



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, March 17, 2015

7:00 PM

City Hall, 301 E. Huron St., 2nd Fl.

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1 **CALL TO ORDER**

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

2 **ROLL CALL**

Planning Manager Rampson called the roll.

Present 8 - Woods, Clein, Briere, Peters, Franciscus, Mills, Bona, and Milshteyn

Absent 1 - Adenekan

3 **APPROVAL OF AGENDA**

Moved by Mills, seconded by Clein, that the agenda be approved. On a voice vote, the Chair declared the motion carried.

4 **INTRODUCTIONS**

5 **MINUTES OF PREVIOUS MEETING**

[15-0320](#) February 18, 2015 City Planning Commission Meeting Minutes

Moved by Clein, seconded by Mills, that the minutes be approved as presented. On a voice vote, the Chair declared the motion carried.

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

6-a City Council

Briere reported that at the previous night's meeting, City Council approved resolutions to annex Nixon Farm North and South, and they now move on to the State. She said that when these come back, the site plan and zoning will be discussed at Council. She noted that Council also approved the Pittsfield Retail site plan and the Concordia University Athletic Campus site plan, with the insertion of the Planning Commission's language from the special exception use in the motion. She said that Council did not approve the Redevelopment Ready proposal; the resolution was postponed in order to have a public hearing on the issue. She noted that several Councilmembers expressed concern about being relieved of the responsibility of reviewing every site plan and felt that the State is trying to push more and more development. She said the public hearing is scheduled for April 20th. She noted that Council also postponed amendments to the sidewalk shoveling ordinance.

6-b Planning Manager

Rampson reported that Council also approved a resolution related to lowering site plan fees for the Thurston Pond Restoration Project, which would be coming before the Commission soon.

Rampson also reported that there would be an Ordinance Revision's Committee meeting on March 24th, at 7 p.m. at City Hall to discuss the Downtown Premiums.

6-c Planning Commission Officers and Committees

Mills said she participated in the Pedestrian Safety and Access Task Force focus group, where the participants were presented with 10 issues followed by brainstorming for solutions. She said there was no immediate take-away, but noted that there were things that they can look at in the future.

Peters said he was out of town for the last DDA Partnerships Committee meeting, but he had provided a written report.

Woods said she attended the Environmental Commission, where they requested a copy of the Planning Commission's work program. She said there was discussion about sharing the work programs between commissions to see where there might be overlap.

6-d Written Communications and Petitions

[15-0321](#) 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.)

Stephanie Simmons said she is an emergency physician who lives and works in Ann Arbor. She said her children go to Ann Arbor Open, which is at the end of Summit Street. She said her 4 month old baby Eliana and she go to Tree Town Cross Fit Gym.

Chair Woods explained that there would be a public hearing held later in the meeting for TreeTown Cross Fit Special Exception Use and she requested Simmons to speak during the public hearing.

Garrett Scott, 1421 Iroquois Place, a member of Iroquois East Stadium Neighborhood Association, said he lives in one of the six single-family homes adjacent to the Circle K gas station at 1420 East Stadium. He said that the old saying about if you lay down with dogs, you get up with fleas applies also if you live next to C3 Fringe Commercial, you might very well end up with redevelopment next door, which appears to be where they are heading. He said redevelopment itself isn't necessarily a bad thing, since he is supportive of higher density, less parking lots, better storm water systems, but when Circle K held their citizen participation meeting to present the plans in March 2014, neighbors had concerns about the proposed variances and scale of the project and its impact on the wider neighborhood in terms of light pollution, noise, etc. He noted that after a year, the plan seems to be stirring once again. He said he had learned from City Planner Matt Kowalski that Circle K intends to file their site plan soon. He said the neighbors have already reached out to the developer in hopes of minimizing impacts and he asked the Commission

to keep an eye open as they walk, bike, and travel through Ann Arbor, to gather a better understanding of such singular gas stations located near residential neighborhoods, to see what works or doesn't work. Scott provided written communication of his statement to the Commission.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

9 UNFINISHED BUSINESS

- 9-a** **15-0261** Flagstar Bank Branch Bank Site Plan and Special Exception Use for Drive-Thru Facility - A proposal to divide a 1-acre parcel from the existing hotel site located at 3600 Plymouth Road and construct a 3,000 square feet bank with a drive-thru facility with 16 parking spaces. Special Exception Use is required for the drive-thru. (Ward 2) Staff Recommendation: Approval

Chris Cheng presented the staff report.

PUBLIC HEARING:

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

Moved by Peters, seconded by Clein, the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Sections 5:10.12(3)(c) and 5:104 (Special Exceptions), and, therefore, approves the Flagstar Bank Special Exception Use for a three-lane drive-thru financial facility; and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Flagstar Site Plan, subject to Zoning Board of Appeals approval of a front setback variance for the drive-thru location, and subject to completion of the following prior to issuance of any permits for construction of the new building: 1) approval of an administrative amendment to the parent site plan, 2) recording of an ingress/egress easement along the existing drive from Plymouth Road, 3) and recording of cross parking easements.

COMMISSION DISCUSSION:

Bona noted that the special exception use requirement for drive-thrus was developed because the Commission was seeing drive-thrus with excessive pavement. She pointed out that the original design for Flagstar was what the Commission was getting before the amendment was made. She said the current revision is closer to an improvement, but the pavement is still excessive. An earlier version, that removed the tree, was preferable to her, because the tree could be mitigated, resulting in more trees. Based on this, she will not vote for the proposal. If the petitioner was interested in removing one of driveways, she would reconsider. This layout doesn't forward the pedestrian oriented environments we are shooting for.

Clein said he agreed that we want to minimize impervious surface where we can and make our neighborhoods more pedestrian and biking friendly. He said that this site, however, borders the freeway and with a large hotel nearby doesn't strike him as being a pedestrian destination, so he feels the drive-thru is more appropriate. He said in terms of the trade-off between the landmark tree and impervious surface, it's hard to determine which is environmentally more benign. He would feel like pulling the rug out from under the petitioner if we asked for changes. He said he would have liked to have had less driveway, but he can support the plan at this point.

Woods asked about the age and condition of the landmark tree.

Cheng said between first and current proposal, 2700 square feet of impervious surface was removed. He said the landmark tree is a 22 inch diameter Pin Oak tree in healthy condition per the City Forester. He explained that the Traffic Engineer absolutely wanted the drive shifted to the south to allow for a more direct traffic flow, but the City Forester did not want to move the tree, which resulted in the current compromised solution before the Commission this evening, which is a plan both could live with.

Mills asked about the northern exit and if it was necessary.

Cheng reviewed the traffic flow on the site plan.

Rampson said part of the issue is that if you close the northern drive there would be no driveway directly adjacent to the easement, so you would be bringing that through another property to get to it and the bank wanted to have access directly out of the drive.

Mills said she agreed with Clein that if there was going to be a bank

drive-thru, this was a good location for it, and while she didn't like the plan she liked the landmark tree she felt it was a decent compromise and she wouldn't stand in the way.

Peters echoed Mills adding that there is a fair amount of competing interests and factors in this site plan, given its' location and placement of existing things on the site plan. He said he is not a huge fan of impervious surface, but the fact that they are keeping a landmark tree that will be acting as a cleaning method for stormwater is a balance, and while it's not perfect it is a positive. He said it's a good balance between competing factors.

Clein asked about the existing site imperviousness and if they would be getting improved stormwater.

Cheng said he didn't have a calculation, but noted that they are meeting the Washtenaw County Water Resource Commissioner's storm standards.

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

Yeas: 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Alex Milshteyn

Nays: 1 - Bonnie Bona

Absent: 1 - Eleanore Adenekan

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 [15-0322](#) CrossFit TreeTown Special Exception Use - A request to allow an indoor recreation facility located at 815 Wildt Street (crossfit training) as a special exception use in an existing building in the M1 (Light Manufacturing District) on this 0.62-acre site. (Ward 1) Staff Recommendation: Approval
Jill Thacher presented the staff report.

PUBLIC HEARING:

Max Finkbeiner, 5516 Seney Circle N. Hamburg Township, MI, owner of CrossFit TreeTown, explained his business and read his mission statement from his website. He said small classes foster a unique feel, where everyone knows your name and every member is recognized as an athlete. He said they offer adult and children's classes. He said if someone was to come into CrossFit TreeTown to ask about his philosophy, he would explain his goal is to teach people how to move properly. He said if they do so, they can increase their quality of life. He explained that his business started out in the building across the tracks, but that space was not ideal. He said he has been in business about a year. He read from a thank-you letter sent to him from a member, adding that this is what he does; please don't take it away from us!

Reed McCarthy, an attorney who has an office on Main Street, said he is a member, as is his mother and his wife. He said in Ann Arbor, all other CrossFit facilities are by the airport, with nothing on the north side of town. He noted that Sparrow Gym is located in Kerrytown, but if one is located west of Main, there is no fitness place one can walk to. He said this business brings people and energy into this neighborhood. He noted the owner is very dedicated, and he would love to see the business continue. Regarding concerns about noise, he noted that there is a train that goes through at 5 am and buses stop at the train tracks and release their air brakes, making it a noisy, noisy intersection. He said CrossFit TreeTown adds nothing to nearby noise.

Stephanie Simmons said she and her daughters attend classes, including one for moms and babies. She said there is no other place where she could exercise with her baby. She noted CrossFit TreeTown is near her daughter's school and provides a good opportunity for her to exercise.

Zoe Simmons, a 4th grader at Ann Arbor Open, said CrossFit TreeTown is a great opportunity for her and her sister. She said the location is very convenient for children to walk or bike to, and she thinks it's a great idea.

Kathy Spindler, 511 Hiscock Street, said she works at the Medical School and can walk to work from her home. She said in the time she has lived in Water Hill, the neighborhood has really grown on her, with the Water Hill Music Festival and the Snowbuddy program. She says CrossFit TreeTown is integrated into the neighborhood, and is part of the pedestrian vital activity. She noted that at the Water Hill Festival, Max jumped into providing restrooms and he also contributed to the Snowbuddy program and has brought life into the neighborhood. She said regarding concerns about noise, there are horns from trains in the middle of night for 5-minute periods, and it's an urban neighborhood, so there's going to be noise.

Joe Formicola, 921 Robin Road, said he moved to the west side of town 13 years ago because it's a great location. He also bought a building at 325 E. Summit for his business. He said there is a mile between his business and his house, and when Max opened up CrossFit TreeTown, it was in the middle of his walking commute, it was like a dream come true for him. He said with it there, it is something that he can do without having to get in his car and drive to a gym, and it is perfect for him. He said he is a strong proponent of this business and he really wants it to stay.

Bob Chunn, 330 East Liberty Street, said he founded his business on Liberty Street. He said he came here because Ann Arbor supports businesses, and he needs to surround himself by smart people who can help him figure things out and who want to develop mind and body. He said he thinks of Ann Arbor as a town similar to Boulder, Colorado. He said he didn't initially expect to see a cross-section of the community being presented at CrossFit TreeTown, but he has made business contacts there and also hired people he has met there. He said it would be a shame for the business to go away, and have a towing company move into its place.

Antonio Gutierrez, 1901 Landmark Ct., asked why this business needs a special exception use, especially given the previous use of a dance studio, in this same location. He asked wouldn't a dance studio and a fitness studio both qualify as recreational facilities.

Zachary Gong, 905 Wildt Street, said he lives four doors up the street from the gym and joined when the location was on Summit. He said he is personally and selfishly glad to have CrossFit TreeTown there, and it is a fitness facility with a unique cross section of people. He said as an architecture and urban planning student, he is in the studio all day. He

said that knowing the business is open to every creed, age, and body type is important to him. He said he echoes that there is quite a lot of noise around there, with the trains and tracks. He said there are not many alternatives to this site.

Lauren Thompson, 8975 Dexter Gables Lane, Dexter, said she is a founding member and being a part of CrossFit TreeTown makes her feel like she's an Ann Arbor resident when she is hanging out with such a great cross section of people from Ann Arbor. She said it is truly a family and it gives a great perspective on how healthy Ann Arbor is. She said she supports what CrossFit TreeTown is trying to do in making people more active members, healthy members of the community.

Brian Muscot, 1323 Pontiac Trail, said he has been plagued with back pain since high school but ever since he joined CrossFit TreeTown he can bend down and pick up a bag of groceries and walk up stairs and has been able to do many things without pain.

Bob Kruse, 855 Wildt St, said this all sounds great unless you have to live next to it. He said he has lived there 5 years, and there has always been a business in the location and has never been objectionable. He called the Commission's attention to Section 5:104, Special Exception Use regarding parking, which he said is not sufficient for activities. He said the standards that the Commission has to consider are things he is complaining about. He said the Commission can add reasonable conditions to mitigate the impacts to the neighborhood. He said he would propose that, if approved, the Commission restrict parking on Wildt Street to one side and limit the business to operating indoors. He said the door was open the previous night and he could hear the noise in his living room, even with his doors shut. He suggested restricting the hours of operation from 8 to 8 and closed on Sundays or limited to Sunday afternoons. He provided handouts to the Commission of his highlights.

Bob Treat, 857 Wildt, said he totally loves the concept of CrossFit TreeTown, and that the problem is that Wildt Street is a short street with 10 houses on it. He said that he has gotten used to the train noise, and he didn't like it when he first moved there. He said the problem is that CrossFit TreeTown is open 7 days a week from 5:30 am to 9 pm at night, even during holidays. He asked where can he find safety and peace where he lives or be able to just sit out on his deck after work or go for a walk without almost getting run over. He said he understands the interest in having a location that means convenience to many, but he has no reprieve because he lives right there. He said he would like his peace

back a little bit, because he deserves some peace, because he pays taxes. He said he wanted to see CrossFit TreeTown succeed, but asked them to please consider the neighbors when making their decision because the noise caused by the doors clanking does add noise.

Jonathan Perigrino, 1970 Traver Road, Apt 120, said he is one of the people who shows up at 6 am to workout. He says he commutes to Southfield. He said he signed a lease to move into a house on Spring Street in Water Hill where he will be for the next three years and he said this gym has strengthened his relationships after being exposed to this community.

Chris Cassara, 803 Wildt Street, said on his side of the street, the noise is not that loud. He said for him, parking is the biggest issue and suggested that keeping cars off the street might be a reasonable option and might decrease the impact of what is already there.

Mark Cyclopes said he has lived in Ann Arbor since 1982, and he now lives on Salsbury, but he used to live on Summit Street just up the street from CrossFit for 20 years. He said when he moved to Ann Arbor, he was appalled that he couldn't find a gym open in the morning where he could work out at 6 am before going to work. As a chiropractor, he said he reads a lot of literature that talks about city planning and them helping people in the city to be healthier and live healthier lives. He said if you would allow a bowling alley then why not this gym.

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

Moved by Bona, seconded by Mills, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and, therefore approves the CrossFit TreeTown Special Exception Use for an indoor recreation facility, subject to installation of ten bicycle parking spaces.

COMMISSION DISCUSSION:

Thacher clarified the question about the previous use. She said the previous dance studio use ended in 2008, and there was never a Special Exception use granted for that use, but even if they would have had a Special Exception Use, that use would have lapsed after 24 months unless another owner would have come in to continue a similar use.

Briere said, wearing her Council hat, she represents this area and she has met with neighbors about the issue. She said during the winter she spent a lot of time driving down Sunset and onto Wildt Street, and there were days where the slippery streets and parking lot were frightening. She said she recognizes that this is a very wide street and this building is the only commercial building on this street. She said she keeps coming back to restricting the number of on-street parking spaces allowed, noting that one of the complaints was about people parking across resident's driveways. She was also concerned if the business is doing so well, as stated by one of the public speakers, it will have an impact on the neighborhood and just putting in bike parking won't be enough.

Bona asked if the neighboring office tenant uses parking on one side of the street and if they park on the other.

Finkbeiner said it is shared by everybody.

Bona asked how many spaces the office tenant uses.

Finkbeiner said the future of the back half is to rent it, to be used by office space; 2-3 spaces. He said he understands that parking is a major concern, and when he first moved in, he was approached by Ann Arbor Rowing Club, because they needed space from November 2014 to April 2015, and he said they add a significant amount of traffic to that building. He said he won't have them back after April, and he is trying to integrate into the neighborhood. He said he will be subleasing the back office space to a small technology start-up firm that has a couple of employees.

Bona clarified that those subleasing could use the small parking area.

Finkbeiner said yes, and that he has asked rowers to fill the parking lot before parking on the street. He said he has also sent out letter to ask members to not turn around in neighbors driveways and that parking on the street is not necessarily associated with the gym.

Bona asked how many off-street parking spaces are available in the large parking lot and if there is any intention to stripe the parking.

Finkbeiner said 12-16 parking spaces.

Bona asked staff whether the parking should be striped.

Thacher said they can figure out how many were on the lot from looking at an earlier aerial view, but they would have to stick to that number.

Bona asked how many there had been.

Thacher said 11 spaces on the northern lot and 3 on the southern lot.

Bona said striping would help people to know where to park. She asked if there are 12 people in the classes and so many people have come to the meeting telling that they walk to the gym, why are so many spaces used up.

Finkbeiner said they are members of the rowing club, and not members of the gym. He said there would be approximately 12 people utilizing that space.

Bona said for Finkbeiner not to take the Commission discussion personally, as the Planning Commission was trying to figure out if the intensity of their use can co-exist in the neighborhood. She said they must also consider not just CrossFit's business but subsequent users of the space that might not be as responsible. She said another use they see in residential neighborhoods is churches, because people want to have those uses in their neighborhood. She said for her it is not whether the use should be there, but what do we need to do to make the use fit in a space not designed for it.

Bona said public streets are meant to be used and parking on them is not only okay, but desirable. She said on the other hand, she is concerned about the way we allow parking on the street. She said this is her neighborhood as well and she walks here everyday, noting that there is 4-hour parking on one side of street and all day parking on the other. She said having cars parked on both sides of the street does slow down the traffic and she supports that. She said it is not a bad thing to pinch traffic down to one lane in residential neighborhoods. She said she is concerned about present time limits of street parking and it may need to be shortened so they don't have all day parking occurring.

Peters asked if the City Planning Commission can put limits on street parking.

Thacher said she believed it is out of their purview.

Clein agreed with Bona that it is not the Commission's role to pass

judgment on the business, but it's about how and if the business can co-exist in the existing neighborhood. He said he has heard that the two main issues are parking and noise, and felt it was great that Finkbeiner has asked patrons to be conscious of the neighborhood. He said he is concerned about the potential sublease as well as the potential of getting the special use approval and Finkbeiner subleasing out the whole property and neighboring getting stuck with the situation.

Clein said he is also concerned about comments made that this is already a noisy neighborhood, so therefore added noise doesn't matter. He said, since he also lives in the neighborhood, he can attest to the difference between ambient noise and noises that come from a neighbor and go right into your house, or loud voices early in the morning or late at night as well as noise streaming through windows and doors that are open, or impact noises such as car doors slamming. He said maybe CrossFit can consider which windows they open to lessen the impact on neighbors. He said he noticed that this use is required to have 25 parking spaces for the amount of square footage on the property. He said he drives up and down Wildt Street at least 2 times a day and he has noticed that since the gym opened, it has slowed down the traffic, which he feels is an added safety. He said he felt since the property is being leased to CrossFit that it was the responsibility of the owner to have alerted CrossFit about the parking issue. He asked if there might be any recourse to go back to the owner and ask about overflow parking available across the tracks, which might alleviate a substantial amount of angst from the neighbors.

Finkbeiner said the owner is open to allowing parking there before 9 am and after 5 pm.

Clein said he would like to have this business use in the neighborhood, given that they have a business owner that wants to make it work. He said he hoped they can come up with language that will allow them to resolve the issue.

Mills said she supports the requirement to limit activities to indoors but understands that doors can and will open at times. She asked if noise thresholds fall under Planning issues.

Rampson clarified that the City has a noise ordinance that has hours specified when noise is to be lessened, and noise complaints are handled through the Police Department. She cautioned that managing noise is best done through physical barriers.

Thacher said if the City were to receive complaints, City staff would call Finkbeiner, to inform him of complaints received in hopes that he could nip the issue in the bud.

Mills said given the existing M1 zoning of the parcel there are things that could go on at the site that would not require City Planning Commission approval, and such uses could go on during all hours of the day. She said this is a use that she wishes other neighborhoods could have and she is hoping to find ways of making it work.

Briere said the real issue they are facing is the intensity of use; not the type but the popularity of the activity. She said if they had a manufacturing business in the location, your 10 employees would arrive, then leave, while with this use people coming and going with an intensity that is delightful, but still a lot of activity. She said the problem may be alleviated if another intense use is no longer a part of the building. She said the crux is the parking complaint.

Milshteyn asked staff if the Commission could add restrictive language that the special exception use only applies to CrossFit TreeTown.

Rampson said, no, that it would be for an indoor recreation use, but could not be limited to a particular business.

Milshteyn asked if they could add restrictions that during classes that windows and doors remain shut in order to limit noise coming from the building.

Rampson said, yes, but she was unsure from a building code, if that would be advisable, not knowing about the building's ventilation system.

Milshteyn asked if they could put a limit on how many could be in the classes or in the building at the same time.

Rampson said, yes, they could limit membership size and anything that limits the intensity of the use would be appropriate.

Milshteyn said he is a big fan of Crossfitness since he does it himself several times a week, at another location, and he also knows this location well, since he marketed adjacent properties on Wildt. He said prior to this use, there was already quite a bit of parking happening on Wildt Street. He said he wants to make this work, but he does understand

neighborhood concerns about the situation, and while he didn't know what the right solution was he believed they had some options.

Woods asked if the owner knows the occupancy for the building.

Rampson said when there is no structural changes to an existing space, and when a business moves in, they are technically supposed to obtain a change in use permit, when occupancy issues are reviewed, but in this situation they don't know. She said it would have to go through the Building Official to calculate the square feet and allowable occupancy limit.

Woods said this is something that would be helpful to know. She asked about the hours of operation.

Finkbeiner said Monday, Wednesday and Friday, they start class at 6:00 am, and on Tuesday and Thursday, they start at 7:00 am, with their last start class starting at 6:30 pm, Monday through Friday, and they try to be done by 7:30 pm, but there is lingering that can happen until 8:00 or 8:30 pm. He said on the weekends they start on Saturdays at 8:15 am and go until approximately 12 noon, and on Sundays they start at 9:30 and go until 11:30 am.

Woods asked about building windows being open or closed and complaints received.

Finkbeiner said he got a call from a neighbor who told him she didn't want to hear their music. He noted that all the windows on the back side of the building are boarded up, which help to insulate the building from the cold, and they have no intention of removing them. He said they would like to have the windows on Wildt open to help with fresh air, but he would entertain discussion to limit having the roll-up door open, since he understands the concerns from neighbors.

Bona said she was thinking about three amendments: limit class size, number of hours on Saturdays/Sundays, and to require parking lot striping in its original way.

Franciscus said it was wonderful that there is such a vibrant community that understands both sides of having CrossFit in their neighborhood and she understands both sides as well. She said one of the speakers mentioned that over time they had gotten used to the noise of the trains, that they didn't like initially, and she wanted to note that over time you

tune it out, and it is very likely that the CrossFit noise would become more like background noise, like the train. She said she was excited about having a vibrant business in an urban city like Ann Arbor and getting the economic benefit balanced with the nuisance part shared by neighbors. She said she believes that working out with open windows is good and she believes there is a way to do it to add minimal disturbance to the neighbors. She asked if they CrossFit had applied for the re-occupancy permit.

Finkbeiner said he was told to apply after the Special Exception Use request was resolved.

Clein asked about potential substantial growth and if the approval could be revoked if limits are exceeded.

Rampson said yes, if restrictions are measurable.

Clein said he felt another restriction to add would be to have the property owner secure additional off-street parking during the early morning and evening rush hour traffic times, such as 6-8 am and 6-8 pm.

Franciscus said if it gets too busy, she thought they will probably become a nuisance to members as well, noting that there would be a natural change occurring where they would want to go to another space.

Finkbeiner said if there is not enough class times or availability, it will stop people from coming.

Briere said the Commission was talking about things that may affect their business growth and economic condition. She asked if the Commission were to restrict class size or number of classes to be offered at the same time, would that materially affect things for them.

Finkbeiner said it would absolutely affect them as a business, as well as member happiness and its availability to them, and it would affect the gym financial. He said the reason they have been successful is because they have smaller classes, and have set up their gym for 12 member classes. He said there have been occasions when extra people show up and they have had 14 and 16 people in the classes. He said they already have a protocol for checking in and they are working on gaining more and more ground to have members comply with the protocol and finding the balance for them and the community.

Briere said one issue being discussed is being indoors only; she asked do members run up the hill pulling weight sleds.

Finkbeiner said it happened a few times where individuals would drag the sled around block for weight building, and that they do value running on the public street for warming up and cooling down workouts.

Briere pointed out there is not a continuous sidewalk on this street, so it would have to be in street.

Finkbeiner said they outgrew their old space and with their current space they are able to meet the 12-person demand, which is the best ratio for crossfit training.

Peters asked if the property owner was represented tonight and what the address was at the old location of their business.

Finkbeiner said 124 W. Summit, Suite E, which is exactly across the street from the current building.

Peters asked if the property owner was willing to respond to questions he had.

Dennis Vessels, Metro Properties/Wildt Street LLC, 124 W. Summit Street, introduced himself as the owner.

Peters asked about the possibility of a cross parking agreement and what his standpoint was on the matter.

Vessels said they had already discussed the matter and it was available for him earlier and is still available for his use if there were problems with parking. He said they don't fully use the parking anyway, and Max seems like he is working with everyone to make it work.

Peters said one of the things the City tries to take into consideration is the Sustainability Framework and one of the items falls within the walkability scores, noting that it seemed that a significant amount of the gym's membership takes advantage of the walkability of this area. He said if they can figure out a way to balance the intensity of the use in the neighborhood, while reducing the amount of car traffic to and from the gym, that is huge benefit to the City and environment, through the reduction of carbon emissions as well as many other benefits.

Woods said it was possible to postpone the issue if the Commission felt there are enough issues to be worked out. She felt it would be difficult for the Commission to go into a business plan around the table.

Bona reviewed the items mentioned as possible restrictions; requiring that striping in parking lot be maintained, off site parking, limiting class sizes, some limits to hours of operation, particularly on Sunday, possibly limiting the number of hours but not specifically which hours. She asked Finkbeiner if he was okay with the mentioned restrictions or if he wanted a postponement.

Finkbeiner said he would like to get the matter settled, but all the items mentioned were fine with him. He explained that limiting classes to 12-20 members would be okay, but he said there would always be overlap from people staying after their classes.

Milshteyn said he liked the ideas mentioned by Bona but his only concern was with limiting class size, and if the gym was capable of having multiple classes at the same time, they might also consider limiting the number of classes at the same time or the number of members that are taking classes. He asked if CrossFit does 'open gym'.

Finkbeiner said no, but if members want they can text him to see if he is available at the gym and they can come to workout while he is there.

Franciscus said she was not supportive of class size limits and felt it does not allow the market to balance the situation. She reiterated that the business will regulate itself, and looking at such details is not for the Commission to meddle in.

Mills said she would be happy to let staff talk about the details with the applicant, and suggested limiting the number of hours the side door could be open, specifically on Sundays, which would then limit the noise. She said she doesn't know what would be the right approach, but preferred to have it worked out, outside of the meeting.

Clein said it is difficult to regulate behavior that can be monitored or regulated for compliance, and at some point, they have to trust that they will be good neighbors and if not, the Commission is going to hear about it; however once they have granted a Special Exception Use, it stays with the use, which could have its challenges. He said he is less likely to try to address behavioral issues and more likely to say they have to provide a certain amount of parking or restrict operate to a certain amount of hours,

which is easier to impose, and then watch.

Peters said he is hesitant to putting too many restrictions on the Special Exception Use, from the enforceability standpoint. He said the tentatively proposed amendment regarding a cross parking agreement will resolve a lot of the impact and the feel of busy-ness, especially if the agreement was recorded with the City. He felt that option might be a good solution.

Franciscus said if it was not possible to approve the request by adding a simple clause 'requiring harmonious existence; a reasonable effort to peaceably resolve disputes and complaints'. She said she felt it would include the intention for dialogue to be supported and encourage collaboration and cooperation between the gym and the neighbors.

Bona said if they do postpone taking action tonight, the Commission does have the opportunity to debate proposed language when it comes before them. She said every neighbor should be respectful and courteous and felt that despite good intentions, they can't enforce it. She said it is always best to just getting the dialog started and then a lot can get worked out without the Commission's minuet orchestrating. She agreed with Franciscus' comments but was not sure they belong in a motion.

Briere said she felt the ideas need to be worked out with staff and the petitioner. She told Finkbeiner that his neighbors are really concerned about the impact of his business on their quality of life, as are members of the business, and it's not unreasonable for you and your clients to consider the quality of life of the whole neighborhood. She suggested that if the item is postponed, that the petitioner immediately work something out which would show the neighbors his willingness for change and if the other tenants are monopolizing the parking lot, it would be good if they could use the other lot across the tracks during the peak hours.

Moved by Briere, seconded by Clein, to postpone this item until April 7, 2015. On a voice vote, the Chair declared the motion carried.

Yeas: 8 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 1 - Eleanore Adenekan

10-b ROLL CALL

Commission Break.

Franciscus left at 8:40 p.m

Present 7 - Woods, Clein, Briere, Peters, Mills, Bona, and Milshteyn

Absent 2 - Adenekan, and Franciscus

15-0323

Busch's Fresh Food Market Landscape Modification Request - A proposal to add the required landscaping to the east and west sides of the 5.7-acre retail center site in lieu of adding interior parking lot landscape islands to maintain the existing number of parking spaces on the site at 2020 Green Road. (Ward 2) Staff Recommendation: Approval

Cheng presented the staff report.

PUBLIC HEARING:

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

Moved by Peters, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby approves the proposed landscape modifications in order to maintain the previously approved landscape plan according to Chapter 62 (Landscape and Screening Ordinance), Section 5:608(2)(c)(i) and (vii).

COMMISSION DISCUSSION:

Clein asked for clarification of the addition.

Cheng said the addition was under the canopy, as shown on photo, and was an administrative amendment but triggered bringing the landscaping up to code.

Clein asked about trees shown on the plan.

Cheng said there already are trees in the parking lot islands from requirements in 2000, but under the current code it is considered deficient by 4 trees.

Mills asked about recent changes to the Landscape Ordinance and if it was common that the Commission would also need to address code issues associated with administrative amendment.

Cheng said yes.

Mills asked if it gives the City Planning Commission an opportunity to say yes or no.

Cheng said yes, explaining that if the petitioner were coming in for other types of site plan changes, the City would tend to hold their feet to fire to make them bring their while site up to current landscape code.

Bona asked if the additional 24 trees that they plan to add are meant to balance the missing requirement.

Cheng said yes, be believed so.

Bona asked if it makes sense to add so many trees along the east side.

Cheng said the City Forester supports the proposed plan.

Bona said she didn't know if they would be compromising on the ability of the trees to grow just to save parking area.

Peters said this is a good swap, given that the landscaping was previously approved, and it would be improving the land use buffer between the hotel to the east.

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

Yeas: 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 2 - Eleanore Adenekan, and Sofia Franciscus

10-c [15-0324](#)

Racquet Club of Ann Arbor Site Improvements Site Plan - A proposal to demolish the existing tennis building on this 8.86-acre athletic club site located at 3010 Hickory Lane and replace it with a single-story, 3,533-square foot tennis facility, construct additions to the pool building (850 square feet) and snack shack (311 square feet), and install patio and pedestrian improvements and storm water detention. (Ward 2) Staff Recommendation: Approval

Cheng presented the staff report.

PUBLIC HEARING:

Antonio Gutierrez, 1901 Landmark Court, said he has to agree with the idea to install the sidewalks, given it is near Gallup Park and is not a leap frog development in the middle of nowhere.

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

Moved by Briere, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Racquet Club of Ann Arbor Site Plan, subject to approval of a front setback variance granted by the Zoning Board of Appeals.

COMMISSION DISCUSSION:

Peters asked to consider the two motions separately.

The Commission agreed.

Briere asked for the petitioner and architect to present their project.

Scott Betzoldt, Midwestern Consulting LLC., project engineer, introduced architect John Mouat and Racquet Club representative, Brent Schomaker. He described the proposed improvements, noting that access will be revised to have one central entry point. He said they will be providing storm water management for all of the area being disturbed, where there is currently none, and they will provide infiltration in a seam of sand/gravel.

John Mouat, Mitchell & Mouat Architects, 113 S. Fourth Ave., explained this property used to be an old farm, and part of the architectural goal is to have the buildings fit in and be more harmonious. He said they looked at the existing tennis building and if it could be salvaged, but given that it has a full basement, which has water problems, as well as not being barrier free accessible, it was decided that they should start fresh. He said in order to deal with grades and infrastructure they had to push the project into the setback.

Clein said he appreciated the explanation of why the building is being pushed into the setback.

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

Yeas: 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 2 - Eleanore Adenekan, and Sofia Franciscus

Moved by Briere, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Racquet Club of Ann Arbor's request for a waiver from the requirement to install public sidewalks along the Geddes Avenue and Hickory Lane frontages.

COMMISSION DISCUSSION:

Clein asked about the cost of the sidewalk.

Betzoldt said the Geddes Road sidewalk is the most costly, and would be a six-digit figure, noting that the grade between the property line and the curb is up to a 25% slope. He said there are also overhead power and telephone poles that would need to be relocated, along with three City light poles, one stormwater manhole, two hydrants, a manhole, and they would need to add a retaining wall, as well as remove 10-15 trees.

Clein asked about cost.

Betzoldt said it would be \$100,000 - 200,000.

Clein asked about total project cost.

Cheng said it is \$2.5 million.

Betzoldt said this area is entirely residential area and if sidewalk were to be added, it would be through a special assessment district, which the petitioner has agreed to be a part of.

Clein asked about the amount of added impervious surface.

Cheng said he did not know.

Briere said last night, Council approved the first resolution for the Special Assessment District on Geddes Road, on storm water issues, Phase 1, of a multi phase project that includes sidewalks all the way to Hickory Lane. She said if sidewalk were installed, they would be connected to something

and while she is happy to hear that the petitioner is willing to participate in the assessment, she would recommend that they do it when they have control over the landscaping instead of putting in landscaping only to have the City tear it out after a year.

Betzoldt clarified the sidewalk proposed is on the north side of Geddes Road, and he understood the segment to the north is currently unfunded, due to the steep drop-off.

Mills said because of the park, she has been a pedestrian as well as on a bike, trying to do a big loop down Geddes into the Arb. She said it is not comfortable being there and if it is not part of the plan, there needs to be something to get you to Huron Parkway. She encouraged sidewalk on one side of the road, noting that we are a walkable town and she would not be in favor of waiving the sidewalk requirement.

Bona said staff supports construction of a sidewalk at this location.

Cheng said he talked to the City's Traffic Engineer, who supports putting sidewalks on both sides of Geddes as well as on Hickory Lane.

Bona asked if the City were to choose the side of the street to install sidewalk, which side would they pick.

Cheng said he would have to have a conversation with the Traffic Engineer regarding that.

Bona said she recalls the visibility issue and would be more comfortable with crossing at Hickory Lane. She asked why sidewalk has to be at the edge, noting that it just has to be safe and they could provide an easement to get around obstacles. She felt that if the City doesn't ask for this now, they will not get another opportunity, and people should be walking here. She said she would not be able to support the sidewalk waiver request.

Woods asked if it would be appropriate to amend the motion.

Bona said she would rather vote the motion down, and have it move on to Council as it is.

Betzoldt said they would rather prefer to keep the motion the same.

Milshteyn asked about intent of procedure.

Clein said he would vote in favor in order to minimize the amount of impervious surface.

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

Yeas: 1 - Kenneth Clein

Nays: 6 - Wendy Woods, Sabra Briere, Jeremy Peters, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Absent: 2 - Eleanore Adenekan, and Sofia Franciscus

10-d [15-0325](#)

The following amendments are proposed to the Zoning Map and Zoning Ordinance to implement recommendations from an evaluation of the 2009 Ann Arbor Discovering Downtown (A2D2) zoning changes:

§ Rezoning of 336 East Ann Street from D1 (Downtown Core) to D2 (Downtown Interface) base zoning district;

§ Rezoning of 219 North Fifth Avenue and 211 East Huron Street from East Huron 2 to East Huron 1 character overlay district;

§ Text amendments to the East Huron 1 character overlay district to create area, height and placement requirements for D2 zoning; and

§ Text amendments to the East Huron 1 character overlay district requirements for D1 zoning to reduce the maximum height from 150 feet to 120 feet, establish a maximum tower diagonal dimension, and establish a side setback requirement.

§ Text amendments to the East Huron 1 and 2 character overlay district, intent paragraph to describe each separately and uniquely.

Alexis DiLeo presented the staff report.

PUBLIC HEARING:

Noting no speakers, the Chair declared the public hearing closed, unless the Commission postpones the item.

Moved by Clein, seconded by Mills, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the staff-initiated rezoning of 336 East Ann Street from D1 (Downtown Core) to D2 (Downtown Interface) base zoning district; and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the staff initiated rezoning of 219 North Fifth Avenue and 211 East Huron Street from Main Street to East Huron 1 character overlay zoning district, and the Municipal Center block from East Huron 2 to East Huron 1 character overlay district; and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Zoning Ordinance, Section 5:10.20(3), Building Massing Standards, to add a definition of “maximum tower diagonal.”; and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Zoning Ordinance, Table 5:10.20A regarding area, height and placement, including the addition of a maximum tower diagonal standard, for the East Huron 1 and East Huron 2 character overlay zoning districts; and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Zoning Ordinance, Section 5:10.20(1)(d) regarding the East Huron 1 and 2 intent statement.

COMMISSION DISCUSSION:

Mills complimented staff on research for the front setback on East Ann Street and agreed that the intent statement is very helpful. She asked about wording for "within 150 feet", on Figure 6, in the D1 District.

DiLeo said she this is the same language that was used in previous rezoning on South Main Street.

Clein said he had the same enquiry as Mills and said he hoped it would be clear to everyone and not confusing.

Milshteyn asked if the City Attorney has reviewed the intent statements, and said he was confused by the statement, ‘in the round’.

DiLeo said the phrase, ‘in the round’, is used in the current intent statement and is also found in the Downtown Design Guidelines, and believes it to mean that like several properties, you find the buildings in

the center of the properties and are landscaped on all four sides. She said these buildings don't really have a back, but have four fronts and all four sides are equally distinct and beautiful.

DiLeo said the Attorney's Office has not yet reviewed the intent statements, but they will before the item moves on to City Council. She said they want to know the final goal of the City Planning Commission before they are legally vetted.

Bona commented that 'in the round' is an intent but not always the result. She commented that she couldn't believe they were at this current point in the process. She said in spite of its' complexity, she felt it has turned out elegantly. She said she wouldn't change anything, noting that the language under the D1 district and the height made sense to her. She too appreciated the intent statements, since that was ultimately the difference in separating the D1 and D2 districts.

iBriere said 'in the round' means that buildings are not up against each other and there are no shared walls and to her that is a significant part of the character of the Huron Street area. She said she thinks that a lot of the problems that Council had concern over may have been addressed. She said when this item does come before Council, she would like to recommend that they take some time to show what could be built on Huron Street in the area adjacent to City Hall. She said she has heard several Council members ask for the same thing, to be able to visualize a building envelope and what could be built here. She said there is always a risk that people will think this is the plan, but thinks it would be helpful to have available in case Council asked for it. She said she was very pleased with this work.

Woods said she also was pleased with the results.

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

Yeas: 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 2 - Eleanore Adenekan, and Sofia Franciscus

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

12 COMMISSION PROPOSED BUSINESS**13 ADJOURNMENT**

Moved by Milshteyn, seconded by Councilmember Briere, that the meeting be adjourned at 10:55 p.m. On a voice vote, the Chair declared the motion carried.

Wendy Woods, Chair
mg

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