

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

REGULAR MEETING

7:00 p.m. – October 20, 2009

Time: Chair Bona called the meeting to order at 7:03 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: Bona, Briggs, Mahler, Pratt, Westphal, Woods

Members Absent: Carlberg, Derezinski, Giannola

Members Arriving: None

Staff Present: Kahan, King, Pulcipher

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INTRODUCTIONS

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None.

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APPROVAL OF MINUTES

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None.

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APPROVAL OF AGENDA

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**Moved by Pratt, seconded by Mahler, to approve the agenda.**

A vote on the motion showed:

YEAS: Bona, Briggs, Mahler, Pratt, Westphal, Woods

NAYS: None

ABSENT: Derezinski, Carlberg, Giannola

**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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Pulcipher reported that there will be a discussion on the R4C/R2A Zoning Study at the working session on Tuesday, November 10 at Cobblestone Farm. She also reported that the Planning and Development Services Manager position has been posted on the City's website and other job posting websites.

Westphal presented an award from the American Planning Association that designated South Main Street as one of the top ten streets in America.

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AUDIENCE PARTICIPATION

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Jim Mogensen, 3780 Greenbrier Boulevard, said it would be helpful if the radius was incorporated on the postcards sent to notify surrounding residents of a project in the Geographic Information System (GIS) related graphics of the Planning Commission packet.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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None.

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REGULAR BUSINESS

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- a. Public Hearing and Action on Plymouth Green Crossings Amended PUD Site Plan, 8.9 acres, northwest corner of Plymouth and Green Roads. A proposal to revise the approved site plan to add a phase line and temporary parking, adding 26 parking spaces, in the location of the proposed restaurant building – Staff Recommendation: Postpone

Kahan explained the proposed amendments.

Jim Mogensen, 3780 Greenbrier Boulevard, said he did not believe there was not enough parking currently and when the restaurant is built, parking would become more of a problem. He was also concerned with the cash in lieu for the Planned United Development (PUD) affordable housing component.

Earl Ophoff, of Midwestern Consulting, representing the petitioner, explained which buildings had been built and he said Phase 2 would be a restaurant. He said the proposal was to fill in the restaurant pad with temporary parking of 26 additional parking spaces, and motorcycle parking. He stated that the economy was the reason the restaurant had not been built. He said one of the major considerations in terms of the

development agreement and the specifics on the affordable housing contributions was based on the petitioner selling units which would produce the necessary revenue, but that has not happened. He said in order to finish leasing, additional parking would be critical. He asked the Commission to consider revising the specifics of the development agreement.

David Kwan, one of the partners of the Plymouth Green Crossings development, said they are glad the project was done, but they ran into some problems with the current economy. He said they started renting the condos as apartments on an interim basis until the market recovers. He stated that they are on a really tight schedule and he would continue to work with the Planning staff regarding the affordable housing piece.

Brad Mikus, resident on Stone School near I-94, spoke in opposition of the plan. He said the proposal should be considered a new Planned Unit Development. He added that the proposal should be voted on today and rejected stating that a parking lot would not be a public benefit.

Noting no further speakers, Bona continued the public hearing.

**Moved by Woods, seconded by Briggs, the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Plymouth Green Crossings Amended PUD (Planned Unit Development) Site Plan, dated January 23, 2006, subject to the petitioner addressing issues related to the required affordable housing contribution.**

Mahler said he did not believe that a parking lot would detract from or be a public benefit. He said he was curious if there was any validity to the re-approval process. He asked if the Commission would have to go through the whole site plan approval process again.

Kahan said the proposal in front of Commission is a proposal to amend the PUD Site Plan not the PUD zoning which includes the supplemental regulations.

Mahler asked if the proposal involved changing the supplemental regulations.

Kahan said the supplemental regulation would not be changed.

Mahler stated that based on there not being any changes to the supplemental regulations and the willingness of the petitioner to address the concerns he was in support of postponement.

Pratt asked if the issue was with the affordable housing contribution part of the supplemental regulations.

Kahan replied no, and stated that the affordable housing contribution was part of the development agreement.

Pratt said he had a concern regarding the original benefit in the PUD. He did not believe a temporary parking lot would be a big issue, but he was concerned how the site would work when the lot was removed and additional useable space was added in the future. However, he believed the amendment was consistent with the original site plan. Additionally, his concern was the payment in lieu and the public benefit. He asked if the ideal was that the petitioner had not been issued certificates of occupancy on many of the units, but there being a date set on the total payment.

Kahan said this was correct. He stated that the original development agreement stipulated that the petitioner pay the full amount prior to the issuance of the first certificate of occupancy. He said, since that

point in time, the petitioner has requested that the development agreement be amended to include the language at the end of the staff report. He said the language was developed by the City Attorney's Office, which gave the petitioner three options. He said the third option of partial payment of \$15,000 prior to the issuance of each certificate of occupancy, residential and commercial, was the path the petitioner chose. He stated that the petitioner paid \$15,000 for three certificates of occupancy, but staff has learned that additional units were occupied at Plymouth Green that did not correlate with the payment. He said staff then decided to give the petitioner an opportunity to remedy the situation, which was why the amendment was recommended to be postponed.

Pratt asked if the ideal would be an agreement to have a revised plan based on the City recognizing the financial situation of the petitioner since they would not have the money available until the units are occupied.

Kahan replied yes.

Pratt said he was on the fence with the long term impact because if parking is needed now it would seem there would be a bigger problem when the parking is removed to add more occupied space. He asked how the petitioner plans to deal with the issue.

David Kwan said right now they have a shared parking lot with Ave Maria School of Law behind Plymouth Green Crossings. He said there was an easement agreement with Ave Maria in the supplemental regulations and is part of the site plan. He said it may be 5 to 10 years before a restaurant is viable. He said by then everyone should have a stable business, but now the owners are complaining about the parking so for now the petitioner would like there to be line of sight parking available. He said when they were trying to sell the units in the high two hundreds and up, the money for the affordable housing would have come right off the table and paid to the City. He added that the units are now being leased primarily to working professionals at approximately \$1600 a month per unit. He said they were receiving in a year more than what the affordable housing payment would be on an upfront basis, which was the reason the petitioner alerted the City officials in late spring, but he has not seen any paperwork yet.

Pratt asked if there was a discussion about providing affordable units on site rather than payment in lieu since the money seems to be a problem.

Kahan said the petitioner chose the payment in lieu options when this PUD was originally proposed.

Pratt asked, if since the financial problems have materialized, if the option of affordable units on site had been revisited. He asked if there was a reason why this could not be done since there is an affordable housing shortage and there seems to be empty units.

Kahan said the affordable unit option would be discussed once staff has an opportunity to sit down with the petitioner.

Pratt said another issue was that one of the entryways into town is dominated by a large sheet piling wall and he expressed his disappointment. He asked the petitioner to address the landscaping plan.

Ophoff said there are a number of trees, scrubs, and a series of vines that have been planted to screen the wall. He said the intent was that it would become a green wall and not a brown wall.

Pratt asked if the petitioner could propose anything different to soften the look, since it had been three years.

Ophoff said it would be reasonable to add more of the same vegetation since it grows at a certain rate, but on the other hand it takes time for things to grow.

Pratt asked if there were plants that could grow from the top to the bottom.

Ophoff replied yes.

Pratt said it would be great if the petitioner would look into plants to cover the top of the wall.

Woods said the project received a lot of public input. She asked how the petitioner came up with the number for vehicular parking and motorcycle parking spaces. She asked if they get very many motorcycles at the site.

Ophoff said motorcycle parking was the only question they received from their public participation survey. He said the request was due to a combination of them seeing a certain amount of motorcycle traffic both from the staff, residents and customers. He stated that, because of the layout of the vehicular parking, there would be space available for motorcycle parking and that space would be use to encourage motorcycle transportation.

Woods asked about bicycle parking.

Ophoff said bicycle parking has already been provided in areas closer to the buildings.

Westphal said he was in favor of following staff's recommendation of postponing. He asked if there would be an inherent benefit that would be lost by putting forth this site plan as opposed to the original proposal.

Kahan stated that the proposal was the original site plan, but the portion being discussed was Phase 2, which would include a restaurant. He said the petitioner worked with the property owner to the north, entering into a shared parking arrangement realizing that there would be varying peak periods between an educational use and retail residential use.

Briggs asked how the petitioner assessed the need for parking. She stated that the City was moving towards being more flexible with the location of parking. She added that people may have to walk further and that parking might not be in the line of sight of buildings. She said it seemed the parking for this project was moving backward and not forward.

Kahan said about ten years ago staff worked on an effort to revise the City's parking standards for office and retail with the intent of reducing the minimum standard and imposing a maximum standard. However, he said, staff recognizes that each site is different in merchants and commercial use. He said in general staff has tried to limit large expanses of unutilized parking.

Kwan said they have lost two or three prospective tenants due to the parking situation. He said he realized that the City is trying to become a more walkable community and having the public transit in front on Plymouth Road is a plus. However, he said, most people use automobiles, but when the weather is good, there is noticeable amount of bicycle and pedestrian traffic. He asked the Commission to either reject the site plan or approve it, with the improvements that staff has suggested, so the plan can move on to City Council. He said the asphalt plants would be closing soon and then the project would have to wait at least four more months to resolve the parking situation.

Pratt asked if there was signage addressing the parking located in the back of the building.

Ophoff replied no, but they could put up signage addressing the parking.

Pratt said anything to get people to park in the back would be helpful.

Bona asked if the requested parking would fall within the maximum allowed in the PUD supplemental regulations.

Kahan replied yes.

Bona asked if the parking would be allowed on site if the petitioner could squeeze it in with all the buildings, either above ground or underground.

Kahan replied yes.

Bona asked if the petitioner believed that the additional parking would be adequate for building A in Phase 1 as well as the vacant space that would be used for Phase 2.

Kwan said the most difficult part is the initial period. He said there are limited mixed use choices on that side of town and the parking should be adequate for the entire project.

Bona asked if the Law School experienced any vacancy between Ave Maria and Cooley.

Kwan said Ave Maria moved to Naples last summer and Cooley is starting with approximately 80 students per term. He said Cooley would use a cumulative growth pattern that would not hit full stride until over a three-year period. He stated that Cooley is a commuter-orientated school.

Bona said there would be great potential for pedestrian customers once Cooley is up and running. She said she does not have a problem with the amendment to the site plan. She said she was unsure if the last building would ever be built, but she would like for the buildings that have been built to flourish and be full of tenants. She supported postponement stating that she would like the affordable housing issue resolved first.

**Moved by Pratt, seconded by Mahler, to postpone action on the main motion.**

A vote on the motion showed:

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

**Motion carried.**

- b. Public Hearing and Action on Ann Arbor Guest House Annexation, Zoning and Area Plan Waiver Request, 4.77 acres, 2000 Dhu Varren Road. A request to annex this site into the City, zone it R4B (Multiple-Family Dwelling District) to allow a maximum of 12 adults (10 guests and 2 caretakers in 6 bedrooms), and to waive the area plan requirement because no new construction is proposed – Staff Recommendation: Postpone

Kahan explained the petition.

Noting no speakers, Bona continued the public hearing.

**Moved by Pratt, seconded by Briggs, the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Guest House Annexation and R4B (Multiple-Family Dwelling District) Zoning.**

**Moved by Pratt, seconded by Briggs, the Ann Arbor City Planning Commission hereby waives the requirement for an Area Plan as allowed by Chapter 57 (Subdivision and Land Use Control).**

Bona asked what the development potential was for R4B zoning.

Kahan said R4B could accommodate multiple and single-family, townhomes, and duplex uses up to 15 dwelling units per acre; however, it would require site plan approval by City Council.

Bona asked how many units a project could have, considering the site has five acres.

Kahan said a project could have 65 or 70 units.

Mahler asked if the petitioner was requesting the postponement.

Kahan replied yes.

Mahler asked if the petitioner gave an indication how long it would take to consider the costs.

Kahan said the petitioner was not precise, but the improvement charges were significant. He said for this particular modest use, the petitioner would need to consider the charges given that City Council cannot take action on the zoning until the property is annexed. He stated that once the property is annexed, the owner has 90 days to pay the charges and if Council decides not to zone the property R4B, then the petitioner is stuck with a property that has been annexed with a zoning that might not be adequate for their proposed use.

Mahler asked if, in addition to the utility improvement charges, the other improvement charge for a bike lane is approximately \$3100. He also asked if the fire hydrant installation would be an additional \$3100.

Kahan replied yes.

Mahler asked if there was another charge for the drainage disconnect.

Kahan said the petitioner is required to connect water and sanitary from the main on Dhu Varren Road up to the house at a private cost not reflected in the improvement charges.

Briggs asked if the costs are ever waived.

Kahan said he is unaware of any history of waiving cost but this could be asked of other city staff. He said the City in regard to infrastructure, would construct improvements that are necessary around major corridors, but assess property owners a fair share of the cost. He said the City is not allowed to charge township residence because they are not required to hook into those services. He said typically a township property owner would request the connections and once they are annexed then the City has the ability to impose the improvement charges. He said the current rate divides charges between single

family, duplex and everything else is considered commercial. He said this project would be assessed the commercial rate.

Westphal asked if approving the motion eventually would tie this approval to the property being used for nonprofit purposes.

Kahan replied that the motion does not specify. He said it specifies the use of boarding house.

Westphal asked if anything is triggered if there is a change in use or a use that is not otherwise allowed in the plan for this particular property. He asked if there was any neighbor input.

Kahan said the neighbors were notified of the public hearing.

Pulcifer said annexations are typically excluded from the requirements of the Citizens Participation Ordinance because they do not pose as big an issue to the community.

Kahan said the petition does not propose any changes on the site. He said there would be no change to the home or additional parking. He said this annexation would not be considered a development petition.

Pratt asked if a petitioner could propose a site plan at some point in the future. He asked if the Commission would see the project again if a property owner wanted to do a use conversion that would require internal changes as a boarding house use.

Kahan said the property owners would be allowed to do internal changes without coming before Planning Commission. He said the owners would need to have building permits to make internal changes. He said any exterior changes and a new multiple-family uses would require a site plan.

Pratt asked if there are enough square feet to add additional parking. He asked what types of changes would trigger the need for a site plan. He asked if rezoning the property to R4B would be too intensive if the owners move forward with what they have described. He asked if the Commission would see the project again if there was a more substantial impact such as a boarding house.

Kahan said that question would be a question for the petitioner, but with regard to the use, the Northeast Area Plan recommends multiple-family uses at this site. He said the City would require approval of a site plan if a property owner in the future were to request developing the site more extensively.

Pratt said this site is the same as any other annexation, there is no guarantee the site would not be developed to the maximum use depending on the property owner. He said if the changes are minimal, then the project might not come before the Commission, which, would not bother him.

Woods asked where the house is located relative to the railroad.

Kahan said the house sits on the far southern portion of the site quite far away from the railroad tracks. He said the property is screened from Dhu Varren Road by vegetation, but the site mostly consists of a large green lawn with a single-family home at the rear of the site with a long driveway and a detached garage to the south of the house.

Bona believed the R4B was the appropriate zoning and while the charges are expensive the development potential is significant. She said at a future point and time when the property is sold to someone else and is developed, that would be when the connection fees would get paid back to the current property owner.



**Moved by Pratt, seconded by Mahler to postpone action on the main motion.**

A vote on the motion showed:

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

**Motion Carried.**

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AUDIENCE PARTICIPATION

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Jim Morgensen, 3780 Greenbrier Boulevard, spoke about transportation and the getDowntown survey that had been sent out.

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COMMISSION PROPOSED BUSINESS

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None.

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ADJOURNMENT

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Bona declared the meeting adjourned at 8:12 p.m.

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Wendy L. Rampson, Interim Manager  
Planning and Development Services

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Kirk Westphal, Secretary

Prepared by Carol King  
Management Assistant  
Planning and Development Services