



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
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Tuesday, December 6, 2016

7:00 PM

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

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1 **CALL TO ORDER**

Chair Ken Clein called the meeting to order at 7:05 p.m.

2 **ROLL CALL**

Planning Manager Brett Lenart called the roll.

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

Absent 2 - Woods, and Briggs

3 **APPROVAL OF AGENDA**

Moved by Mills, seconded by Milshteyn, to approve the Agenda as presented. The agenda was unanimously approved.

4 **INTRODUCTIONS**

Chair Clein presented Zach Ackerman, the Council representative to the Planning Commission, replacing Sabra Briere.

5 **MINUTES OF PREVIOUS MEETING**

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

6-a City Council

Council representative, Zach Ackerman reported that at last night's meeting, they approved the 2250 Ann Arbor-Saline Road Site Plan and Zoning.

6-b Planning Manager

Lenart reported that Council had also approved the zoning of the recently annexed Windy Crest parcel; he explained that the City has also recently created a Transportation Commission which will include a Planning Commissioner.

6-c Planning Commission Officers and Committees

Clein reported that the Mayor is forming a Medical Marijuana Task Force to address the medicinal marijuana ordinance. This task force will include one or two Planning Commissioners.

6-d Written Communications and Petitions

16-1707 Various Correspondences to the City Planning Commission

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.)

Dennis Riche, said he lives behind the recently completed re-build of the Pittsfield Retail Center (Washtenaw Avenue and Pittsfield Ave). He praised the renovation project and said he was very happy with it, until they installed the lighting on the back of the property which now trespasses light onto the back of his property and into his bedroom. He urged the Commission to consider these details when reviewing projects to ensure that such situations can be avoided. Riche referred to lighting at the new Naylor car dealership constructed in Scio Township, noting light fixtures had shielding that prevents light from spilling over onto neighboring parcels.

Riche complimented the new comfortable Council chamber seating and suggested the wooden barrier in front of the Council seating should be reduced for easier viewing.

Chair Clein explained that the lighting fixture shielding is an enforcement issue and suggested Riche could also work with his Council representative on the issue.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

16-1711 Public Hearings Scheduled for the December 20, 2016 City Planning Commission Meeting

Chair Clein read the public hearing notice as published.

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

9-a **16-1708** Hillside Memory Care for City Council Approval - A proposed 16,743 square foot single-story convalescent and memory care facility on this 2.64-acre site zoned R4B (Multiple-Family Dwelling District) located at 312 Glendale Drive. The facility will have 24 individual single bedrooms with 21 new parking spaces. The two existing houses on the site will remain. (Ward 5) Staff Recommendation: Approval

Matt Kowalski presented the staff report.

Planning Manager Brett Lenart reviewed staff evaluations pursuant to questions and comments on the project as they relate to City ordinances and the Washtenaw County Water Resources Commissioner.

Scott Miller, Project Supervisor from the Washtenaw County Water Resources Commissioner's office was present to respond to enquiries.

PUBLIC HEARING:

Ethel Potts, 1014 Elder Blvd, Ann Arbor, stated that the site infiltrates quite well and water does not run off it and it works as it is presently. She said this site when made partially impervious will drain down into the neighborhood that is already troubled with flooded basements, backyards, and streets. She said the latest site plan has little site improvements and is still a big building, a parking lot, and driveways as added impervious surfaces; this site will provide no benefit, it will hurt

stormwater in the area. She expressed the need for some form of grading needed to steer the water to the catch basins. She said the bioswale next to the parking lot leads towards protected features and is shown to be practically flat, which she felt would be practically ineffective. She said one of the site plan changes shows one swale with a tail that is directed towards the protected natural steep slope. She said the swale across the front of the building is shown to be small and would be ineffective, and the existing vegetation will be removed. She said she felt all of these issues were solvable, but didn't believe the plan could be approved until they were solved.

Diane Robbins, 1914 Old Orchard Court, Ann Arbor, said her neighborhood suffers voluminously from stormwater runoff, and they are not assured that the standard that has been accounted for will be adequate, and they will be at great risk once the buildings are built. She said perhaps at greatest risk, are the three condos at the north edge of the property, where she resides. She said they feel this project is an extension of Hillside Terrace and therefore the run-off should include calculations for Hillside Terrace and this site. She said the neighborhood feels the fit of this project is out of scale with the smaller homes in the area and will loom over the neighborhood. She asked who will compensate her and her neighbors for the damage when the City fails. She felt the current zoning is outdated and asked for the project to be postponed until her concerns are addressed.

Kira Slovacek, 1916 Old Orchard Court, Ann Arbor, said she had concerns about the lack of stormwater accounting, particularly on the steep slopes directly behind this project. She said the hipped, steep roof of the proposed building and loss of permeable land will be a disaster for her property, along with increase in light and noise pollution from generators and air conditioners. She said the existing Hillside Terrace already emits noise and this new memory care building will be much closer, amplifying the noise. She stated the flooding, light, and noise pollution, will harm the safety and well being of her family and her neighbors. She asked the Commission to look at this project as if they lived in the neighborhood and had someone looking after them.

John Ramsburgh and Carloyn Seabury, 1804 Orchard Street, Ann Arbor, Written statement (also included in packet communications) was read to the Commission. They opposed this development because it is not an appropriate development, poorly laid out on the site, and out of character with the neighborhood. They noted that even exceeding regulations does not alleviate the negative impact to their neighborhood, adding that the

proposed development constitutes less than 50% of the Hillside Terrace site and therefore both sites should be reviewed for stormwater run-off. They state that flash floods will overrun the detention system, and the steep slopes should not be disturbed, because it will harm the surrounding neighborhood. They noted that if the building was smaller and situated differently, it would have a lesser impact on the neighborhood. They requested the Commission to consider evaluating projects on the basis of its economic, social, environmental and health impacts, adding that everything about this project suggests that it will harm the surrounding neighborhood.

Tom O'Connel 1805 Orchard, Ann Arbor, said that in the past 50 years that he has lived in this area he has seen water come and go and he wished that he could get his boat in his basement. He said they have to pump water out of the basement into the stormsewer. He explained that its not the stormwater backing up, but the water that runs through the Orangeburg pipe around the house; there are 8 or 9 households in the neighborhood that have water problems. He said Abbott Street has the same problems and we're just going to add more water off the site; and it will be the worst for Orchard Court residents. He said we have ground dropping and sinkholes because of the water concern, and when the City Engineer came to look at it they said it was due to a leaking water pipe. He said the water leaks are not even near the water or sewer pipes and there is a 3-foot hole near his house, that he filled with 3-4 yards of soil and there is another sinkhole at the corner of Glendale and Orchard on the north side. He welcomed the Commission to come to his house and see the conditions.

Noting no further public speakers, the Chair declared the public hearing closed unless the item is postponed.

Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission approve the Hillside Memory Care Site Plan, subject to obtaining off-site water main and access easements prior to the issuance of any building permits.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion please see available video format.]

Mills asked for clarification on the difference between retention and detention basins.

Scott Miller, Engineering Supervisor, Washtenaw County Water Resources Commissioner, provided clarification to the Commission, noting that given the existing conditions in the area, they have required this project to retain (water will not be let-out and will stay on site) indefinitely, all stormwater, until it can evaporate, infiltrate or re-charge over time. Miller explained that they are also requiring the 100-year storm event (1 percent) to be detained on this site.

Miller also explained that the standard of review would not change based on combining Hillside Terrace and this property. Miller indicated that the upstream watershed is factored into the calculation and the stormwater from the other site is being routed into stormdrains that then flow underground and will not be visible.

Paul Tulikangus, Nowak & Fraus Engineers, 46777 Woodward Avenue, Pontiac, Project Engineer, explained terminology, drive configuration, and an overall sense of how water is flowing on the site. He noted that on the northern side, the existing steep slopes can't be graded per City ordinance, but all pavement, roofs, sidewalks and other impervious surfaces will be routed into the retention and detention ponds.

Clein asked about mechanical equipment.

Scott Bowers, said the units are proposed to be in the attic space, with compressors sitting inside the vented attic space, adding that they are aware of the City's noise ordinance and the equipment will comply with the ordinance.

Clein asked for verification that the site-lighting and photometric study cuts off lighting before the property boundary and there will be no flood lights or dressing up the building with lights.

Bowers agreed.

Weatherbee commented that she believes the sidewalk is important.

Clein agreed, noting that the sidewalk and retaining wall are an integral part of the design in order for it to function as planned.

Clein believed that this development will have a positive impact on the flooding issues in the area given that the neighboring residential sites currently have no water detention systems. He believed the development

was within scale and meets the City's ordinance and he supported the project.

Milshteyn said he felt better about the water issue after becoming informed; however, his concern was with the massing of the proposed building in a residential neighborhood. He said while it meets code, it feels out of character from the existing neighborhood.

Gibb-Randall appreciated the developer allowing the sidewalk on their property to save the trees. She also appreciated the added landscaping beyond requirement.

Ackerman asked about changes from the previous requirements of the WCWRC and the corresponding review of a previous project.

Miller explained that the WCWRC rules were updated in October 2016, but were not substantive in nature; the previous rules were changed in August 2014. He noted previous rules hadn't been changed since year 2000. Miller explained that a previous development on this site had been reviewed by WCWRC under the year 2000 rules set, at the time. He said because of the knowledge of flooding downstream, WCWRC had already, at that time, required the additional water retention on site. He said the previous project expired and the new application was reviewed under the new standards; the new standards increased the size of rain events, requiring infiltration, if possible on a site. Miller acknowledged that the requirements had become more stringent by 35-40 percent since the rule change.

Ackerman asked about future re-development upstream from this development along Jackson, in the R-4 zoning, and if they would need to come into compliance with current requirements.

Lenart said, yes, whenever required, as well as whenever opportunities arise, staff looks for ways to improve stormwater systems.

Ackerman said he had some qualms about the scale of the project neighboring residential, adding that it complies with the ordinance but does seem to be of a significant scale; he appreciated the assurance of the developer paying attention to noise and light pollution and that the entire site is being designed to keep its' water on itself.

On a voice vote, the vote was as following with the Chair declaring the motion carried. Vote: 6-1

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

10 **REGULAR 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.)

- 10-a** **16-1709** Update to the City of Ann Arbor Parks and Recreation Open Space Plan (PROS) for 2016-2020 - The draft plan incorporates feedback the city received through an online survey and public meeting. The Draft PROS Plan is posted on the city website at www.a2gov.org/prosplan. Comments and questions can be sent via email to: prosplan@a2gov.org <<mailto:prosplan@a2gov.org>>. The PROS Plan is an element of the City Master Plan and provides an inventory of existing parks and facilities; describes the relationship between the park and recreation system, surrounding municipalities and recreation providers; identifies park and recreation needs and deficiencies; and proposes major capital park projects for existing and new parks, based on citizen input. Examples of parks projects or improvements that originated from the 2011-2015 PROS Plan include the Skatepark at Veterans Memorial Park, reconstruction of a mile of the Border to Border Trail in Gallup Park, and playground renovations at nine neighborhood parks including Arbor Oaks, Scheffler, Placid Way and Burr Oak parks. Staff Recommendation: Approval

Kowalski provided a summary of the plan as a component of the Master Plan. Updates include projects completed, improvements identified, and a survey of residents and stakeholders. The plan includes some use data and other data, along with any changes and recommendations.

PUBLIC HEARING:

Larry Deck, 3050 Lorraine Street, Ann Arbor, Washtenaw County Bicycling and Walking Commission, commended staff on inclusive process used to update this plan and particularly the border to border trail. He said these identified gaps will be important to the trail through the City, the County, and the State. He said the Maiden Lane and Fuller improvements will also help to support campus to campus connections. He looks forward to Planning Commission and Council supporting this plan.

Noting no further public speakers, the Chair declared the public hearing closed unless the item is postponed.

Moved by Weatherbee, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby supports the draft 2016-2020 Parks and Recreation Open Space Plan and recommends that the Mayor and City Council approve the plan for submission to the Michigan Department of Natural Resources, and

The Ann Arbor City Planning Commission hereby adopts the 2016-2020 Parks and Recreation Open Space Plan as a citywide element of the Ann Arbor City Master Plan.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion please see available video format]

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote:7-0

Yeas: 7 - Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 2 - Wendy Woods, and Erica Briggs

- 10-b** [16-1710](#) Pittsfield Alley Vacation for City Council Approval - A request to vacate the 24' wide alley, approximately 645' in length, extending from Pittsfield Boulevard to Yost Boulevard and approximately 405' from the centerline of Washtenaw Avenue, to be replaced with a sanitary sewer and solid waste

easement; and a request to vacate the 22' wide alley, approximately 680' in length, extending from Pittsfield Boulevard to Yost Boulevard and approximately 50' from the centerline of Washtenaw Avenue, to be replaced with a new utility easement. (Ward 3) Staff Recommendation: Approval

Lenart provided an overview of alley vacations, noting the right-of-way portion nearest Washtenaw Avenue does not require Planning Commission recommendation.

Kowalski gave the staff report.

PUBLIC HEARING:

Noting no further public speakers, the Chair declared the public hearing closed unless the item is postponed.

Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the vacation of the 24' wide alley, approximately 645' in length, extending from Pittsfield Boulevard to Yost Boulevard.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion please see available video format]

Milshiteyn asked about the benefit of the vacation.

Kowalski explained that maintenance requirements would shift from the City to the property owner;

Ackerman asked if vacating the alley will impact light regulation in the alley.

Kowalski said no.

Clein asked if this is common practice and how does it impact stormwater management.

Kowalski said we don't have them very often and we rely on the City's

Public Services Department for guidance on these; the last example was Walgreen’s near Jackson and Stadium Roads. He said the owners have already been managing stormwater on the site.

Mills asked how this vacation would impact redevelopment.

Kowalski said it would require a conflicting land use buffer, given that the property line has moved.

Ackerman asked if the City's Public Safety Services had reviewed the request.

Kowalski said the Fire Department had reviewed the request, but not the Police Department.

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote:7-0

Yeas: 7 - Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 2 - Wendy Woods, and Erica Briggs

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

None

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

Moved by Milshteyn, seconded by Gibb-Randall to adjourn the meeting at 8:37 p.m. On a voice vote, the Chair declared the motion unanimously carried.

Ken Clein, Chair
mg

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

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