



# City of Ann Arbor

301 E. Huron St.  
Ann Arbor, MI 48104  
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## Meeting Minutes City Planning Commission

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Tuesday, July 17, 2012

7:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

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11-b 12-0948

922-926 Catherine Street Rezoning and Site Plan for City Council Approval - A request to combine and rezone these 0.52 acre vacant sites from PUD [Planned Unit Development] to R4C [Multi-Family Dwelling] and construct a 3-story, 5-unit multiple-family building with 9 parking spaces under the building. Staff Recommendation: Approval

*Rampson and Cheng presented the staff report.*

**PUBLIC HEARING:**

*Jayne Thorson, 998 Catherine Street, representing Catherine Commons, the residential building just to the east of the site, said she has some concerns about the proposal. She just became aware of the request for the four foot buffer along the east, which seems inadequate. She said her major concern involves the storm water drainage. She said currently, the storm drain is inadequate. She sent a letter to Mr. Fitzsimmons and spoke to staff and read this to the Commission describing storm main problems. She said that during a heavy rain, they put a mat over the drain, which obstructs the flow and allows the lower drain to enter the street. She expressed concern that if the grassy area is paved, this run-off will drain into the same storm drain and they will be flooded.*

*Edward Yee, 1000 Catherine Street, resident of Catherine Commons, said he has experienced flooding. He said this is a downhill slope, and for some reason at the entrance to the parking structure, the water crosses over to the south side of the street. He said the residents presented their concerns to City staff of the street's department, whom indicated they would put in a larger drain, but this went by without them getting a larger storm pipe from Catherine to Glen Avenue. He said they have spoken to the current street department staff and have been dismissed and told they might have to pay for it themselves. He said he concurs with Thorson that they will be losing a lot of ground that currently absorbs a lot of the rainfall.*

*Chris Crockett, 506 E. Kingsley Street, president of the Old Fourth Ward Association, said a number of residents met with Tom Fitzsimmons in the early stages of the design. She said the design is compatible with the historic district and will bring more residents to the neighborhood. She said she is not in a position to comment about the storm water issues and noted it is a problem that occurs on Catherine Street. She said these items need to be resolved for this development and the current condo development. Property owners immediately to the west and others who attended agreed that this would be a good development, noting that the new condos face onto Catherine. She said she hopes they can resolve any outstanding issues.*

*Julie Ritter, 920 Catherine, said this is a wonderful project and she hopes this is approved. She hopes the water run-off issue can be resolved. She said she knows there was a lot of roadwork done on Glen and hopes that they installed new sewers at the same time.*

*Tom Fitzsimmons, developer, introduced Lincoln Polley and Chet Hill from his design team. He said he met with neighbors, including Catherine Commons. He said the storm water issue has caught him by surprise, and stressed that they will be reducing the flow by providing underground detention for their development. He said he hopes the Commission takes that into consideration.*

*Chet Hill, Johnson Hill Land Ethics, said that he can assure that there will be less surface run-off than currently, since they will be capturing all run-off water in an underground storm water detention system which will be located under the drive. That water will then be released at a lesser flow into the storm water system. He stated that their development will not increase the water problem, as it has been explained, and believed the issue was really a street problem. He noted that the landscaping far exceeds the requirements, to make it fit into the neighborhood. He said the Land use buffer issue will go to the Zoning Board of Appeals. He added that while there is a lot of proposed hard surface, the open space exceeds City requirements for development of this size.*

*Noting no further speakers, the Chair declared the public hearing closed.*

**Moved by Bona, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 922-926 Catherine Street rezoning from PUD (Planned Unit Development District) to R4C (Multiple-Family Residential District).**

**and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 922-926 Catherine Street Site Plan, subject to City Council approval of the requested rezoning to R4C (Multiple-Family Residential District); approval from the Zoning Board of Appeals for variances from the conflicting land use buffer requirement; and combining both lots before building permits are issued.**

*COMMISSION DISCUSSION:*

*Mahler asked why the applicant is requesting to rezone to R4C rather than leaving the site as a PUD.*

*Cheng said rezoning makes this project 'by-right'.*

*Rampson said the PUD zoning for this site was approved [1979] before the City required supplemental regulations, so it would now require a separate zoning district to be developed.*

*Bona said it took some time to clarify landscape requirements. She said there are actually two landscape variances: one to allow existing trees on the west side to constitute part of the landscape buffer, and that is what the Planning Commission is voting on, the second is the 4 foot conflicting land use buffer on the east side, which will go before the Zoning Board of Appeals approval.*

*Cheng agreed, noting that the west side is the landscape modification request and the east side is asking for a variance from the width and the required trees in the conflicting land use buffer. Cheng explained that the 15 foot wide conflicting land use buffer is something that is fairly new in the ordinance for the R3 and R34 Zoning Districts that are adjacent to other residentially zoned projects.*

*Bona noted that the Ordinance Revisions Committee had brought a request to*

*change the ordinance, before the Commission and the Council, but the City Council had not accepted the proposal. She said she doesn't have a problem with using existing landscaping and the landscaping plan is generous. She asked Mr. Hill about what size storm event the project was designed for and how it relates to larger events.*

*Hill said he wished he could give concrete answer, but the engineer who did the calculations was not present, but believed it was designed for the 100 year storm event. Hill stated that he cannot speculate about past storm events, but assured the Commission that based on the storm event it was designed for, all storm water will be captured on site.*

*Bona said that the 100 year storm is the maximum required.*

*Cheng clarified that this project was only required to meet the first flush requirements, based on the impervious surface. He said that the proposed project does meet code and he had spoken with staff who conducted the reviews. He said there is nothing in the Capital Improvement Plan to redesign the underground storm pipes and there is no issue from this site or other sites causing the raised issues. Cheng noted it seems to be a design flaw in Catherine Commons, where the catch basin is higher than what the Catherine Commons was built on. He said this new project would probably not change the flooding issues that they are having at the neighboring Catherine Commons, but the new project will not contribute to it.*

*Bona asked what it would take to get the raised flooding issues into the CIP.*

*Cheng said that staff could explore the issue, but according to the City's System Engineers they believe it is a private matter.*

*Bona commended the design team and owners for getting input from citizens and using it in the design. She said we struggle with complementing existing character in the R4C Zoning District, and this project does it well.*

*Hill said this is due to architect Lincoln Poley and owner/developer Tom Fitzsimmons.*

*Clein said he is supportive of the project design, which successfully fronts the street. He said that he hopes there is a way to address the storm water system.*

*Adenekan said she is delighted that there is a project where the developer incorporated the comments of the neighboring citizens. She said she understands the storm water needs to be addressed, but it is not this developer's responsibility. She commended everyone for creating a win-win situation.*

*Westphal echoed the comments made. He asked about concern brought to the Commission, noting the homemade response of placing mats over the storm water system. He asked if this was advisable or inadvisable?*

*Cheng said he will forward this along to the Systems Planning Department, to make them aware of the issue.*

*Westphal asked if there were any other comments about the placement of mats over storm drains.*

*Rampson said it is highly unusual, and that they would investigate and report back on the issue.*

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

carried.

**Yeas:** 6 - Bonnie Bona, Eric A. Mahler, Kirk Westphal, Diane Giannola, Eleanore Adenekan, and Kenneth Clein

**Nays:** 0

**Absent:** 3 - Evan Pratt, Wendy Woods, and Tony Derezinski

**Moved by Bona, seconded by Mahler, that the Ann Arbor City Planning Commission hereby approves the proposed conflicting land use buffer modifications according to Chapter 62 (Landscape and Screening Ordinance), Section 5:603 (1) and (2). On a roll call, the vote was as follows with the Chair declaring the motion carried.**

**Yeas:** 6 - Bonnie Bona, Eric A. Mahler, Kirk Westphal, Diane Giannola, Eleanore Adenekan, and Kenneth Clein

**Nays:** 0

**Absent:** 3 - Evan Pratt, Wendy Woods, and Tony Derezinski