a distance of 269.08 feet; thence South 31 degrees 00 minutes 48 seconds West a distance of 179.39 feet; thence North 58 degrees 59 minutes 12 seconds West a distance of 86.00 feet; thence South 31 degrees 00 minutes 48 seconds West a distance of 150.00 feet; thence North 58 degrees 59 minutes 12 seconds West a distance of 183.00 feet to the centerline of Huron Street; thence North 31 degrees 00 minutes 48 seconds East a distance of 322.58 feet to the POINT OF BEGINNING, which lies Southeasterly of a line described as: Commencing at the intersection of the centerlines of Monroe Avenue and Huron Street; thence North 31 degrees 00 minutes 48 seconds East along the centerline of Huron Street a distance of 26.56 feet; thence South 58 degrees 59 minutes 12 seconds East a distance of 33.00 feet to the POINT OF BEGINNING; thence South 17 degrees 57 minutes 08 seconds West a distance of 308.44 feet; thence South 07 degrees 41 minutes 52 seconds West a distance of 111.81 feet; thence South 27 degrees 38 minutes 50 seconds East a distance of 111.81 feet to a POINT OF ENDING.

Open.27424.90478.26994585-1



September 1, 2021

Planning Commission
City of Ypsilanti
One S. Huron Street
Ypsilanti, MI 48197

Re: Applicant: 539 Huron Real Estate Company, LLC
Address: 539 S. Huron, Ypsilanti, Michigan

Dear Chairperson Dunwoodie and Planning Commissioner Members:

Our Firm and the undersigned represent the owner of 539 S. Huron ("Property") which contains the Patient Station cannabis dispensary. Primarily caused by the COVID pandemic, 539 Huron Real Estate Company, LLC ("Company") needs the assistance of the Planning Commission in order to continue doing business in the safest manner possible. The three requests of the Company and supporting information are provided in this letter.

Allow Curbside Pick-Up at Patient Station Property

The Company has presented a Site Plan, which will allow for a flow of traffic and curbside pick-up protocol within the Property parking lot. This request is desperately needed by the Company to conduct its business in the safest manner possible.

Early in the COVID pandemic, the Patient Station and the Company determined it was in the best interest of employees and customers to go to a curbside pick-up and home delivery plan for customers. The Patient Station building is extremely small (approximately 550 square feet) and it was not possible to effectively socially distance customers and staff. Without curbside pick-up, customers would have been forced to wait outside in all types of weather and being subject to traffic coming and going from the business.

A curbside pick-up system was put into place, which was very successful, but the City has requested that the Patient Station and the Company formalize this arrangement, as it needs to continue. Consequently, a Site Plan has been submitted for your review and approval.

While some have suggested that the curbside pick-up arrangements are not needed and that the COVID pandemic is slowing due to vaccinations, the daily headlines show that significant risks still exist. The State of Michigan and County of Washtenaw have issued extensive guidelines for businesses to promote practices for the safest environment at their facilities.

The City of Ypsilanti certainly recognizes that the COVID pandemic still threatens the public health. Mayor Richardson, on March 25, 2021, issued a Declaration of Local State of

ATTORNEYS & COUNSELORS AT LAW

38505 Woodward Ave., Suite 2000 • Bloomfield Hills, MI 48304 • T: (248) 901-4000 • F: (248) 901-4040 • plunkettcooney.com

Emergency because of the COVID Pandemic (see attached **Exhibit A**). This this Declaration, it is stated:

Therefore, to protect the health, safety and welfare of all residents of the affected area, and throughout the City, County and State, IT IS HEREBY ORDERED that All City employees, officers, boards and commission members take all steps to prevent or alleviate illness and death due to the Covid-19 Pandemic virus including maintaining social distancing, frequently cleaning and handwashing, wearing protective face coverings; and conducting City business virtually where possible.

Further, it was ordered that all City Board and Commission meetings would be held virtually through December 31, 2021. The Ypsilanti City Council, in Resolution No. 2020-069 dated April 6, 2021, adopted the State of Emergency declared by the Mayor (see attached **Exhibit B**).

The Planning Commission's approval of this curbside request would be consistent with the Mayor's Declaration, the City Council's Resolution, and guidelines issued by the State of Michigan and Washtenaw County. Each business and organization must adapt as best as possible for so long as the COVID pandemic threatens our collective health. No business facility or building was constructed with a COVID pandemic in mind. As a result, this curbside pick-up arrangement will work and allow its business to serve its customers and protect their health at the same time. To approve this request will assist in the City's stated goal "to protect the health, safety and welfare of all residents."

Please know that the Company has submitted plans for its new building, which are in process with the Building Department. As a result, this request will only be temporary for up to a year to allow the new building to be constructed. Then, the existing structure will be demolished and a future curbside pick-up arrangement will, hopefully, not be needed.

Continuation of Temporary Trailer on the Property

Last September, the Planning Commission approved a temporary trailer to be placed on site. The trailer is used for business purposes for additional space as the current structure is too small and for the construction of the new building that will commence in the very near future. The Company has complied with the Planning Commission's conditions of approval.

The Company had hoped to commence construction of the building last year but, due to the continuation of the COVID pandemic, construction material availability and pricing and other related issues, the Company was not able to finalize its plans and submit them to the City for approval in 2020. Those issues have been resolved and the building plans have been submitted. The Company is hopeful that it will have its building permit issued in the very near future and commence construction. The construction timeframe will be at least a year

Planning Commission
City of Ypsilanti
September 1, 2021
Page 3

(assuming there are no further delays caused by material shortages or pandemic issues) and the need for the trailer still exists.

We respectfully request that the Planning Commission extend the time for use of the temporary trailer, as allowed under City Ordinances.

Extension of Time for Commencement of Construction

The City Ordinances do provide for a timeframe that construction must commence based upon City approvals. That deadline for the Company's new building was extended due to the COVID pandemic, which has not ended. However, in order that the Company to move through the process with the Building and other Departments and avoid having to "restart" the approval process, the Company is requesting an extension of up to 90 days. We do not believe that full time will be needed, as we are very close to finalizing approval of the building plans and issuance of the Building Permit.

We thank you for your understanding and look forward to discussing these matters with you at your September 15th meeting.

Sincerely,

[Redacted Signature]

Dennis G. Cowan

Direct Dial: [Redacted]

Email: [Redacted]

DGC/cmw

cc: Eric Nemeth
Jeffrey Schroder

Open.27424.90478.27098226-1

EXHIBIT A

**CITY OF YPSILANTI, MICHIGAN
1 South Huron Street, Ypsilanti, MI 48197
Office of the Mayor**

DECLARATION OF LOCAL STATE OF EMERGENCY BECAUSE OF COVID-19 PANDEMIC

March 25,2021

WHEREAS, the World Health Organization declared a world-wide pandemic because of the outbreak of the Novel Coronavirus, Covid-19, and

WHEREAS, The Washtenaw County Health Department has confirmed cases of local individuals who have a severe acute respiratory illness caused by the novel coronavirus (Covid-19) or “the Pandemic”, and

WHEREAS, Washtenaw County Health Department has identified that Pandemic cases in the 48197-48198 area code are rising at a higher rate and are disproportionately affecting communities of color and continue to be a serious threat to the safety and well-being of the residents, and

WHEREAS, The Bureau of Epidemiology and Population Health at the State Health Department have identified that Covid cases and hospitalizations in Michigan are trending up and warn of a third wave, and

WHEREAS, The Washtenaw County Health Department has identified both the B.1.1.7 variant, known as the UK variant and the B.1.3.5. variant, known as the South African variant are present in Washtenaw County and that both variants spread more rapidly and are harder to control, and

WHEREAS, The Washtenaw County Health Department reports that the transmission of the Pandemic virus is accomplished by human-to-human contact and can be significantly controlled by limiting such contact, and

WHEREAS, pursuant to the Open Meetings Act, public bodies may meet entirely remotely after March 31, 2021 and up to December 31, 2021 if a local state of emergency has been declared; and

WHEREAS, COVID-19 still poses a very real danger to the residents of Ypsilanti and positive cases are still regularly occurring despite efforts to vaccinate the population; and

WHEREAS, the Washtenaw County Health Department reports that the Covid-19 Pandemic has and is greatly negatively affecting the safety, health and welfare of the residents and especially our minority and senior residents, of the 48197 and 48198 zip code zones at a higher rate than the rest of the County of Washtenaw, State of Michigan; and

WHEREAS, due to the sustained presence of COVID-19 in the City of Ypsilanti, public bodies in the City can protect the public if they meet remotely to avoid unnecessary exposure to the members of the body and the members of the public; and

WHEREAS, given the above and pursuant to MCL 30.410 of the Emergency Management Act, the Washtenaw County Board of Commissioners, declared a local state of emergency within Washtenaw County as of March 17, 2021; and

Now, Therefore, Pursuant to the authority granted me as Mayor by MCL 30.410, the Charter of the City of Ypsilanti, the Ordinances of the City of Ypsilanti, and City Code Chapter 34, and the reasons stated above, I, Lois Richardson, Mayor of the City of Ypsilanti, **do hereby declare a LOCAL COVID-19 PANDEMIC EMERGENCY** in the City of Ypsilanti, and specifically the 48197 and 48198 zip code zones within the City.

I further find that in-person meetings in the affected areas during the Covid-19 Pandemic, despite precautions, because of the high rate of impact on the affected

areas, still present an unreasonably high risk to the health, safety and welfare of participants.

I further find that without a remote option to participate in public meetings and public comment, members of the public could unnecessarily expose themselves to Covid-19 by participating in public meetings in an in-person setting; and

Therefore, to protect the health, safety and welfare of all residents of the affected area, and throughout the City, County and State, it is hereby ORDERED, that All City employees, officers, boards and commission members take all steps to prevent or alleviate illness and of death due to the Covid 19 Pandemic virus including maintaining social distancing, frequently cleaning and hand washing, wearing protective face coverings; and conducting City business virtually when possible.

It is additionally ORDERED that that until December 31, 2021, and until further notice all in-person meetings of the Ypsilanti City Council, boards and commissions are to be held virtually, i.e., remotely, pursuant to the Open Meetings Act.

Lois Richardson, Mayor of City of Ypsilanti



EXHIBIT B

Resolution No. 2021-069
April 6, 2021

RESOLUTION APPROVING STATE OF EMERGENCY DECLARED BY THE0 MAYOR BECAUSE OF COVID 19 PANDEMIC

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

Whereas, the United States of America, the State of Michigan, the County of Washtenaw and the City of Ypsilanti, and indeed, the world, are in the midst of a medical Covid 19 virus pandemic, and

Whereas, the pandemic is a severe threat to the health, safety and welfare of the residents of the City of Ypsilanti, and the Covid 19 virus is spread by close physical proximity of persons, and

Whereas, the City Council and City boards and commissions have been meeting virtually because of the danger of contracting the Covid 19 virus during in-person meetings, and

Whereas, virtual meetings were authorized by Act 254 of the Public Acts of 2020, and

Whereas, Act 254 of the Public Acts of 2020 allows virtual meetings in case of a local emergency, and

Whereas, Washtenaw County has declared a local, state of emergency, and,

Whereas, the Washtenaw County Health Department statistics show that the City of Ypsilanti, zip codes 48197 and 48198 have the highest rates of Covid 19 virus infection in the county, and

Whereas, Ypsilanti Mayor Lois Richardson has declared a local state of emergency in the City of Ypsilanti because of the continued Covid 19 virus pandemic risk and danger,

NOW THEREFORE, the City Council of the City of Ypsilanti does hereby approve and adopt the State of Emergency declared by the Mayor and in accordance with Act 254 of the Public Acts of 2020 determine and order that meetings of Ypsilanti City Council and all boards and commissions shall be virtual until December 31, 2021, or until further action of the Mayor and City Council.

OFFERED BY: Council Member Morgan

SUPPORTED BY: Council Member Somerville

YES: 6 NO: 0 ABSENT: 1 VOTE: CARRIED
(Symanns)

I do hereby certify that the above resolution is a true and correct copy of Resolution 2021-069 as passed by the Ypsilanti City Council, at their meeting held on April 6, 2021.

Andrew Hellenga, City Clerk