

Bamer stated that he believed they would remain; and while their project would be a stand-alone project they would work on improving the over-all site.

Bona questioned if the petitioner had any mitigation measures involving the materials from the proposed demolition of the existing building.

Mamer responded that the demolition would be to the highest standards the Planning Commission dictates.

Westphal inquired about the drive entrances in relationship to the drive-thru and public sidewalks as well as clarification why the project would need a Special Exception approval.

Cheng explained that in the C2B Zoning District, drive-thru's require Special Exception approvals.

Westphal asked if that was because the community was trying to discourage drive-thru's.

Cheng responded yes.

[Enter Pratt.]

A vote on the motion showed:

YEAS: Carlberg, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods
NAYS: Bona, Briggs
ABSENT: None

Motion carried.

- d. Public Hearing and Action on AT & T Optical Amplification Hut Site Plan for Planning Commission Approval, 3845 Varsity Drive, 4.15 acres. A proposal to construct a 325 square foot accessory building at the existing facility – Staff Recommendation: Approval with Conditions

Cheng gave a staff report.

Noting no further speakers, Mahler declared the public hearing closed.

Moved by Carlberg, seconded by Giannola, that the Ann Arbor City Planning Commission hereby approves the AT&T Optical Amplification Hut Site Plan for Planning Commission Approval, subject to approval by the Washtenaw County Water Resources Commissioner.

A vote on the motion showed:

YEAS: Bona, Briggs, Carlberg, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods
NAYS: None
ABSENT: None

Motion carried unanimously.

- e. Public Hearing and Action on Fuller Road Station Phase 1 Public Project Review, south side of Fuller Road, just east of East Medical Center Drive in Fuller Park, 10.35 acres. City-initiated project to

construct a five-level, 977-space parking structure, 44-space parking lot, and bicycle parking – Staff Recommendation: Approval

Eli Cooper, Transportation Programs Coordinator, gave a presentation on the Fuller Road Station (Phase 1) Public Project.

Kahan gave the staff report on the proposed multi-modal, multi-agency transportation center.

Larry Deck, 3050 Lorraine Street, spoke as a representative of the Washtenaw Bicycling & Walking Coalition. He expressed his concern with the unfinished trail system and how the non-motorized trails would affect the City in relationship to the proposed Fuller Road Station project.

John Saverino, 281 Rhea Street, spoke against the project and about parkland transfers and agreements.

Peter Zettland, 803 Duncan, spoke against the project and the use of parkland for parking structures.

Elizabeth Colvin, 1053 Maiden Lane, spoke as a representative of two residential condo associations and spoke in support of the project.

Cathy Griswald, 3536 Foxhunt Drive, spoke against the traffic plans presented though the concept plan.

Marta Mineldi, 1045 Cedar Bend Drive, spoke about the general public need vs. individual resident's needs. She also commented on the public hearing process.

Robert Johnson, 1413 Culver Road, spoke against the project, and for the protection of parkland, and the voice of the voters.

Ethel Potts, 1014 Elder Blvd., spoke against the project and questioned why the strong negative comments hadn't made it into the staff reports presented to the Commission.

Cathy Broise, 1726 Charlton, spoke against the use of parkland for the proposed project and against the process of circumventing the voter's voice by allowing use agreements, specifically to a non-tax paying entity such as the University of Michigan.

Jim Mogenson, 3780 Greenbrier, spoke of functionality in public structures to meet the needs of the handicapped. He also stressed the need for traffic studies before projects are constructed.

Christopher Graham, currently serving on the Environmental Commission, spoke of the history of Natural Features Master Plan and how he felt that the City was experiencing an ethical lapse through the proposal of using parkland for non-parkland use, without the vote of the people.

Gwynn Nystrom, 1016 Olivia Ave, spoke against the project and the use of parkland for transportation needs.

[Public Speaker during power outage] spoke against the use of public parks for public projects such as the proposed parking structure.

Anne Larimor, 916 Olivia Ave, spoke against the project in the proposed site and asked for the public report that represents alternate sites for the proposed project. She also stated that she felt a public vote is needed for this proposal.

Barbara Bach, 2061 Day Street, spoke against the project and requested that the Commission table the proposal. She questioned the process surrounding this proposal and the \$ 600,000 tax dollars that have already been spent, plus unknown staff time, to build a parking garage for the University of Michigan.

Kitty Morlock, 1050 Wall Street, spoke as a representative of the Maiden Lane Condo Association, in support of the proposed project.

Ellen Ramsburgh, 1513 Cambridge, spoke against the use of parkland for projects such as the Fuller Road Station. She read an article dealing with the preservation of parkland.

Noting no further speakers, Mahler declared the public hearing closed (9:27 pm).

[10 Minute break]

Moved by Pratt, seconded by Derezinski,

WHEREAS, the City Administrator is directed to obtain comments and suggestions from the appropriate City departments with regard to certain City projects meeting private development regulations prior to recommending that City Council approve funding for them; and

WHEREAS, such projects are to be reviewed by the City Planning Commission prior to City Council approval;

RESOLVED, that the Ann Arbor City Planning Commission finds that Fuller Road Station (Phase I) adheres to City private development standards, including natural features mitigation and storm water detention requirements, with the exception of the following:

The proposed drive approach dimensions for the two easternmost driveways exceed the maximums allowed by Chapter 47 (Streets). Documentation supporting the need for the larger dimensions has been provided.

Bona questioned Cooper on the traffic patterns from the traffic engineer's standpoint in regards to the access into the facility as well as the future drop-off area.

Cooper explained that the traffic engineers through their study showed that a direct crossover would be safer than an indirect or Michigan left turn. He stated that the study also showed that the roundabout could be used to access the drop-off area as well as for u-turn, and traffic flows in the roundabout would have the capacity to meet the traffic flow until year 2035. He stated that the City has completed a comprehensive area wide traffic study, completed by URS, which stretches beyond the proposed project. He noted that the City has completed a selection process on an RFP for the next phase of the project which includes a review of the roundabout, and staff currently is in the process of selecting a firm and work will begin shortly. He noted that the City has also contracted with North Carolina Transportation Institute who is looking specifically at the roundabout and its impact on the pedestrians and the non-motorized flows. Cooper stressed that the City is very much concerned with optimal safety for the pedestrians and bicyclists who will be using this area in the future.

Bona asked for a timeframe of construction for the roundabout, since it seemed like it should be constructed at the same time as Phase 1.

Cooper agreed that the construction of the roundabout was a fundamental element and criteria of the over-all project. He mentioned that the RFP that went out had a completion date of 2012 on the roundabout, but he

wasn't able to give any guarantees on specific dates due to not knowing about timing and funding at the present time.

Bona asked why the incomplete bike trail hadn't been incorporated into the plan of the Fuller Road Station Proposal.

Cooper responded that the elements of the proposed plan didn't include them because they weren't able to secure resources to move forward with the trail element at this time.

Bona questioned Mr. Kosteva about what percentage of University of Michigan staff (at the new medical facilities) at any given time would be using alternative transportation to access the facility.

Kosteva responded that they currently estimate that 40% of University of Michigan employees, across the entire campus, are coming to their workplace in something other than a single occupancy vehicle.

Derezinski asked what the role of AATA was in this proposed project.

Cooper stated that AATA had been involved in this proposed concept from the very beginning, assisting with shaping the floor plans to ensure there is ample room for the amount of buses that will serve the area, as well as assisting in completing grant applications from the Federal government to offset the costs of the transit elements of the project. He noted they are also working with the City as a co-lead agency on the Environmental Assessment Report. He believed that as the project moves forward through the phases, AATA is looking at a system metamorphosis and how they can expand their service.

Derezinski commented that with the stage development of this project it would become a major entrance or gateway to the City. He brought up the fact that there is new federal funding that has become available for train stations through the transportation agencies, and a multi-modal, multi-agency transportation system is definitely something that we need looking at our future needs.

Cooper agreed, stating that the City is looking at the vision of the future in hopes of incorporating alternative transportation needs for those who live and work in the City, or even those who are looking to use a future rail system to access others points. He said that MDOT is also a partner with the work that the City is doing through this project as well as SEMCOG, who is facilitating the commuter rail program.

Briggs stated that she would like for the Commission to address the concerns that the project is proposed to be built on parkland. She noted that it was very helpful to hear a little about the history and the vision that existed for the specific open space where the project is proposed to be built. She expressed concern that the City had not followed a public process to develop this open space parkland for public use and that the Planning staff was recommending approval of Phase 1 when there were still so many outstanding issues that need to be addressed. She felt that Phase 1, in contrast to Phase 3, was in contradiction to the plans of a walking bridge as had been discussed for this area.

Briggs commented on the design of the project, noting that the parking structure wasn't very inspiring or incorporating any progressive design which would seem inviting to newcomers or visitors to the City, should this become the gateway to the City. She stated that even the current Amtrak station has a 'Welcome to Ann Arbor' on the building. She noted that she wouldn't be able to support the project at the current stage since she felt there were several elements that had been overlooked and would need further discussion and clarification.

Cooper responded that regarding the parkland, the City's Attorneys had reviewed the deeds to the parkland and as far as they knew there were no restrictions to the use of this specific parcel, and the project would not be considered an impediment upon it. Park parcels have always been zoned as public land, and this land has

been used as a parking lot for almost twenty years. He stated that the City values and prides themselves in their parks and the minimal footprint was a driving factor in the design of this project.

Cooper stated that what staff have brought forward in this project meets the requirements and the community have the right to make the decision and that will be left with the City Council on this project. He noted that the resources currently available do not allow for the completion of a number of trail path connections that in the non-motorized plan are not identified as short-term opportunities but as part of a long-term plan.

Dick Mitchell from Mitchell and Mouat, one of the architects of the project, clarified some details on the schematics of the south elevation of proposed building, noting that it is the most incomplete since it won't become active until in the later phases which will include platforms and an overpass, and there will be numerous openings which aren't currently shown.

Briggs stated that she was very surprised by the architecture of the parking structure, since it didn't seem to incorporate best practices and was rather plain.

Mitchell responded that they have looked at incorporating public art into the building while they created an active level through their design. Local building materials will be used as well as recycled.

Carlberg questioned Cooper about the timeframe for completion of the potential trails across the river as well as where funding would be coming from.

Cooper answered that he didn't have any timeframe for its completion since it would require environmental analysis before anything could be proposed, but he believed it would take approximately three years to bring the trails to the same process point where the City was currently with Fuller Road Station project. He noted that funding at this time was not identified but he thought that the City might look to transportation enhancement funding, which are federal dollars made available through the State DOT as well as other grant possibilities, such as through the County Parks.

Westphal asked Kahan for clarification on the Commission's charge at the evening's meeting. He noted that the Commission had been requested to review the project to meet private development standards, and since the zoning was designated as public land he inquired if the height and placement restrictions applied.

Kahan responded that the restrictions do apply; however under the PL (Public Land District) chart they called for none, giving public land owners, such as the City or the State tremendous flexibility. He further explained that per a Council Resolution on public projects which was approved in 1989, the City Planning Commission is required to review all public projects before City Council approval if the project costs more than \$250,000.

Kahan outlined that this process was set up so that there would be reviews conducted by all City departments and input given to insure that City projects meet the standards for private developments. He explained that the standards for private developments included specifications that needed to be met, which encompassed several zoning chapters such as streets, site plan requirements, off-street parking, bicycle parking, landscape requirements, soil erosion management, as well as water and sanitary standards.

Kahan further explained that City staff had reviewed this project and found that the proposed project did not meet the standards in Chapter 47 (Streets) in regards to the proposed drive approach dimensions for the two easternmost driveways, which exceed the maximum allowed. He stated that the Commission's charge was not whether they liked or disliked a particular project before them, rather, if that project met the outlined standards for a private development.

Westphal asked if the Commission should be looking at the Master Plan Land Use Element (2009) or the Parks & Recreation Open Space Plan (2009) in making their decision.

Kahan explained that the Master Plan looks at *elements* which are different than *standards*, and the Planning Department still reviews the various plans for direction but not for standards.

Westphal asked if Chapter 57 Natural Features requirements would be met by this proposed project.

Kahan responded that the applicant had presented alternative ways in which they could meet the standards, which do not result in the removal or degradation of a particular natural feature. For the proposed project there are four landmark trees which are proposed to be removed.

Westphal inquired if the river valley wouldn't be considered a natural feature.

Kahan answered that the river valley under Chapter 57 is not a regulated feature, whereas steep slopes, woodlands, trees, wetlands, and the river are natural features.

Westphal asked where he would find the citizen's comments which were to be included in the Final Citizen Participation Report, and if those comments required a written response.

Kahan explained that these comments are in the full report, which is quite extensive and lengthy and only the Executive Report was included in the Commissioner's packets. He said he would verify if a written response was required.

Cooper stated that all of the citizen comments had been professionally compiled and were included in the full report. He clarified that there is a section titled FAQ's which are generalized responses to the comments and questions received from citizens. Cooper also noted that there is a webpage on the City's website designated to this project.

Westphal asked if it was even possible for the Commission to make their decision prior to having the full report provided to them.

Woods asked if the City Attorney's review of the deed restrictions could be made available to the Commission by tomorrow morning, since it would help clarify some questions. She also questioned the total building site.

Cooper responded that he would check with the Attorney's Office and, if the document was available, he would request it to be available to the public. He noted that the footprint of the development site is three and a half acres (3.5) but the whole area affected by the project is larger.

Woods inquired of any alternative sites that have been looked at by the City.

Cooper answered that the City has looked broadly for parcels large enough to handle the size of the proposed project, but one of the key factors was the need to be located next to a railroad.

Woods asked for the Memorandum of Understanding that the City had signed with the City Council.

Cooper stated that the Memorandum of Understanding was a public document that was signed last year in December by the City Council and was provided to staff in the full report.

Mahler stated that he had located the Memo of Understanding at the City's Legistar website, in the documents provided to them as well as the public.

Woods stated that people took offense to Cooper's earlier statement when he mentioned that the area in question was nothing more than a parking lot. She felt that others didn't see it as he did.

Giannola asked how many bus lines were planned for Phase 2. She also inquired when the pedestrian crossing would be constructed.

Cooper said he didn't have any details on the number of bus lines but noted that the transit center had available space for twelve (12) buses. He explained that the future phases would be constructed only after available funding became available.

Pratt, on behalf of the Commission, thanked the members of the public who had come to bring their valid concerns and comments. He stated that what lay before the Commission and ultimately the City Council was a very difficult policy decision, regarding how the City handles their park land. He noted that as a taxpayer he felt that the City has invested a lot of money and thought into its parks and will continue to do so, and their decision on this small piece of land shouldn't send the message that the City didn't value their parks.

Westphal asked if the proposed land was public land within parkland.

Kahan answered yes, Fuller Park.

Westphal inquired if the City's ordinances defined that structures within park land had to be used for park uses.

Kahan responded, No.

Westphal asked if there would be any constructed elements that would preclude the underpasses of trails.

Cooper responded there were no such restrictions.

Westphal stated that he had concerns with the process issues surrounding the proposed project and would only like to see a contingent approval of the project with the completion of the trails that have been discussed so frequently in the past. He felt that approving a plan without any definite timeframe for completion of the trails wasn't in the best interest of this public project, and if the project were a private development he wouldn't approve a project with an open ended deadline for completion of the trails.

Mahler thanked the public for coming to the meeting and for their comments and input. Mahler asked if the plans showing the larger approaches could be provided. He asked which City staff had approved the deviation. He said the motion in question would lead him to believe that the staff didn't approve of the exception with the wider turns and he would like clarification on this specific exception. Mahler also asked for the current status on the alternative layout being developed as explained on Pg. 6 of the Staff Report, Engineering;

1. Two hydrants on dead-end main is not permitted.
2. Water main should be no closer than 20' from building structures.
3. Extend the looped water main layout westerly to better serve the possibility for a future train station to be added to this site.

Kahan responded that he could provide copies of the plans and that City Senior Engineer, Troy Baughman was the staff person who had approved the plans to allow for the wider than necessary standards on the turns which would be needed to facilitate the busses. Kahan asked City Engineer, Dave Dykman, to respond to the specific question regarding the alternative layout.

Dykman stated they are looking at the feasibility of extending a loop main to the west end of the facility that would service hydrants along that main that would satisfy City requirements and standards. He noted that they

have been working with City Engineer Troy Baughman on the layout. He agreed that the three specific items are a work in progress.

Mahler asked for someone to address the storm water issue on the site. He also noted that the report stated that the County doesn't have jurisdiction over the storm water on the site and inquired who does.

Brian Barrick of Beckett & Raeder, 535 W. William, responded that the City has jurisdiction over the storm water on site. Barrick explained that for storm water concepts they have a small surface parking lot on the west end of the site and the parking structure itself, along with the entry drives and the non-motorized pathway. He stated that these impermeable surfaces on the site drain to a series of twelve (12) bioswales, that have overflow outlets, along the north façade of the facility, that drain to the east.

Barrick also explained that there is a large 24" storm line running from the surface lot on the west, to the existing detention basin on the far east end of the site, that would take overflow water in the case of storms. He clarified that the accumulated silt will be removed from the existing detention pond so that the original storage volume is restored. He also revealed that soil borings and water infiltration testing in the area showed that there is tremendous granular material on site for infiltration.

Mahler asked about the proposed volume of U of M buses to the site, noting that the report stated that there would be approximately 460 U of M buses per day.

Cooper responded that with the technical feasibility study, during peak periods they are running about one to one and a half (1 ½) minute headway, which results in a bus every two (2) minutes, or thirty (30) to forty (40) busses an hour.

Mitchell added that not every bus on this route would be expected to make a stop at this proposed site.

Mahler assured the public and the Commission that the facilitation of the type of use agreement that had been generated between the City and the University of Michigan are standard procedure and wasn't an unprecedented agreement for this project alone. He noted that there are other projects, like the Forest structure, that the City and the University have collaborated together on.

Mitchell explained that these types of on-going operating agreements as well as the connector study are among numerous agreements and arrangements the University has with the City showing an on-going partnership sharing mutual interests in cooperation between each other.

Mahler asked for a vote on continuing the meeting past 11:00 pm.

A show of hands showed:

YEAS:	Bona, Briggs, Carlberg, Derezhinski, Giannola, Mahler, Pratt, Westphal, Woods
NAYS:	None
ABSENT:	None

Bona also thanked the public for coming to the meeting and stated that she too has had many of the same concerns that the public presented to them at the evening's meeting. She noted that her struggle includes how we can have this exciting new transit center while also protecting our parks.

Bona expressed that the project creates a complex issue, and she is fully in support of the City's Master Plan which calls for a transit center at this location, and she is also supportive of putting parking in this location vs. Maiden Lane or Wall Street. She felt that while the University is in need of parking, they are more effective at using alternative transportation modes.

Bona noted that the City needs to be ready for the future in regards to a transit center. She commented that she felt the building had a presence but it was less than what she would expect for a gateway to the City. She stated that she was aware that architecture of beautiful buildings is expensive and the City is looking to use funds wisely, yet she struggled with the presentation that the building was to become the gateway to the City, yet it just looked like another parking garage. She challenged the City and the University to really make the project into a gateway or if that wasn't possible, then just call it a parking garage.

Bona challenged the City Council and the Parks Commission to find a win/win relative to the loss of the parkland. She stated that she would like for us to look at the proposal not only in terms of loss of acreage and dollars, but rather at the quality of our parks that we have.

Mahler agreed with Bona that if this multi-modal hub was to become a gateway to Ann Arbor it needs to look like something that Ann Arborites can be proud of he would encourage something that will WOW the people. He stated that we know that in the State of Michigan we have the best combination of human and other capital to pull off a project like this and become a future hub of this type. Mahler noted that we need to be a leader in terms of anticipating economic growth along this corridor and this is an exciting opportunity to do it.

He asked the Commissioners to weigh these future opportunities when voting on the project.

A vote on the motion showed:

YEAS: Bona, Carlberg, Derezhinski, Giannola, Mahler, Pratt, Woods
NAYS: Briggs, Westphal
ABSENT: None

Motion carried.

- f. Public Hearing and Action on Amendments to Chapter 55 (Zoning Ordinance) to Add Regulations Concerning Medical Marijuana Dispensaries and Home Occupations – Staff Recommendation: Postpone

Thacher gave the staff report.

Mark Curtis, 7678 Matthews Road, Spring Arbor, MI spoke in support of medical marijuana and asked the City to realize that their proposals could be modeled by other cities in Michigan. He felt that caregivers shouldn't be limited as well as the fact that there could be multiple users in the same household.

Gersh Avery, 9205 Dexter-Chelsea Road, Dexter, MI spoke in support of the use of medical marijuana, and for less government repression, noting that chronic pain sufferers need alternative drugs such as marijuana. He stated that marijuana is less toxic than water and there are 1800 patients that die every year as a result of side effects from chronic pain medications with a cost of \$ 500,000,000 to the healthcare system.

Mahler stated that the discussion wasn't to decide the benefits or defects of medical marijuana since the voters of Michigan have passed the law and the Commission is now looking at how to zone for it through the ordinances that have been drafted so the medical marijuana can best be dispensed in our community. He stressed that comments regarding the ordinance would be most helpful.

Sam Mendez, 2447 Stone Road, Ann Arbor, MI spoke in support of the proposed medical marijuana ordinance as a caregiver as well as a patient. He requested that City Council would consider a grandfather clause for those clinical facilities that are already in existence to be allowed to operate in order to assist the sick. Mendez expressed that there is a clear difference between clinics that dispense marijuana and caregivers who cultivate