

- 8-1 10-0250 a. Public Hearing and Action on Eight Parkland Rezoning: (1) Arbor Hills Nature Area Rezoning, Green Road between Kilburn Park Circle and Gettysburg Road. A request to rezone this site from PUD (Planned Unit Development District) to PL (Public Land District) for public park use. (2) Kilburn Park Rezoning, northwest corner of Kilburn Park Circle and Dunwood Road, north of Green Road. A request to rezone this site from PUD (Planned Unit Development District) to PL (Public Land District) for public park use. (3) Arbor Oaks Park Rezoning, Champagne Drive between Stone School Road and Shadowood Drive. A request to rezone this site from R1C (Single-Family Dwelling District) to PL (Public Land District) for public park use. (4) Berkshire Creek Nature Area Rezoning, bounded by Exmoor Road, Huron Parkway, Washtenaw Avenue and Glenwood Road. A request to rezone this site from R4A (Multiple-Family Dwelling District) to PL (Public Land District) for public park use. (5) Malletts Creek Nature Area Rezoning, east side of Huron Parkway, north of Washtenaw Avenue and south of Lindsay Lane. A request to rezone this site from R4B (Multiple-Family Dwelling District) to PL (Public Land District) for public park use. (6) Bluffs Nature Area Rezoning, 1099 and 1037 North Main Street. A request to rezone this site from R4A (Multiple-Family Dwelling District), AG (Agricultural-Open Space District) and C1 (Local Business District) to PL (Public Land District) for public park use. (7) Glacier Highlands Park Rezoning, southwest corner of Larchmont Drive and Barrister Road, east of Green Road. A request to rezone this site from R1B (Single-Family Dwelling District) to PL (Public Land District) for public park use. (8) Scheffler Park Rezoning, 3155 Edgewood. A request to rezone a recently acquired portion to the northeast of the existing park from O (Office District) to PL (Public Land District) for public park use - Staff Recommendation: Approval

DiLeo explained the rezoning petitions.

Ethel Potts, 1014 Elder Boulevard, stated that PL zoning is well-defined for Parks, but asked how does PL for park related to other PL zoning districts.

She asked Staff to clarify how uses of a zoned PL district would be stabilized and remain permanent to allow the public's assurance.

Mark Vincent-Nadon, representing the residents from 1251-1257 North Main, asked how the rezoning would improve the land itself and/or our community.

Edward Zelmanski, Attorney representing Arbor Hills Condominiums Association, which would be affected by the proposed zoning change of Kilburn Park and Arbor Hills Nature Area. He asked the Commission to expand its perspective to recognize the overall integral part of the

current Planned Unit Development zoning. Rationally there was no reason to separate the two parks from the surround PUD zoned land to allow for other uses, he said. He did not believe that proper notice was given to all residents of Arbor Hills.

Marty Smith, 3555 Burbank, believed that the rezoning would bring the zoning in line with the current uses of the land. He stated that PUD zoning classification was not the correct zoning class for publicly owned land. He asked the Commission to approve the proposal.

Jane Klingston, president of Arbor Hills Condominium Association, would like time to review the proposal and asked the Commission to postpone the rezoning petition. She asked the Commission to research the reason behind the loss of the park designation for Arbor Hill Park. She finished by asking the Commission to work with the Association to ensure that the residents have their easement and access rights protected, as well as maintaining the open space as conservation areas.

Steve Hadrell, 3115 Kilburn, as the Commission to postpone the rezoning to allow each member to consider the elements of the area. He asked how Arbor Hills residents would be protected in regards to storm water detention and utilities easements.

Maria Mahan, 2111 South Huron Parkway, asked what the plans were for the trees and the nature reserve along Huron Parkway.

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

Moved by Carlberg, seconded by Mahler, that the City of Ann Arbor Planning Commission hereby recommends that the Mayor and City Council approve the Arbor Hills Nature Area, Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Kilburn Park, Mallets Creek Nature Area, and Scheffler Park petitions for Rezoning to PL (Public Land District).

Bona asked how the rezoning would effect the parks and if there was a plan in place to protect the parkland designation.

DiLeo said the intent of the PL district is designed to classify publicly-owned uses and land and permit the normal principal and incidental uses required to carry out governmental functions and services. She said all land owned by the City of Ann Arbor, Washtenaw County, Ann Arbor Public Schools District, University of Michigan, and Ann Arbor District Library is considered publicly owned and appropriate for PL designation. The City's parkland is identified and distinguished in the Parks, Recreation and Open Space Plan (the PROS Plan), she said. She stated that the PROS plan contains the official list and map of all parkland within the City and if parkland is on the map it is designated a park. She said all land owned by the City is controlled by City Council, but parkland has additional protection from the Parks Advisory Commission (PAC). All decisions regarding the use of parkland would be made by PAC which forwards a recommendation to City Council, she said. The PROS Plan is an element of the City's master plan, she said, and is updated and adopted periodically. She gave the example of the Scheffler Park addition which is not in the current PROS Plan because it was acquired only a few months ago. When City Council approved the acceptance of the land addition it was designated as parkland, she said. The designation, she said, will serve in the interim until the next PROS Plan is implemented. She said the proposed parklands had been acquired by the City and the proper zoning would be PL. She noted that the R1A (Single-Family Residential District) did not distinguish between any individual owner, likewise the PL District did not distinguish between who owns the land or what the land would be used for. She said parkland was specifically distinguished in the Master Plan and when acquired is designated as such by resolution of City Council. She finished by stating that the recently approved Charter Amendment requires voter approval for land included in the PROS Plan.

Bona asked if before the sale of parkland the City Council would have to go through the voter referendum and could not make the decision on their own.

DiLeo said that was correct.

Bona ask what would be required to remove a park from the PROS Plan.

Rampson stated that she was not aware of any parks ever being removed from the PROS Plan. Ultimately, City Council adopts the PROS Plan and the City Planning Commission would treat the plan as part of the Master Plan with a recommendation to Council, she said. She added that both the Planning Commission and City Council would have to

approve any changes to the designation of parkland.

Derezinski noted that this proposal was the final batch of necessary rezoning of City owned parklands to its appropriate PL designation. He said the Commission had not been given much time to consider the petitions and given the public concern suggested that a decision in regard to Kilburn Park and Arbor Hills Nature Area be postponed. He believed that the other petitions should be approved as stated in the resolution. He believed the postponement was necessary for the Commissioners to visit the parks personally and for staff to elaborate on concerns raised during the public hearing.

Westphal said while he was not opposed to the postponement of the two parks, but asked if it would be more efficient in regards to staff's time for the main motion to be forwarded to City Council along with the stated concerns.

Rampson said staff would rather have the postponement granted for Kilburn Park and Arbor Hills Nature Area. She believed it was necessary to research the concerns raised with regards to the proper public notice and re-notice if necessary. She asked the Commission to clarify whether or not the public hearing would be continued.

Bona said the public hearing would be continued for Kilburn Park and Arbor Hills Nature Area if the amendment was approved.

Pratt noted that the amendment may not be included on the April 6 agenda and any persons interested in speaking at the next public hearing should sign up to receive an email to be notified of the date the item would be included on the agenda.

Bona supported the postponement of the proposed amendment. She said postponement would be an opportunity to be certain that proper public notification was given and to clarify which land was owned by the Arbor Hills Association.

Westphal asked staff if the separate designation of the pump house parcel was made because the land was acquired at a different time.

DiLeo replied yes.

Westphal asked in terms of utilities who would be responsible for upkeep.

DiLeo said as a general rule all staff makes every effort not to have any private improvements within the proposed parkland. She said the location of the detention ponds were unlikely in the Arbor Hills Nature Area, but are more likely to be in the Arbor Hills open space. The City did not want any responsibilities concerning the detention ponds, she said. Generally, she said, the City did not grant itself easement for utilities across public land. The Water Utilities Unit did not usually obtain an easement from the Parks and Recreation Services Unit, however, there may be some private utilities, she said. She said she could look further into the Arbor Hills Nature Area for clarification regarding all of the utilities.

Carlberg asked for clarification of the public notice process and whether the public had been given enough time to receive answers to their

concerns regarding the project.

Rampson said staff received requests for information beforehand, but believed the comment tonight was the included area for which the notice was delivered. Typically, she said, the notice is sent within 300 feet of the subject property.

Carlberg asked if neighborhood associations were notified.

Rampson replied yes and added that in this case, the neighborhood association was notified. She said it may be that properties along the perimeter were not notified, stating that typically notices were not sent beyond the 300 feet requirement.

Carlberg asked if it is assumed the neighborhood associations would notify all of their members.

Rampson said the City would not assume anything, but realized that the notification of the neighborhood association would be an opportunity to notify a larger group.

Briggs appreciated the citizens that came out in support of protecting parks, but believed that many of the comments was the confusion of what the public land designation would mean for the parkland. She asked if there was additional protections under the current zoning designation versus public land. She believed it was necessary to explain the designation of PL district to the property owner of Bluffs Nature Area as well.

Bona agreed with Commissioner Briggs and suggested that the boundaries of Bluffs Nature Area be clarified.

DiLeo said there would not be any additional protections under the current zoning designation. She said the most appropriate designation for City-owned parkland would be PL, which allowed protection from the Parks Advisory Commission. She added that any other zoning designation would imply that other uses might be appropriate. She said because of the current zoning distinctions such as single-family, office or agriculture uses, if a developer was viewing the current zoning map the land would appear to be ripe for development. The purpose of the rezoning classification was to match the uses with the expectation and to clarify that these parks are publicly-owned land, she said.

Moved by Derezinski, seconded by Pratt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature

Area and Scheffler Park petitions for Rezoning to PL (Public Land District).

A vote on the amended motion showed:

Yeas: 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

Nays: 0

Motion carried unanimously.

A vote on the main motion showed:

Yeas: 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

Nays: 0

Motion carried unanimously.

Moved by Derezinski, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Arbor Hills Nature Area and Kilburn Park petitions for Rezoning to PL (Public Land District).

Westphal stated that neighborhood associations should make sure to update their information to ensure that proper notification would be received by the representatives and neighbors.

A motion was made by Carlberg, seconded by Woods, to postpone action on the amended motion.

A vote on the amended motion showed:

Yeas: 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

Nays: 0

Motion to postpone carried.