

MINUTES  
**ANN ARBOR CITY PLANNING COMMISSION**  
BUSINESS MEETING

7:00 p.m. – October 7, 2008

Time: Vice Chair Mahler called the meeting to order at 7:01 p.m.

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

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ROLL CALL

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Members Present: Borum, Carlberg, Mahler, Potts, Pratt, Westphal

Members Absent: Bona, Woods

Members Arriving: Lowenstein

Staff Present: Foondle, Kahan, Pulcipher

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INTRODUCTIONS

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None.

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MINUTES OF PREVIOUS MEETING

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a. Minutes of September 4, 2008.

**Moved by Pratt, seconded by Borum, to approve the minutes as presented.**

A vote on the motion showed:

YEAS: Borum, Carlberg, Mahler, Potts, Pratt, Westphal

NAYS: None

ABSENT: Bona, Lowenstein, Woods

**Motion carried.**

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APPROVAL OF AGENDA

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**Moved by Carlberg, seconded by Pratt, to approve the minutes as presented.**

A vote on the motion showed:

YEAS: Borum, Carlberg, Mahler, Potts, Pratt, Westphal  
NAYS: None  
ABSENT: Bona, Lowenstein, Woods

**Motion carried.**

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REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL,  
PLANNING AND DEVELOPMENT SERVICES, PLANNING COMMISSION  
OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

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Mahler announced that the Master Plan Revisions Committee would meet on October 23 at 3:00 p.m. in City Hall.

Kahan stated that at the October 23 meeting, the Master Plan Revisions Committee would discuss the effort to consolidate the four geographical area plans into one master plan. No substantive changes to the area plans were proposed, he said.

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AUDIENCE PARTICIPATION

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John Floyd, 519 Sunset Road, spoke regarding elements of the A2D2 zoning process that he believed had not received adequate public discussion, such as the creation of zoning for a convention center and the expansion of the adult entertainment district. He also raised another dimension that had not received much public discussion: the effect of downtown redevelopment on tax and services on residents living outside of the downtown. He stated that all increased taxes from downtown redevelopment would go to the DDA. As more people moved to the downtown, he said, these new residents would demand neither more nor fewer services than existing residents, but the level of services to serve all of the residents would be inadequate. He questioned where the funds would come from to pay for the additional needed services, stating that it would not be from the downtown residents because their taxes would be diverted to the DDA. He believed the funds would come from those living outside of the downtown. He suggested that it was time to start looking into limiting taxes from redevelopment properties that were sent to the DDA, noting that this needed to be more widely discussed.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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Mahler announced the public hearings scheduled for the meeting of October 21, 2008.

REGULAR BUSINESS

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a. Public Hearing and Action on Ann Arbor City Apartments PUD Zoning District and PUD Site Plan, 0.57 acre, Southeast Corner of West Washington and South First Streets. A request to rezone the site from P (Parking District) to PUD (Planned Unit Development District) and a proposal to construct a nine-story, 168,027-square foot building with 156 dwelling units and 244 parking spaces (98 public parking spaces) - Staff Recommendation: Approval

Kahan explained the proposal and showed photographs of the property.

John Frank, vice president with Village Green Properties, petitioner, stated that Village Green was founded in 1919 and currently owns and manages 35,000 apartment units across the country. He said Village Green was one of the most experienced and active property managers in the country. They were based in Farmington Hills, he said, but were very active in Ann Arbor. He noted that Village Green did not sell what they built, which was all apartments; rather, they owned and managed them forever. He said they became partners with the communities in which their units were located. In that spirit, he said, they have spent a good deal of time reaching out to their neighbors, meeting with the Old West Side Association and the Main Street Merchants Association. He said this project has been a team effort and represented a number of changes based on suggestions from both City staff and neighbors. He said they waited to come before the Planning Commission until they had a clear understanding of construction costs and of other elements of the development, stating that they believed they now were in a good position to move forward.

Enter Lowenstein.

Mike Rich, architect with BKV Group, representing the petitioner, spoke regarding the proposed design of the project. He stated that the location of this proposal was a tight urban site at the corner of block with a 14-foot grade differential, which presented various challenges. He said they have worked through those challenges with the DDA to come up with a solution that worked well. They were excited about the use of colorful materials, he said, which was unique to Ann Arbor, stating that the composition of materials was a reflection of the City and an expression of a fresh, new look. He described the different elements of the façade, stating that they listened to many people from the community in working on the base appearance, pedestrian experience, presentation to the public, and street and urban experience.

Mark Hodesh, owner of Home and Garden at 210 South Ashley Street, provided his endorsement for this, stating that it was a good project. He raised four points that he believed, if addressed, would enhance the public benefit of this PUD and the \$9 million the City was going to spend, which were contained in the email he previously sent. At this point, he said, it was difficult to tell if they had been addressed in the version of the proposal on the table this evening. The four points all had to do with the adjacent alley, as follows: 1) trash removal and public nuisance, 2) snow and ice removal and slip and fall liability, 3) public art and lighting, and 4) use of the alley for moving residents in and out, loading/unloading and activity of the alley for future development. He urged that this proposal not move forward until these four issues were reflected in the development agreement. He stated that this was a PUD and the public deserved the full measure of benefit a PUD would bring.

Matthew Duchess, 224 South First Street, opposed this project because of its intensity. The project would occupy the entire block, he said, and he did not think there was any reason to make it so tight on the south façade to the extent that no windows could be installed. He read the engineering report and

noted that the soil conditions would require large pylons in order to build a six-story building. He did not think taking up so much of the site was a good design principle.

John Floyd, 519 Sunset, thought that each time a PUD was granted, it was suggesting that the City did not take its zoning very seriously. To grant a PUD during a comprehensive rezoning project for the entire area also suggested this, he said. He stated that his earlier comment about taxes from this type of development going to the DDA applied here as well, and said this should be considered.

Ray Detter, speaking on behalf of the DDA Citizens Advisory Council, expressed strong support for this proposal. He stated that over the course of several years, the CAC has followed and participated in many discussions about mixed-income housing. This proposal not only met all of the requirements of the RFP approved by the DDA and City Council, he said, it actually surpassed them. He stated that this proposal was supported by the Downtown Plan and the Central Area Plan and that the CAC urged the Planning Commission to give the petitioners the support they needed to proceed with this project, which would provide major benefits to the citizens of Ann Arbor. He stated that the CAC has always supported an increase in diverse housing opportunities in the downtown and this project would provide a variety of housing types for mixed incomes, in addition to parking for both residents and the public. Given the site limitations, providing this mix was not an easy task, he said. He noted that the proposed Zip cars and the availability of nearby public transportation went with encouraging the kinds of transportation alternatives everyone claimed to support. He stated that the project also incorporated green design, sustainable concepts, a roof terrace for residents, streetscape improvements, water retention, bicycle parking and public art. This was an excellent project on this site, he said, adding that he was impressed with the way the project has made necessary design adjustments requested by the DDA, neighbors, various groups, and staff. This was the type of public/private partnership the City has been seeking, he said.

Alison Stupka, 225 Buena Vista, representing the Old West Side Association, stated that the Old West Side met with the petitioners twice in the last year and was fully supportive of this proposal. The Association was glad that some of their concerns had been incorporated into the design of the proposal, she said, noting that the number of new residents here would really enhance the safety a pedestrian would feel when walking along Washington Street. She said the Association would like to see this proposal move forward.

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

**Moved by Borum, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor City Apartments PUD Zoning District and Supplemental Regulations, and PUD Site Plan and Development Agreement.**

Potts asked about the uses of the alley. She asked where the refuse pick-up would be and if there would be any indentations in the building to help with access.

Kahan showed the access points in the alley for solid waste disposal and pick-up, residential move-ins and move-outs, and access to the parking structure.

Potts did not see where in the alley a truck would park for an hour or so during a residential move-in/move-out, or for a pick-up or a delivery.

Kahan stated that parking for move-in/move-out vehicles was proposed to occur on the northern portion of the alley so as to not block business uses that would take place in middle or southern portions of the

alley. He stated that the alley was 16 feet wide and trucks were proposed to park in the alley temporarily. He said the alley would not be marked for individual lanes, but said there would be room for a vehicle to go around a parked truck, although it was not likely that the alley would accommodate a lot of vehicular access while a truck was parked. He stated that Village Green managed the move-in and move-out schedules so only one vehicle would be in the alley at a time, which would help avoid vehicular congestion.

Potts wondered if it would be possible to use either First or Washington for loading/unloading/deliveries.

Kahan stated that this was discussed with the petitioner, DDA and Public Services staff. He said the easternmost lane on First Street, a one-way southbound street, was a left turn lane, so the idea of parking trucks in that active area was not supported. He said it may be possible over the next decade to see First Street reconfigured, at which point it may be appropriate to use the street for this purpose.

Potts said it seemed as though the alley was too small to handle all of the activity that would occur.

Cheryl Zuellig, of JJR, representing the petitioner, stated that they have discussed this issue with staff and adjacent neighbors, as they wanted to make sure that the alley movements were handled appropriately. In the course of those discussions, she said, she spoke with Mike Rankin, a City enforcement officer, about this section of the alley. She said Mr. Rankin indicated to her that, technically, there were no specific time limits for loading and unloading in an alley as long as it was actively occurring. She said his initial reaction to the idea of a designated loading area within the alley was that these alleys were service-related to reduce the amount of traffic that was blocked from loading and unloading on main roads. He was not familiar with having a designated loading zone within an alley itself, she said, as he believes the alley itself was the loading zone. She said Mr. Rankin saw the most enforcement activity occur in alleys that were adjacent to restaurants, where the delivery vehicles blocked traffic for a longer period of time. She said he did not have a concern about three to four residential move-ins per month.

Johannes Cramlet, of Village Green, stated that when they first started designing this building, input from City staff regarding the alley was that its use was for loading and unloading and, subsequently, their design has been based on maintaining the alley for that purpose. He stated that they have run across the situation of sharing an alley with neighbors in the past and what they have done in order to accommodate their neighbors was designate a specific area that they would enforce internally with regard to loading/unloading and moving in/moving out. He said they did block the alley at certain times during the day for these activities and said it was important to them that their neighbors did not feel restricted. He stated that a letter was provided to the Planning Commission regarding this issue.

Potts asked if the petitioner were willing to include this in the development agreement.

Cramlet said their preference was not to include this in the development agreement, as they did not want to restrict their ability to use the alley.

Carlberg said it would seem that during a period where a lot of move-ins and/or move-outs were expected, it might be possible to temporarily restrict movement to allow that activity. She wondered if there were an alternate plan, such as using First Street and going in through the lobby.

Cramlet showed the distance from the lobby to the service elevator, stating that they did not believe this was an appropriate option. Unfortunately, he said, there would be times when the alley was blocked, the same as what would occur when any of their neighbors used the alley. He said they were committed to coordinating use and minimizing restrictions.

Carlberg asked if the petitioner would object to a clause in the development agreement stating that use of the alley would be coordinated with adjacent neighbors. She was not suggesting that the development agreement be used to restrict use of the alley. With regard to storm water, she did not see any evidence that the petitioner was trying to save water that fell during a rain shower in order to use it for the on-site landscaping. She asked if the petitioner would object to doing this through the use of rain barrels, which would allow re-use of the water and eliminate it from being added to the storm water system.

Zuellig stated that the storm water management plan would detain a 100-year storm in pipes underneath the parking structure. They were sandwiched between the lowest parking level and the ground water table, she said, adding that the ground water table was relatively high in this location. Because of the high ground water table, she said, infiltration if water backed into the site was not possible. She stated that the roof garden would function as a green roof, resulting in less water entering the storm system because the plantings on the roof would be using the water. She stated that they have worked to determine a run-off coefficient that met City standards and made assumptions that some water would flow into the chamber and then back into the creek. She stated that rooftop rain barrels were an intriguing idea and that the petitioner would be willing to work with the City to consider them when the detailed building plan stage began. With regard to pumps, she said, there was a way to discharge water onto Washington Street with gravity flow and the civil engineer was working with staff on this.

Carlberg asked if the petitioner was working to remove the pumps from flood dangers.

Zuellig replied yes. She said the idea was, instead of discharging water into the First Street storm sewer, to go north and discharge water at a higher elevation on Washington Street. She confirmed that the petitioner was willing to speak to the DDA and consider on-site water retention for landscaping at the next design stage if it were practical.

Carlberg noted that the supplemental regulations contained a provision for a minimum 20 percent glazing for the housing levels and said this seemed to be a low percentage.

Rich stated that they would have a high level of transparency in terms of the number of windows. He said the transparency for a similar Village Green project just completed was 35 percent, which would be similar with this project.

Pratt stated that 70 to 80 percent was what was generally seen at street level, but these windows were higher than that. He would like to see the minimum transparency changed to something that was more likely to happen, such as 35 percent.

Rich stated that they would look into that.

Carlberg spoke regarding principal and accent materials to be used on the building. She stated that metal panels were a prominent feature of design the last time this was before the Planning Commission and asked what percentage of the building would consist of metal panels. She said the metal panels were referred to as an accent material, noting that accent and principal had different meanings.

Rich believed there was an error in the document, stating that it was their intent to use metal panels as a primary building material. He showed an example of the materials that would be used, such as cement fiber board and corrugated metal paneling, as well as the main color palate. He stated that different metal colors for the aluminum finishes and accents would be used.

Carlberg confirmed that the main material would be metal.

Rich replied yes.

Cramlet stated that the most current version of the supplemental regulations reflected the appropriate building materials.

Carlberg stated that the supplemental regulations indicated that this may not be developed as a condominium without first amending the regulations, per Section 4 E (Lot Size). She suggested that this language would be more appropriate in Section 3 (I) and asked that it be moved. When the subject of metal panels was first raised, she was not sure how attractive they would be. She still was not sure, she said, but was willing to move forward because she has seen the panels on a building in Royal Oak and it seemed attractive. She suggested that the petitioner provide City Council with improved pictures showing what the metal panels would look like in this extensive application.

Westphal asked about maintenance of the metal panels, wondering how often they would have to be painted.

Rich stated that the panels would have a baked-on enamel finish, requiring little or no maintenance. He said they would have a 30-year warranty.

Westphal asked if there would be any natural light coming into the parking structure from the alley entrances.

Rich stated that the small access at the north end of the alley was an egress-only from a stairway. The other access point at the south end of the alley was a larger, indented opening. It was very utilitarian, he said, opening into the parking garage. He said there would be no building openings along the south façade, as the building was adjacent to the property line.

Westphal asked about access for people wanting to get to their cars in the parking structure.

Rich stated that there would be a public entrance just south of the corner of First and Washington Streets that would lead to an elevator. There also would be an open access along Washington Street, he said, as well as a pedestrian access on First Street near the vehicle entrance/exit.

Cramlet added that they have worked with the DDA to provide additional lighting in the alley.

Kahan stated that there would be four levels of parking, showing the different access points. There would be different access points to use depending on the level of the parking structure, he said.

Carlberg was concerned about pedestrians feeling safe walking in the alley and entering the building. People should not feel that they were walking into an impenetrable door, she said.

Rich stated that they did not intend for the access on the alley to be used by the general public, noting the three public access points from the public streets.

Carlberg stated that people would look for the quickest way to get out of the alley and go toward Main Street. It did not appear that the petitioner was planning for that.

Rich said they envisioned the public access locations along the public streets as the main public access points.

Carlberg stated that there were several places where people used the alley for access and the petitioner needed to consider that by making the access points on the alley more safe.

Frank stated that this was a good point and that they would look into it.

Borum stated that the last time he saw this proposal, he had a concern about exhaust from the underground parking levels. There did not seem to be any changes to exhaust discharge at the sidewalk level along Washington and along the alley. He would like to see the exhaust pipes relocated or diverted.

Rich showed a rendering that depicted an intake louver at the street level, stating that exhaust would not blow out at that level. Exhaust would occur at the upper levels through the openings, he said.

Borum said it seemed that the plans showed the exhaust louvers at the sidewalk level, stating that the release of exhaust where pedestrians walked would be a detriment to the life of the street.

Rich stated that this would be corrected because the intention was for the air intake to occur at the street level, not the exhaust discharge.

Pratt asked what was being done to screen rooftop mechanical equipment.

Rich stated that the elevator overrun and the rooftop mechanicals, which would be set back from the main building façade, would not extend any higher than the main parapet, which would be approximately three to four feet high.

Mahler asked the petitioner to address the issue of plans for alley lighting.

Cramlet stated that in conjunction with enhancing the alley experience and creating a more safe environment, they have discussed their willingness and the appropriateness of lighting with the DDA. Both of have agreed that lighting would be provided, he said.

Mahler asked about the status of artwork for the building. He wondered if there had been any discussion with the public art commission about what to do and where to put it. He also wondered if something should be included in the development agreement about this, stating that he would not want to see the project delayed because of this.

Cramlet stated that they have identified two possible locations for public art: one on the south building façade and the other on the Washington Street elevation closer to the alley. He said this has been presented to the art commission, adding that they would like to see the community involved in the final decision.

Mahler stated that consensus building was important, which would avoid potential legal action or other obstacles in the future.

Frank said they were committed to including the art and they had identified possible locations, adding that they would like to make the final decision until after the building was completed.

Mahler asked the petitioner to justify the public benefit from the PUD, other than the artwork.

Frank stated that this PUD project would do everything that a smart, responsible, green, mixed-use, and mixed-income urban design project should do. He said all of these features were part of the plan prior to the art feature being suggested.

Pratt stated that Mr. Hodesh, during the public hearing, raised a number of comments that generally apply to public maintenance of the alley. He wondered if staff had responded to the concerns and asked Mr. Hodesh if he had experienced problems.

Hodesh stated that he maintained the sidewalk along his building, which he was sure the petitioner would do as well, but said the alley would also collect pedestrian traffic. He believed the alley should be maintained in accordance with the same procedure of sidewalks. He was aware that refuse would be stored inside the building, but he said it would need to be wheeled outside for pick-up. If the refuse containers sat outside all day waiting to be emptied, or the emptied containers sat outside all day waiting to be taken back into the building, he stated that this would be a public nuisance.

Susan Pollay, DDA Executive Director, said it was common practice that City snow crews maintained public alleys, although they were lower on the list. She said the DDA hired a private contractor to run the parking system, who hired a subcontractor for snow removal on public sidewalks. She could not speak to the alley but said they would look into it if there were an entrance into the structure from the alley.

Pratt stated that power outages were often associated with large storms. There would be an on-site pump for storm water management, he said, and wondered if there would be an on-site generator as well to address a power outage situations.

Zuellig stated that this had not yet been discussed, as it was a consideration for the engineering and construction documents.

Pratt said his concern was more related to rain that occurred after a retention basin filled up, not necessarily during the storm itself.

Zuellig stated that the lowest point of the underground pipes was about a foot and a half above the anticipated ground water table. She stated that in the event that the flood elevation level increased, the water could discharge onto Washington Street without the backflow pressure that would occur if it were on First Street.

Pratt said it appeared that good mechanisms were proposed for adequate storm water management. Regarding public benefits of a PUD, he said, it seemed that the affordable housing and public parking component were significant benefits. He spoke regarding the citizen comment on tax impacts, stating that it was likely true that there were downtown developments that placed demands on services that were not directly funded. However, he pointed out that the DDA provided many benefits in the downtown for which he and other citizens did not pay, but used regularly. In the end, he was not aware of any projects in the downtown that were not needed by the City or supported by Council, so he was not sure into which pot the money went was an appropriate consideration. The property owners in the downtown were paying taxes that were used to pay for services that everyone used, he said. He echoed the desire for any reuse of rain water, stating that other developments have found a way to do this.

Potts stated that this projected offered many positive aspects, such as replacing the parking that previously existed on this site and offering on-site affordable housing. This also was one of the few development, and perhaps only development, in the downtown that offered some type of living green area, she said, which would help the atmosphere and the environment. She stated that the development did not loom over existing single-family homes or did not impact sensitive areas. She thought it was a suitable building for this site. A remaining concern of hers was the width of the sidewalk along Washington Street, as this was used by many people to come from the west to go downtown. The only way to help this situation, she said, was to move the building away from the property line, but she was not sure the petitioner would do that. She wished there were an economical way to provide windows on the

southern façade which could be easily be redesigned if the property to the south were developed. She encouraged the petitioner to look into this. She stated that this proposal met many more of the City's goals than other projects being proposed for the downtown.

Commission understood that the architectural design would be addressed in the supplemental regulations.

Westphal believed this proposal met the PUD standards, particularly with regard to vertical public parking and on-site affordable housing. He was appreciative of the petitioner working with the neighbors on this proposal. The only disappointing feature he thought the project contained was the at-grade parking, but said this was not a core street, although it was well-used. Given the tradeoff and priorities, he said, the petitioner has done a good job designing a green building and making it more pedestrian friendly.

A vote on the motion showed:

YEAS: Borum, Carlberg, Lowenstein, Mahler, Potts, Pratt, Westphal  
NAYS: None  
ABSENT: Bona, Woods

**Motion carried.**

b. Action on Resolution to Request City Council to Authorize Distribution of the Draft Transportation Plan for Review and Comment to Adjoining Jurisdictions and Stakeholders – Staff Recommendation: Approval

Kahan explained this process.

**Moved by Pratt, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council authorize distribution of the draft Ann Arbor Transportation Plan Update for review and comment to adjoining jurisdictions and stakeholders in accordance with the State Planning Enabling Act (PA-33 of 2008) and Chapter 8 of the Ann Arbor City Code Ordinances.**

A vote on the motion showed:

YEAS: Borum, Carlberg, Lowenstein, Mahler, Potts, Pratt, Westphal  
NAYS: None  
ABSENT: Bona, Woods

**Motion carried.**

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AUDIENCE PARTICIPATION

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None.

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COMMISSION PROPOSED BUSINESS

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None.

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ADJOURNMENT

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Mahler declared the meeting adjourned at 9:05 p.m.

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Mark Lloyd, Manager  
Planning and Development Services

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Kirk Westphal, Secretary

Prepared by Laurie Foondle  
Management Assistant  
Planning and Development Services