

**CHARTER TOWNSHIP OF YPSILANTI
PLANNING COMMISSION MEETING
Tuesday, August 27, 2024
6:30 pm**

COMMISSIONERS PRESENT

Bill Sinkule
Elizabeth El-Assadi
Gloria Peterson
Larry Doe
Caleb Copeland

STAFF AND CONSULTANTS

Fletcher Reyher, Planning and Development Coordinator
Sally Elmiger - Carlisle Wortman
Dennis McLain – Township Attorney

- **CALL TO ORDER/ESTABLISH QUORUM**

MOTION: Mr. Sinkule called the meeting to order at 6:30 pm.

- **APPROVAL OF JULY 23, 2024, REGULAR MEETING MINUTES**

MOTION: Mr. Doe **MOVED** to approve the July 23, 2024, regular meeting minutes. The **MOTION** was **SECONDED** by Ms. El-Assadi and **PASSED** by unanimous consent.

- **APPROVAL OF AGENDA**

MOTION: Ms. Peterson **MOVED** to approve the agenda. The **MOTION** was **SECONDED** by Mr. Doe and **PASSED** by unanimous consent.

- **PUBLIC HEARINGS**

None to Report.

- **OLD BUSINESS**

None to Report.

- **NEW BUSINESS**

PRELIMINARY SITE PLAN – FROST MUSIC VENUE – 2525 STATE STREET – PARCEL K-11-13-255-004 & 1430 WATSON STREET – PARCEL K-11-13-255-006 – TO CONSIDER THE PRELIMINARY SITE PLAN APPLICATION OF BLOOM GENERAL CONTRACTING, INC. FOR THE CONSTRUCTION OF A 4,300 SQ. FT. MARIHUANA CONSUMPTION LOUNGE, 1,260 SQ. FT. STORAGE BUILDING, AND OUTDOOR AMPITHEATER FOR A 3.6-ACRE SITE ZONED I-C, INDUSTRIAL AND COMMERCIAL.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented to the Commission a Preliminary Site Plan for the proposed Frost Music Venue. The applicant (Michael Ludtke: Bloom General Contracting Inc) has proposed a 4,300 sq. Ft marihuana consumption lounge, 1,260 sq. ft. storage building, and outdoor amphitheater. The proposed project is affiliated with an existing development to the north: Frost Dispensary & Cultivation Center approved by the Planning Commission (2024).

The Dispensary and Cultivation Center takes up the northern portion of the properties that Michael Ludtke owns. The 3.87-acre site is located on the north side of State Street, between Wiard Road and Watson Street. The site is zoned I-C Industrial and Commercial, where the intent is to revitalize the area and provide employment opportunities with a focus on high-tech industrial and manufacturing, distribution, and marihuana uses. Marihuana is permitted to be used in the I-C, Industrial and Commercial Zoning District.

The Charter Township of Ypsilanti 2040 Master Plan designates this site as Innovation and Employment District that would provide major employment for the township. The areas will be dominated by advanced companies which are at the cutting edge of innovation with a combination technology, office, craft manufacturing or light industrial uses.

Mr. Fletcher Reyher presented an aerial view of the property; the northern site (highlighted) is where the dispensary and cultivation center was approved earlier and

the yellow shaded sites is where the amphitheater, consumption lounge and food truck area has been proposed.

Reviews of different departments:

- **OHM:** The Township Engineer recommended approval in their letter dated June 24, 2024. OHM provided preliminary detailed engineering comments that will be addressed at the Final Site Plan.
- **Ypsilanti Community Utilities Authority (YCUA):** YCUA reviewing agent Scott Westover has recommended conditional approval in his letter dated June 26, 2024. Scott Westover and Bloom General Contracting have been working on the water main alignment.
- **Ypsilanti Township Fire Department:** YTFD Fire Marshall Steve Wallgren has recommended approval in a letter dated June 21, 2024
- **Washtenaw County Water Resources Commission:** Reviewing agent Theresa Marsik has recommended approval in a letter dated June 28, 2024.
- **Washtenaw County Road Commission:** WCRC Project Manager Gary Straight shared comments with the Planning Department on June 19, 2024. The TIS provided by the applicant has been approved.

Mr. Fletcher Reyher, Planning and Development Coordinator informed the Commission that Sally Elmiger (Planning Consultant - Carlisle Wortman) would provide the report from Carlisle Wortman.

Ms. Elmiger informed the Commission that the proposal states that the consumption building can accommodate 215 patrons; events in the amphitheater will be able to accommodate up to 649 patrons. The applicant (Michael Ludtke: Bloom General Contracting Inc) has stated in their written materials that they will limit the maximum capacity at the site to 649 patrons, the applicant would be able to provide additional details on how the indoor consumption lounge and the amphitheater work together.

Ms. Elmiger informed the Commission that site plan meets all the setback and height requirements for the district, and per the operational descriptions provided by the applicant, it also meets the marijuana supplemental regulations in Section 416 (5) of

the ordinance. It also complies with parking/ loading/ screening/ landscaping requirements, and with lighting (a requirement for light fixture cut sheets at final).

One of the main concerns is the potential impact of noise; music coming from the amphitheater that would impact the West Willow neighborhood to the west. The applicant has provided a sound study completed by K&S Engineering. The applicant has provided a sound study completed by K&S Engineering. A band shell is recommended. If band shell is proposed, the noise would be reduced to 40 dB(A) for the West Willow neighborhood.

Ms. Elmiger suggested that the applicant and Township engage in a Development Agreement which will allow the township to work with the applicant to place any conditions on the proposed use.

Items for Consideration:

- Events: Number of amphitheater use (monthly/ yearly); Number of larger events.
- Lighting: Number and use of portable lights (light levels generated by these portable lights will meet ordinance requirements at the property line and will be directed away from the West Willow neighborhood.
- Portable toilets: Number and use of portable toilets.
- Capacity: Cap maximum capacity.
- Limit hours of operation for amphitheater and outdoor use.
- Noise based on review by Stantec.

Ms. Elmiger informed the Commission that the grassy area north of the new consumption building would have a dual purpose; Used as an outdoor consumption area when there are no amphitheater events. And the second purpose will be for parking during amphitheater events.

Mr. Paul Tulikangas (Nowak & Fraus Engineers) addressed the temporary lighting that would be brought to the site and utilized for the larger events that would require the amphitheater. The photometric plan proposes 10 lights to be installed at strategic locations in the parking lot and the food truck area (4 in the food truck area and 6 at the temporary parking lot).

Commissioner Doe inquired if the lights could be positioned towards the east of the neighborhood; Mr. Paul Tulikangas stated that it could be positioned differently, and it has been incorporated into the photometric plan.

Mr. Paul Tulikangas informed the Commission of the licensing requirement for having food at a marijuana facility. It would be separated as part of the development. The key element for the site design was the 100-foot-wide Enbridge Nexus pipeline easement that runs diagonally through the site, which limits what can be constructed within that easement.

The paved parking area on the west side of the building would be essentially used for events (winter parking area for the consumer events that would be entering the consumption lounge). The applicant has fully designed the site from a stormwater perspective as per the Washtenaw County Drain Commission Standards (soil analysis and the design has been approved). The proposal for two additional entrances at Watson Street towards the food truck area.

Mr. Steve Bloink (Senior Architect/ Project Manager: Stucky Vitale Architects) informed the Commission of the plan on enclosing the sides of the band shell and not cause an obstruction of the view from the amphitheater.

Ms. Peterson shared her concern regarding the noise pollution towards the West Willow neighborhood and inquired if the installation for the extended wood panels would block the noise; Mr. Steve Bloink stated that it would minimize the noise spilling over.

Mr. Michael Ludtke (Applicant) shared with the Commission that the Frost Music Venue (Amphitheatre/ Cannabis Music Venue) would be the first of its kind in Michigan.

Ms. Peterson inquired if the lounge is separate from the theatre; Mr. Michael Ludtke stated that the two entities will not be competing against each other and will be operating separately. The indoor consumption lounge would be operating year-round, winter/ summer and the amphitheater will be open during special events. It would have 649 patrons' capacity, and it won't compete with the 215-person capacity inside.

Ms. El-Assadi inquired about the number of concerts and during what part of the day they would be conducted; Mr. Michael Ludtke stated that the projection is to have three to four concerts during the week during the summer months. There will be one amphitheater event per week just to test the waters and it will be open a few days a week to the public with background entertainment. The hours of operation 12 pm – 10 pm/ 5pm – 10 pm depending on whether the doors are open to the public or for a concert. Michigan law states that dispensaries for cannabis consumption are to be shut down by 9 pm. The indoor building will be year-round. The amphitheater will be booked, starting late April/ May through early September. There will be a security check at the Frost Parking Lot Entrance to ensure only Event ticket holders and staff have access to the parking area. The indoor consumption lounge will function together with the amphitheater. There are 2 garage doors on the eastern wall of the building that will be opened, allowing people to flow in and out of the building from the amphitheater at will. Marijuana use is permitted outdoors inside the 8-foot non visibility fencing. The only exception is the food truck area, which has its own 8ft fence. Marijuana can be possessed in this area, but consumption must wait until re-entering the main venue space. There will be 10 portapoties onsite.

Commission inquired if the area would be a gun free zone; Mr. Michael Ludtke stated that it would be a gun free zone location.

Mr. Copeland inquired where people are allowed to consume; Mr. Michael Ludtke stated that people can consume on the grass area; this would not be permitted when the grass area is converted to a parking lot in order to stop people from accidentally consuming and driving vehicles.

Ms. El-Assadi inquired about the enclosures for the trash area; Mr. Michael Ludtke stated that they have a dumpster enclosure towards the north.

Mr. Michael Ludtke informed the Commission that the sound study concludes that they wouldn't exceed 65 A-weighted decibels (dBA).

Ms. Peterson inquired about the smell and inhalation of marijuana; Mr. Fletcher stated the Township Zoning Ordinance in the state of Michigan has significant regulations for the internal consumption of marijuana. There's state of the art filtration systems inside the building that would constantly circulate the air and prevent any stagnation. Mr. Michael Ludtke informed the Commission that they follow cigarette guidelines,

and the facility should be a certain number of feet from public places; 30 feet back from the road.

MOTION: Ms. El-Assadi **MOVED** to approve the Preliminary Site Plan of Bloom General Contracting, Inc. to permit the construction of a 4,300 sq. ft. Marihuana consumption lounge, 1,260 sq. ft. storage building, outdoor amphitheater, and associated site upgrades for a 3.87-acre site zoned IC, Industrial and Commercial, located at 2525 State Street and 1430 Watson Street, Ypsilanti, MI 48198, Parcel K-11-13-255-004 & K-11-13-255-006, with the following conditions:

- The Applicant shall address all outstanding comments from reviewing agencies prior to Final Site Plan approval.
- The Applicant shall obtain all applicable internal and outside agency permits prior to construction.
- The Applicant shall enter into a Development Agreement with the Charter Township of Ypsilanti that will address items such as, but not limited to, large events, security conditions, lighting, portable toilets, capacity, hours of operation.
- The applicant shall work with the county sheriff for security.
- The applicant shall construct side walls on their amphitheater for noise and work also with the township development team and attorney on this agreement.
- Any other conditions based upon Planning Commission Discussion.

The **MOTION** was **SECONDED** by Mr. Doe

Roll Call Vote: Mr. Doe (Yes); Ms. Peterson (Yes); Mr. Sinkule (Yes); Ms. El-Assadi (Yes); Mr. Copeland (Yes).

MOTION PASSED.

- **OPEN DISCUSSIONS FOR ISSUES NOT ON AGENDA**
 - **Correspondence Received**
None to Report.

- **Planning Commission members**

None to Report.

- **Members of the audience**

None to Report.

- **TOWNSHIP BOARD REPRESENTATIVE REPORT**

Ms. Peterson informed the Commission that Debbie Dingell is hosting a meeting on August 28,2024.

- **ZONING BOARD OF APPEALS REPRESENTATIVE REPORT**

Ms. El-Assadi informed the Commission that Skilken Gold (Sheetz) had three items for consideration: setback variance, parking lot variance and the transparency variance. The setback and the parking lot were approved. The transparency was postponed. Skilken Gold will have to present higher levels for discussion.

- **TOWNSHIP ATTORNEY REPORT**

None to Report.

- **PLANNING DEPARTMENT REPORT**

Mr. Fletcher informed the Board that Roadhouse has hired their CFO, the place is open with operations in place.

- **OTHER BUSINESS**

None to Report.

- **ADJOURNMENT**

MOTION: Mr. Doe **MOVED** to adjourn at 7:23 pm. The **MOTION** was **SECONDED** by Ms. El-Assadi and **PASSED** by unanimous consent.

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Respectively Submitted by Minutes Services.