



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Meeting Minutes City Planning Commission

Thursday, September 8, 2011

7:00 PM Ann Arbor Municipal Center, 301 E. Huron Street, 2nd Flr.

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 734-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

1 CALL TO ORDER

Chair Mahler called the meeting to order at 7:05 PM.

2 ROLL CALL

Rampson called the roll.

Present 7 - Pratt, Mahler, Woods, Derezinski, Westphal, Giannola, and Adenekan

Absent 2 - Bona, and Briggs

3 APPROVAL OF AGENDA

A motion was made by Derezinski, seconded by Adenekan, that the agenda be approved as presented. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

None

5 MINUTES OF PREVIOUS MEETINGS

None

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

6-a City Council

Derezinski reported that the Near North project will be moving ahead soon, starting with demolition of the houses on North Main Street.

Derezinski said that yesterday was the dedication of the new Washtenaw Avenue shared use path. He noted that this project has been in the works since 2005 and that many residents have been looking forward to having this path. He hopes that the efforts of the Washtenaw Avenue redevelopment strategy will result in sidewalks all the way to Ypsilanti.

Derezinski reported that the medical marijuana ordinance was discussed at the previous Council meeting in light of the recent Court of Appeals opinion regarding dispensaries. He said that Council decided to go ahead and appoint the medical marijuana board as the legal implications get sorted out.

Derezinski said that Council discussed the 1% funding set aside for public art. He noted that a Council member has questioned the legality of the use of funds for public art, although they have received guidance that these expenditures are allowed. He said that he is now acting as the Council representative to the Ann Arbor Arts Commission.

Derezinski reported that \$ 2,800,000 in federal funds for Phase 2 of the Fuller Road Station project have been released through the help of Congressman Dingell.

6-b Planning Manager

Rampson brought the Commission's attention to the revised meeting calendar before them, pointing out the citizen notification meetings scheduled for future projects.

Rampson added that staff are still receiving inquiries from the public regarding medical marijuana dispensaries and if they should continue the application process. She explained that staff is accepting material for applications but staff is currently unable to make zoning determinations and licensing requirements until Council decides how they would like the City to proceed.

Rampson explained that on September 29th, the Planning Division together with the ICMA would be hosting two professionals from Indonesia who will be visiting the City for two weeks to study sustainability efforts in our community, as well as share issues from their country.

Rampson noted that this year's Michigan Association of Planning conference will be held in Grand Rapids this year, from Oct 19-21. She encouraged the Commission to attend. She added that Commissioner Pratt and herself would be presenting the City's process on the A2D2 efforts.

11-1116

September 2011 Meeting Calendar

Received and Filed

6-c Planning Commission Officers and Committees**6-d Written Communications and Petitions****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.)**

None

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**8-a 11-1113 Public Hearings Scheduled for September 20, 2011 Meeting**

Chair Mahler read the Public Hearing Notice as published.

9 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.)

9-a 11-1115 University Bank Planned Unit Development (PUD) Supplemental Regulations Revision and PUD Site Plan - A request to revise the approved PUD supplemental regulations to increase the total number of employees and parking spaces allowed and a proposal to construct 14 additional parking spaces at the southeast corner of the site on the 2.10 acres at 2015 Washtenaw Avenue.

Cheng presented the staff report.

PUBLIC HEARING:

Dana Dever, attorney for the Servers, neighbors of the project, said he was in favor of the recommendation to adjourn. He said he would like to review the signage plan on the revised drawings to make sure the "No Parking" restriction on the driveway will be enforced. He said that he believed that the petitioners were making progress in addressing the neighbors' concerns.

Ken Sprinkles, representative for University Bank, introduced himself and thanked staff for their work on this project. He noted a question about the draft Supplemental Regulations indicating a requirement of 10 Class C bicycles spaces.

Cheng clarified that 10 bicycle parking spaces equals five hoops.

Sprinkles clarified that they had their engineers working on the revisions, but were unable to complete them more quickly due to the holiday.

Steve Ranzini, president of University Bank, said that this request was postponed a year ago because three neighbors who never communicated before raised their concerns at the Planning Commission hearing. He said that since the project was originally tabled, he tried ten times to resolve the issues with the neighbors. He said that the delay in approving the proposed parking lot meant that he had to relocate one of the two divisions previously located in the Hoover Mansion to Farmington Hills. He said that in the last month, he has hired five people. He encouraged the Commission to move forward expeditiously with the proposal. He noted that he would not be at the next meeting, so the Commission should please ask questions of him this evening if they had any.

Gerald Serwer, resident of 2021 Washtenaw Avenue, said that he is grateful to Ken Sprinkles for working with them to address their concerns. He said he is concerned about adequate screening of his side yard and that the value of property is not reduced. He said the details should be explicitly laid out about location of trees and walls. He said he wants to make sure that it is clear that parking should not occur on the driveway, based on the existing easement language. He noted that parking on the driveway has become a major impediment to get service vehicles to their house.

A motion was made by Derezinski, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the University Bank Planned Unit Development (PUD) Supplemental Regulations, and further, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the University Bank Planned Unit Development (PUD) Site Plan, subject to the petitioner submitting revised plans showing relocation of the proposed parking lot and revised woodland and landmark tree mitigation calculations prior to Council action.

COMMISSION DISCUSSION:

Derezinski noted that it appears that we are very close to resolution of the issues. He said the delay this evening is because the site plan was not completed in time for review. He said he understands the need for written agreements to describe accommodations that have been reached.

Derezinski moved to postpone taking action, pending receipt of necessary documents and allowing for staff time to review submittals. Seconded by Giannola. On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 7 - Evan Pratt, Eric A. Mahler, Wendy Woods, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 2 - Bonnie Bona, and Erica Briggs

9-b 11-1117

Hofmann Zoning - A request to zone two annexed parcels at 1643 and 1645 South State Street C3 (Fringe Commercial District) that totaling 0.058 acres.

Cheng presented the staff report.

PUBLIC HEARING:

David Diephuis, 2096 S. State Street, said he is opposed to the proposed rezoning to C2B. He said the rezoning to commercial is contrary to the master plan. He said C2B would allow for any future use, from drive-thrus to dry cleaning and could cause congestion along a heavily traveled corridor. He felt that rezoning before the master plan efforts are complete would be premature. He noted that the M1 zoning would allow Biercamp to continue to operate as it has since it opened.

Hannah Cheadle and Walt Hanson, petitioners, said that the master plan should be followed, but is open to interpretation. They said that the language of the master plan says that commercial zoning is appropriate for properties adjacent to the Stimson and South University area. They expressed their desire to sell products not made on site, and therefore would need C2B zoning. They would be open to leaving 1645 S State as is for zoning and only rezone their business site at 1643 S State as C2B, which would not allow drive-thrus. This location is next to Produce Station and within walking distance from offices and neighborhoods. They pointed out that the Produce Station was rezoned from M1 to C3 in 1998 and turned out great. They said they are not expanding the space, but would like to provide more products. They noted that traffic hasn't been a problem. They referenced that staff interviewed for a previous appraisal had recommended commercial use since the master plan was outdated.

Public Hearing closed at 7:48 PM

A motion was made by Westphal, seconded by Derezinski, that the Ann Arbor Planning Commission hereby recommends that the Mayor and City Council approve the Hofmann Zoning to C3 (Fringe Commercial District).

COMMISSION DISCUSSION:

Giannola said she was having trouble finding justification for C2B or C3 zoning. She said that she feels for the applicants but that they leased a place that had the wrong zoning for their use. She said it wasn't the mistake of the City or the Township and could have been avoided with due diligence from the petitioners. She said that even though the Commission is redoing the State Street corridor plan, we currently don't know what the recommendations will be. She had concerns about setting a precedent for that area.

Westphal said that if we could rezone for this business, it would be different, but the Commission makes recommendations to Council that go with the land [parcel]. He said that he hopes the owners can hang in until the State Street corridor study is completed. He asked if this petition could be considered for a PUD to limit the uses on the site. He added that he is in opposition to rezoning the site.

Pratt said he agreed that there is a need for change in the corridor, but there is a master plan that shouldn't change until we go through the public process involved. He stressed the need for the State Street Corridor Study to be funded and completed. He asked if the Commission had consider other alternatives for zoning?

Cheng said that a PUD zoning would require additional expenses and the applicant would need to justify public benefit. He added that the petitioner hadn't requested to go in that direction.

Pratt said that he is left with M1 zoning as the best option to allow them to continue operating their business.

Woods agreed with the Commissioners' comments and said that we should be cautious in recommending PUDs. She said that while the master plan is old, it does serve a purpose by providing continuity and it lets neighbors know what to expect in their area. She agreed that it was important to get the funding for the corridor study to be completed, noting that she didn't feel comfortable making zoning changes in the area until the document was completed. She stated that she couldn't support the request.

Derezinski said that it boils down to the differences of what is currently sold on site and what could go into this site in the future. He added that the petitioners have a great business, but the Commission is in a dilemma. He would like for the Commission to follow this issue, and revisit it if the State Street study is delayed. He said he will encourage his Council colleagues to support the study to move forward. He said he would love to see things change in the Master Plan, and that's why the City is currently looking at the zoning maps.

Pratt asked if it would be better to deny the C3 rezoning request or amend the motion to specify M1 zoning so that the parcel isn't left unzoned.

Rampson answered that it was the petitioner's call as to what their request is, noting that they had stated at this evening's meeting that they were open to split zoning for the two parcels, with one being zoned C2B and the other M1. She explained that City Council will have the final decision on the rezoning and if they deny the petitioner's request then staff would follow through with their recommendations, noting that the City has two years in which to zone annexed parcels after they are brought into the City.

Mahler said he is concerned about the spot zoning, and he hopes the State Street Corridor study will make recommendations for upzoning the whole corridor.

Derezinski mentioned that an *annarbor.com* editorial had brought up entrances to the city, which included the State Street corridor. He said we have to look at ways to move forward to bring these corridors up to date.

Adenekan said she agreed with the Commissioner's comments, and hopes something can be worked out in the future.

On a roll call vote, the Chair declared the motion defeated.

Yeas: 0

Nays: 7 - Evan Pratt, Eric A. Mahler, Wendy Woods, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Absent: 2 - Bonnie Bona, and Erica Briggs

A motion was made by Westphal, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Major and City Council waive the area plan requirement for the Hofmann Zoning petition because no new construction is proposed and a survey of the improvements has been provided. On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 7 - Evan Pratt, Eric A. Mahler, Wendy Woods, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 2 - Bonnie Bona, and Erica Briggs

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

None

11 COMMISSION PROPOSED BUSINESS

12 ADJOURNMENT

A motion was made by Pratt, seconded by Vice Chair Westphal, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.

Adjourned at 8:00 PM.

Eric Mahler, Chair
mg

Working Session Immediately Following Adjournment, in Council Chambers Workroom.