

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

BUSINESS/ORGANIZATIONAL MEETING

6:00 p.m. – July 8, 2010

Time: Vice Chair Mahler called the meeting to order at 6:10 p.m.

Place: Ann Arbor District Library, Library Board Room, 343 South Fifth Avenue, Fourth Floor, Ann Arbor, Michigan.

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ROLL CALL

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Members Present: Briggs, Carlberg, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods

Members Absent: Bona

Staff Present: DiLeo, Kahan, Rampson

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INTRODUCTIONS

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None.

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APPROVAL OF AGENDA

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**Moved by Carlberg, seconded by Giannola, to approve the agenda.**

A vote to approve the agenda showed:

YEAS: Briggs, Carlberg, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods

NAYS: None

ABSENT: Bona

**Motion carried.**

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MINUTES OF PREVIOUS MEETING

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a. Minutes of May 18, June 1, June 15, 2010.

**Moved by Woods, seconded by Derezinski, to approve the minutes.**

A vote to approve the minutes showed:

YEAS: Briggs, Carlberg, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods

NAYS: None

ABSENT: Bona

**Motion carried.**

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

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a. City Administration

None

b. City Council

Derezinski reported that the City Council had;

Reviewed the PL amendments for transportation facilities and had revised the draft to add examples  
Approved the amendments to Chapter 57 regarding fee reimbursements and display of plans  
Voted down the proposed 4<sup>th</sup> and 5<sup>th</sup> Historic District, which created some contentious discussion  
Suspended the City Council rules to consider the Heritage Row project again, but then voted it down

c. Planning Manager

Rampson provided the following report;

Staff is evaluating approaches to commercial distribution of Medical Marijuana, to provide a framework for some sort of zoning related to the new state law.

Staff is working with the City Attorney's Office to finalize the draft City Planning Commission Bylaws revisions.

A public workshop on the *Washtenaw Avenue Vision*, would be held on July 15, 2010 at 7:30 am at Paesano's.

The new Trakit.net software is in place and now provides better access to zoning information through its web version: [www.a2gov.org/etrakit](http://www.a2gov.org/etrakit).

An email notice for the Area, Height and Placement Zoning amendments was sent in advance of this evening's meeting.

The Planning Manager Evaluations are due for the July 13, 2010 working session; to date only six have been completed.

Jill St. John is retiring after 25 years with the City Planning Division

d. Planning Commission Officers and Committees

Westphal reported that the Downtown Design Guidelines Task Force would be meeting on July 14, 2010 at 5:30 in the Sixth Floor Conference Room, City Hall.

Pratt reported that he had substituted for Carlberg on the R4C/R2A Advisory Committee, where he had received several interesting ideas from feedback. He mentioned that a walking tour exercise resulted in identification of common concerns, and the committee developed a manageable laundry list of goals and objectives with lots of agreement. There were many property stakeholders in attendance at the meeting.

Derezinski reported that Mike Roddy, proprietor of Paesano's and host for *Washtenaw Avenue Vision*, was excited about the ongoing study and future options.

Woods noted that the timing of the Greenbelt tour might be problematic for some and she would welcome other opportunities for tours in the future.

Pratt reported that when he was on the County Planning Advisory Board, they pulled together a map showing Greenbelt and Farmland acquisitions as part of Public Act 116, which was very interesting and he would like to have the opportunity to see it again.

e. Written Communications and Petitions

- (1) Letter of Support from Huron River Watershed Council regarding Area, Height and Placement Proposed Amendments was distributed.

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AUDIENCE PARTICIPATION

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None.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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Mahler announced the public hearing scheduled for the meeting of July 20, 2010.

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ORGANIZATION OF COMMISSION

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Bona entered and assumed the Chair.

a. Election of Officers (Article V of the Bylaws).

- (1) Chair

**Moved by Pratt, seconded by Giannola, to nominate Eric Mahler to Chair of the Planning Commission.**

A paper ballot vote was taken, and the nomination was approved unanimously.

**Motion carried.**

- (2) Vice Chair

**Moved by Carlberg, seconded by Mahler to nominate Kirk Westphal to Vice Chair of the Planning Commission.**

The nomination was approved unanimously on a voice vote.

**Motion carried.**

- (3) Secretary

**Moved by Derezinski, seconded by Mahler to nominate Diane Giannola to Secretary of the Planning Commission.**

The nomination was approved unanimously on a voice vote.  
Eric Mahler assumed the Chair at this time.

**Motion carried.**

- b. Review of Bylaws (Article XIV of the Bylaws)

Derezinski commented that they have attempted to streamline the City's bylaws, as they need to be consistent with City Bylaw standards. He would like for City Attorney, Kevin McDonald, to be present at the July 20, 2010 meeting to respond to any questions or inquiries the Commission might have.

**Commission voted unanimously to provide notice of the proposed changes to its Bylaws at the July 8, 2010 meeting and further, state its intent to schedule action on the amended Bylaws for the July 20, 2010 regular meeting.**

A vote on the motion showed:

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

**Motion carried.**

- c. Committee Assignments

Commissioners reviewed the list of committee assignments.

Pratt moved to the Master Plan Revisions Committee replacing Westphal.

Woods stated she was willing to take on more assignments in the future, such as the State Street Corridor Study.

- d. Public Notice and Input Overview

The Commission felt that the current process and notice worked well.

Rampson noted that in the future, the Citizen Outreach Committee might review the current process.

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AUDIENCE PARTICIPATION

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None.

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REGULAR BUSINESS

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a. Public Hearing and Action on Amendments to Chapter 55 (Zoning Ordinance) and Chapter 59 (Off-Street Parking Ordinance) regarding Revisions to the Area, Height, Placement Regulations – Staff Recommendation: Approval

Kahan explained the proposed amendments.

Noting no speakers, Mahler declared the public hearing closed.

**Moved by Carlberg, seconded by Woods, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed amendments to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) regarding revisions to the Area, Height, Placement standards.**

Pratt spoke regarding conflicting land use buffers, expressing a desire to see language that would *blend* rather than the use of the word *abutting*. He hopes that the choice of wording won't create confusion for the City.

Kahan stated he would be happy to have a conversation with city staff Kerry Gray and Jerry Hancock regarding suggested adjustments to the language. He conveyed that the intent of the language is to provide a buffer for residential neighborhoods.

Pratt observed that under the R5 designation it looks like the desire for lesser height limit came out of the public process. He said that added height in the R5 districts would not be imposing.

Kahan noted that the R5 districts do not abut residential neighborhoods. The question we would ask is if we want developers to go through the Planned Project in order to get an additional floor.

Pratt commented that there are additional avenues for developers to utilize and he likes the 120 foot option which encourages under-structure parking.

Bona indicated that it might seem like we are going backwards in this process, but in reality this is a significant move forward. She said the Commission was originally interested in developing design guidelines, but that showed to be beyond the scope of this project. The Corridor studies will allow for further discussion on that issue. She felt that the Commission was giving the developers enough flexibility with these incentives.

Bona wanted to clarify that the R4C designation has not changed; the restrictions to the height in some of the R4 districts, taking it to 45 feet, does not include the R4C district. She suggested that maybe the staff report should specifically say R4A and R4B.

Bona also explained that the final setback results for C1, C1B, C2B and C3B are now all the same.

Westphal questioned if a setback requirement was intended to be measured from a zoning district line.

Pratt pointed out that the Commission related it to the distance of a residential property line from the subject parcel line, noting that the intent was to bring it up relative to both setbacks and then the Conflicting Land Use buffer as to what is in that setback.

Giannola had a concern regarding the commercial business zones. She felt that there weren't too many locations in the City that would be able to meet the restrictive setback of over 50 feet for a building at the 50-foot maximum height and wondered if the Commission could justify this specific designation in the chart.

Kahan explained that in the C1 districts the proposed maximum height is three stories or a maximum of 35 feet, and the C1B, C2B and C3B go up to four stories and a maximum height of 50 feet. He cited several sizable districts that have C1 designation and stated that the larger sites will be able to take full advantage of the designation. He noted that microsize lots would not be able to take advantage of the additional height allowance.

Carlberg explained that the Commission also needs to be looking at future development potential and how it relates to neighborhoods so that if someone wants to build a commercial building and they are right next to a residential neighborhood they will have to put in a safeguard.

Westphal questioned if Carlberg was referring to rezoning to commercial parcels in a neighborhood area.

Carlberg responded, yes and especially in corridor developments.

Westphal mentioned that in C2B the allowable **floor area ratio (FAR)** is not increasing, but the rear setbacks are going from 0 to 30 feet when abutting residential. He was concerned if that would create a hardship for some of the property owners on Stadium.

Kahan stated that the overall intent with the proposed amendments is not only to insure workability but also some degree of consistency. He said the big advantage is a substantial reduction in front setback to encourage a more pedestrian-oriented development.

Rampson noted that residential uses in the C2B districts are required to follow the R4C standards under the current code.

Mahler asked for an explanation about the height limits that allow increased height with parking below at least 35% of the building.

Kahan explained that the intent was that at least 35% of the footprint of the building would need to contain parking below to allow the increased height.

Woods conveyed that this is an excellent example where visual presentations at earlier meetings and at public hearings have been helpful. She reiterated that this has truly been a community effort with a lot of input from staff, Commissioners and the public. She thanked Kahan for his countless hours dedicated to this project.

A vote on the motions showed:

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

**Motions carried unanimously.**

b. Public Hearing and Action on Kroger Grocery Store Site Plan for Planning Commission Approval, 5.22 acres, 400 South Maple Road. A proposal to remove parking spaces on the south side of the existing building and add a drive-thru pharmacy window - Staff Recommendation: Postpone

Dileo explained the proposal.

Jeff Scott, 32316 Grand River Ave, Suite 200, Farmington, MI 48336, architect for Kroger Food Stores, stated he had met with staff to inform them that they were willing to make modification to the plan to address any concerns that might arise.

Stephen Edwards, 39810 Grand River Ave, Suite C 150, Novi, MI 48375, Kroger Company, Michigan Division. Introduced himself and said he was available for any questions.

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

**Moved by Derezinski, seconded by Pratt, that the Ann Arbor City Planning Commission hereby approves the Kroger Grocery Store Site Plan for Planning Commission Approval, subject to removal of all construction materials and equipment from past projects and the proposed drive-thru lane prior to finalization of building permits or issuance of certificate of occupancy as applicable.**

Bona asked for clarification on the proposal.

Dileo showed where the trucks currently clip the existing curb and landscape island at the southwest corner of the building and explained that staff is currently working with the petitioner to widen the area to allow trucks more turning radius. She noted that staff would prefer that the curb line remain the same if possible and that the island be made smaller, or reconfigured and lose parking, if necessary.

Bona asked if the City had considered asking the petitioner to move the existing parking out of this area. She suggested that staff should work with the petitioner to verify if the proposed lanes would be sufficient for truck traffic.

Dileo responded that, given the excess parking on the whole site, staff wouldn't mind if the specific parking spaces discussed would all be removed, curb replaced to accommodate the trucks and the parking spaces turned into landscaping.

Derezinski indicated that there were two procedural options available; to approve project with contingencies or to postpone project until details have been worked out. He questioned, if item were postponed, when could the Commission expect the proposal to return before them.

Dileo explained that it could return before the Commission at their July 20 or August 17, 2010 meetings, if details were resolved early enough.

Mahler questioned if the list of conditions presented in the staff report could be fulfilled by the petitioner within the discussed timeframe.

Dileo believed that the five outlined items could be addressed within the discussed timeframe.

Woods denoted that if the west parking spaces were reduced, it would be helpful. She questioned if the parking spaces remained, what type of safety precautions would be afforded customers who might park in that area and have to walk past the drive-thru lane to reach the store.

Scott responded that there would be pedestrian striping to connect each side of the sidewalk as it crosses the lane. He noted that they had shown stacking for five cars in the drive-thru lane, but it would be unlikely that there would be more than four cars per hour on a good day. Scott specified that the frequency of cars wasn't that great at a pharmacy drive-thru.

Woods also enquired about concerns for customers who might be pushing carts in the winter time in the specified area, and winter maintenance of the parking lot area, as well as possible dedicated space for carts in the parking lot. She indicated that she would like the petitioner to address with staff the cart storage in the parking lot.

Scott answered that his understanding was that the parking spaces in question would be geared more towards employees.

Woods questioned the proposed hours of operation of the drive-thru pharmacy as well as lighting on that side of the building.

Edwards responded that Kroger drive-thru pharmacy hours currently are until 9 PM Monday through Saturday and until 6 PM on Sundays. In regards to the lighting, he showed on the visuals which parking light would be relocated, along with drive-thru lighting and existing lighting on the building which would give enough lighting to the proposed area.

Woods inquired about signage when exiting from the drive-thru.

Scott noted that there will be a yield sign as well as pavement markings.

Briggs commented that she felt the ideal situation, to eliminate the conflict with pedestrians, would be to remove the seven parking area spaces discussed. She questioned if Kroger envisioned the possibility of making a designated staff break area in the discussed location.

Stephen responded that Kroger could mark the spaces as Employee Only parking spaces, since they would like to keep as many spaces as possible in that area for employees. He also noted that staff currently do take their breaks in that area and there are picnic tables set up for that purpose.

Dileo cited that the current sidewalk serves as a direct means of access to the front of the store where the only public entrance to the store exists.

An amendment to the motion followed:

**Moved by Derezinski, seconded by Woods, to postpone taking action on Kroger Grocery Store Site Plan for Planning Commission Approval until the July 20, 2010 City Planning Commission meeting.**

A vote on the motion showed:

YEAS: Bona, Briggs, Carlberg, Derezinski, Giannola, Mahler, Pratt,  
Westphal, Woods

NAYS: None

**Motion carried unanimously.**

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AUDIENCE PARTICIPATION

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None

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COMMISSION PROPOSED BUSINESS

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Giannola suggested that the 8/3/2010 Planning Commission Meeting be cancelled due to the primary elections being held on that day.



**Moved by Giannola, seconded by Derezinski to cancel the regular August 3, 2010 Planning Commission meeting.**

Giannola felt it would be a good thing for the Commission to move the meeting every year for the primary elections.

Derezinski noted that this language could be added to the Bylaws, if they wanted, but he was willing to trust subsequent Commissions to make their call on future meeting cancellations involving election day.

Bona stated that if they make it a part of their By-laws, then the notice would be published in that manner.

A vote on the motion showed:

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

**Motion carried unanimously.**

Bona informed the Commission that she would like to discuss at the next meeting an opportunity to bring in speaker Pat Murphy , and further information will be shared in advance of the meeting.

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ADJOURNMENT

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**Moved by Pratt, seconded by Westphal to adjourn the meeting at 8:58 p.m.**

A vote on the motion showed:

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

**Motion carried unanimously.**

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Wendy L. Rampson, Planning Manager  
Planning and Development Services

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Diane Giannola, Secretary