



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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Tuesday, December 4, 2018

7:00 PM

Larcom City Hall, 301 E Huron St, Second  
floor, City Council Chambers

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Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the 'Subscribe to Updates' envelope on the home page.

#### 1 CALL TO ORDER

*Chair Milshteyn called the meeting to order at 7:00 p.m.*

#### 2 ROLL CALL

*Planning Manager Brett Lenart called the roll.*

**Present** 7 - Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee,  
Ackerman, and Sauve

**Absent** 2 - Woods, and Briggs

#### 3 INTRODUCTIONS

*None.*

#### 4 APPROVAL OF AGENDA

**Moved by Mills, seconded by Gibb-Randall, and approved  
unanimously as presented.**

#### 5 MINUTES OF PREVIOUS MEETING

5-a      [18-1787](#)      September 18, 2018 City Planning Commission Meeting Minutes

**Moved by Weatherbee, seconded by Sauve, approved as presented,  
and forwarded to the City Council.**

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

6-a      **City Council**

*Commissioner Ackerman provided an update from City Council, he discussed township annexations, stating that over the next several months the City will work to annex the properties into the City of Ann Arbor and the City of Ann Arbor utility system.*

6-b      **Planning Manager**

*No report.*

6-c      **Planning Commission Officers and Committees**

*Commissioner Sarah Mills reported that at the Ordinance Revisions Committee meeting, three items were discussed: accessory dwelling units, highway setbacks, and temporary sales.*

6-d      **Written Communications and Petitions**

[18-2041](#)      Various Correspondences to the City Planning Commission

**Received and Filed**

**7      AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)**

*No speakers.*

**8      PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

*Lenart read the Public Hearing notice as attached.*

**18-2042** Public Hearings Scheduled for the December 18, 2018 Planning Commission Meeting  
**Received and Filed**

**9 UNFINISHED BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item**

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

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

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

- 9-a**      **18-2039**      Lockwood of Ann Arbor Site Plan for City Council Approval - A proposed 3-story senior independent living facility with 95 units and 65 vehicle parking spaces on this 3.50-acre parcel located at 3365 Jackson Road. PUD (Planned Unit Development) zoning is being requested to allow reduced parking and additional density. Public benefits include; minimum 40% affordable housing, public park area, and off-site public sidewalk construction from the site to Wagner Road. Staff Recommendation: Approval

*PRESENTATION BY PETITIONER:*

*Mark Lockwood, Petitioner, presented the proposed development. Highlighting the following items:*

- The development would provide a new housing option for local seniors whose lifestyles fit with the type of services provided.*
- 95 units*
- 3 story building*
- Requesting a Planned Unit Development (PUD) Zoning*
- 37,270 square foot building footprint*
- Financing through sale of Low-Income Housing Tax Credits and Michigan State Housing Development Authority Tax-Exempt Bond*

*Mortgage program*

- *services and amenities provided*
- *public benefits*
- *changes/improvements made to the proposal based on Planning Commission and community feedback*
- *alternative use analysis*

*STAFF REPORT:*

*City Planner, Matt Kowalski, stated that one of the major issues from the September meeting was infiltration, he explained that representatives from the Michigan Department of Environment Quality (MDEQ) and the Washtenaw County Water Resources Commission (WCWRC) are available for questions.*

*Lenart introduced Brian Steglitz; Water Treatment Plant Manager, Kathleen Summersgill; Fire Marshall, Peter Stephens; Land Development Coordinator (relating to stormwater standards), Cynthia Redinger; Transportation Engineer, Dave Bornman; Natural Area Preservation (NAP) Manager, and Kevin Lund; Michigan Department of Environmental Quality (MDEQ).*

*Kevin Lund, MDEQ, explained the groundwater flow at the area, and explained that there is no contamination in that area until a depth of at least 100 feet. He explained that the MDEQ does not anticipate that any changes in conditions of the site would impact the Gelman Plume.*

*James D'Armour, Chair of the Huron Valley Group of the Sierra Club, explained that although development accomodating the housing needs of Ann Arbor is important, that the Sierra Club is not supportinve of this project and does not agree with the assessment made by City of Ann Arbor staff and other experts. He also discussed the Gelman Plume as it relates to the proposed development.*

*Pat Bommarito, 204 Westover Street , Ann Arbor, opposed the proposed development, expressing concern with traffic noise, salt use, the wildlife, proximity of the development to the natural areas, and the Gelman Plume.*

*Susan Miller, 205 Westover Street, Ann Arbor, opposed the proposed project, citing traffic, and impacts and roads and the environment as concerns. She also discussed home prices in the area.*

*Cheryl Pelava, 351 S. Wagner Road, Ann Arbor, expressed opposition for the proposed project, citing impacts to the environment, and lack of benefits to the community.*

*Shauna Cahill, 336 Mason Avenue, opposed the proposed project due to environmental concerns as well as the proposed use.*

*Carol Hovey, 315 Dolph Drive, Ann Arbor, expressed opposition for the proposed development due to the use not being appropriate for the area.*

*Henry Herskovitz, 250 Highlake Avenue, Ann Arbor, discussed other Lockwood Senior Living Facilities, explaining that the proposed use is not appropriate for the area it is proposed in.*

*Phil McMillion, 133 Westover Street, Ann Arbor, opposed the proposed project and encouraged the Planning Commission to deny the proposal. He cited zoning, character of developer, inconsistencies with the proposal and the Master Plan, size of the project, lack of neighborhood involvement, environmental concerns, and concerns with noise associated with the development.*

*Matt Whybark, 241 Mason, Ann Arbor, opposed the proposed project due to concerns with contamination resulting from salting ice and snow as well as impacts to traffic.*

*Donna Pointer, 310 Graylake Avenue, Ann Arbor, opposed the proposed project due to the proposed use not being appropriate with the area.*

*Priscilla Cheever, 267 South Wagner Road, opposed the proposed project, discussed environmental concerns, as well as the impact on the neighbors.*

*Bill Collins, Porter Road, Ann Arbor, discussed noise that would result from the deliveries and pick ups to the proposed development. He emphasized the impact that noise would have on the neighborhoods around the area. He explained that there would be several deliveries to the development a week.*

*Elizabeth Collins, Neighborhood Representative, discussed the Gelman Plume, and opposed the project, and urged the Commission to recommend denial.*

*Leslie Beemer, 143 Westover Street, Ann Arbor, explained that the*

*neighbors love seniors but oppose the proposed development. She explained that "noise is the new second hand smoke", that another place in Ann Arbor should be located for the development where it would be welcomed.*

*Seeing no further speakers, Chair Milshteyn closed the Public Hearing.*

**MOTION I:**

**Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Lockwood of Ann Arbor Planned Unit Development (PUD) Zoning District and Supplemental Regulations, PUD Site Plan, and Development Agreement**

**MOTION II:**

**Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Lockwood of Ann Arbor Development Alternative Mitigation Plan for a maximum of 46% of required mitigation as monetary contribution to the City of Ann Arbor's street tree planting fund.**

**COMMISSION DISCUSSION ON MAIN MOTION:**

*Commissioner Ackerman cited wetlands, the Gelman Plume, noise, and snow, as chief concerns expressed during the Public Hearing. He requested information on the infiltration method at the site. He discussed the sand salt mixture for snow and ice treatment. He discussed the impact of commercial vehicles going into and out of the proposed development. He also inquired about the shuttle service, lights installed in the area, traffic, and impacts on Jackson Road.*

*Commissioner Shannon Gibb-Randall, inquired about infiltration options at the site.*

*Commissioner Lisa Sauve inquired about the setback requirements at the site with the current zoning. She also inquired about the emergency response turning radius. Sauve also inquired about the Due Care Plan process.*

*Commissioner Trudeau inquired about the affordable housing component of the proposed development. He also inquired about the possibility of financing not working out.*

*Commissioner Mills inquired about the financing timeline. She inquired about stormwater concerns.*

*Commissioner Weatherbee clarified that the site is currently infiltrating, and that the amount of water infiltrating will not change, but the location for infiltration will.*

*Kowalski answered that setback requirements would be 30 feet at the rear, 5 feet on the sides, and an averaged front setback would be 25 feet.*

*Kathleen Summersgill, City of Ann Arbor Fire Marshall, explained that she reviewed the plans. She stated the multiple access points for fire trucks to the site.*

*Joe Maynard, Civil Engineer with Washtenaw Engineering, explained that infiltration was chosen due to the recommendation from the Washtenaw County Water Resource Commission, as well as the conditions at the site being accommodating to the type of infiltration system proposed.*

*Peter Stephens, City of Ann Arbor Land Development Coordinator, explained that he performed the stormwater review for the proposed project, explained that managing stormwater in a manner other than infiltration at the site would result in additional review and approval by the Public Services Area Administrator, because it is City Code to infiltrate where infiltration is possible.*

*Lund discussed infiltration at a similar site and explained that the infiltration method did not impact low lying contamination. Lund explained that a Due Care Plan process comes into place when a party purchases land that is contaminated. He explained that it is a process where the land owner must ensure that changes in conditions must be addressed. He explained that contamination off site would be the responsibility of Gelman, and not of the property owner.*

*Lenart explained that the development agreement is the mechanism to place restriction on the melting medium for snow and ice treatment. He explained that there would be zoning enforcement action if the affordable component of the development does not work, and that there is also a fee*

*in lieu option that would come into place where the developer must bring their site into compliance. He explained that the financing would be in place prior to permitting process.*

*Lockwood explained that there would be two to four produce deliveries each week, and that the shuttle service would make approximately two to three trips per day. He also explained that low income housing tax credits would be used in order to finance a portion of the affordable housing component. He explained that the likelihood of securing proposed financing is very high. He added that financing would be granted prior to construction.*

*Maynard answered that all lighting is designed to City standard, and that all low level and side walk lighting is minimal. He explained that there is an option to have lights dimmed at certain times.*

*Cynthia Redinger, City of Ann Arbor Traffic Engineer, explained that this type and style of development in the proposed zoning creates fewer trips and has a lower impact than what development at the site in what the current zoning is would have. She explained that the proposed development does not create enough trips to require a transportation impact analysis, explaining that the petitioner completed the analysis anyway. She stated that the proposed development only creates 20 trips in the AM peak and 25 trips in the PM peak. Redinger explained that City staff was concerns about traffic created by the development and how it would impact the existing traffic on Jackson Road. She explained that the driveway location will discourage unsafe driving movements and minimize conflict points. She explained that all requirements would be checked by City staff at the site to ensure that the requirements are met.*

*Dave Borneman discussed the wetland location.*

**AMENDMENT I TO MOTION I:**

**Moved by Sauve, seconded by Ackerman to allow access to the site by the MDEQ to place and operate either monitoring wells and/or pumping wells based on future needs, at the discretion of MDEQ and Washtenaw County Public Health.**

**COMMISSION DISCUSSION ON AMENDMENT I TO MOTION I:**

*Mills discussed inclusion of the MDEQ into the motion language.*



**On a voice vote, the vote was as follows with the Chair declaring Amendment I to Motion I approved.**

**Yeas:** 7 - Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

**Nays:** 0

**Absent:** 2 - Wendy Woods, and Erica Briggs

*COMMISSION DISCUSSION ON MAIN MOTION:*

*Weatherbee discussed snow melt and impacts on the environment.*

*Stephens answered that parking lots and salted areas are angled towards bio retention areas where the water would be filtered to remove salt before the water enters the City's stormwater system.*

*Mills inquired about the impacts of salt on the Sister Lakes.*

*Lenart asked if the health of the lake is regularly monitored.*

*Commissioner Gibb-Randall inquired about the power of the City in the case of the discussed property being developed as it is zoned in terms of salt.*

*Chair Milshteyn inquired about the option of a tank infiltration system.*

*Trudeau discussed the benefits of the proposed development, and his inclination to support the project.*

*Mills discussed how the project is consistent with the Master Plan.*

*Ackerman discussed infiltration and stormwater detention at the site. He summarized that a PUD is a better option for the use of land than by right development would be.*

*Chair Milshteyn discussed that he previously lived in the area of the development, and explained that the decision is not easy.*

*Weatherbee discussed the impacts of the development versus the type of development that could be developed by right and expressed support for the project.*

*Borneman, answered that he does not believe that there would be a great impact from the salt from this development due to there being several areas where salt is already used nearby. He added that the lake is not monitored regularly. He answered that there is no control over what private homeowners put on their lawns or driveways but that there is control over what is used if the property is zoned PUD.*

*Stephens answered that if the site was to use a tank infiltration system, instead of an infiltration basin there would be a series of underground tanks that would release at a controlled rate into the ditch, and then into the Sister Lake.*

**AMENDMENT II TO MOTION I:**

**Moved by Sauve, seconded by Mills to include additions to the Development Agreement as following:**

- The use of a salt and sand mixture as a requirement for ice melting.**
- Lighting that meets Dark Sky requirements.**
- Limiting use of the loading and unloading dock to the hours of 9:00 a.m. to 5:00 p.m.**

*COMMISSION DISCUSSION OF AMENDMENT II TO MOTION I:*

*The Commission discussed including lighting restrictions as well as limiting the hours of the use of the loading dock in the Development Agreement.*

**On a voice vote, the vote was as follows with the Chair declaring Amendment II to Motion I approved.**

**Yeas:** 7 - Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

**Nays:** 0

**Absent:** 2 - Wendy Woods, and Erica Briggs

*COMMISSION DISCUSSION ON MOTION I AND MOTION II:*

*Chair Milshteyn expressed opposition for the project.*

**On a roll call vote, the vote is as follows with the Chair declaring Motion I and Motion II approved as amended.**

- Yeas:** 6 - Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve
- Nays:** 1 - Alex Milshteyn
- Absent:** 2 - Wendy Woods, and Erica Briggs

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

**10-a**     [18-2040](#)     2660 Apple Way Annexation and Zoning for City Council Approval - A request to annex this 0.52-acre parcel from Ann Arbor Township and zone it R1B (Single-Family Zoning). (Ward 2) Staff Recommendation: Approval  
*Matt Kowalski presented the Staff Report.*

**Moved by Mills, seconded by Gibb-Randall, Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 2660 Apple Way Annexation and R1B (Single-Family Dwelling District) Zoning.**

*COMMISSION DISCUSSION:*

*None.*

**On a roll call vote, the vote was as follows with the Chair declaring the motion approved.**

- Yeas:** 7 - Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve
- Nays:** 0
- Absent:** 2 - Wendy Woods, and Erica Briggs

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

**12     COMMISSION PROPOSED BUSINESS**

**13     ADJOURNMENT**

**Moved by Gibb-Randall, seconded by Trudeau, to adjourn the**

**meeting at 10:53 p.m.**

**Approved Unanimously.**

Alex Milshteyn, Chairperson  
/mg

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