



City of Ann Arbor

Formal Minutes

Planning Commission, City

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

Tuesday, October 21, 2014

7:00 PM

City Hall, 301 E. Huron St., 2nd Fl.

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1 **CALL TO ORDER**

Chair Woods called the meeting to order at 7:05 p.m.

2 **ROLL CALL**

Present 8 - Bona, Woods, Westphal, Adenekan, Clein, Briere, Peters, and Mills

Absent 1 - Franciscus

3 **INTRODUCTIONS**

Chair Woods presented new Planning Commissioner Sarah Mills and asked her to introduce herself.

Mills said she has lived in Ann Arbor for three years and is finishing up her PhD degree in Urban Planning, with her dissertation on wind farming. She said having just bought a house in Ann Arbor, she plans on staying here in the foreseeable future and is excited to learn more about the City and the Planning Commission.

14-1538 Resolution of Appreciation for Diane Giannola

Woods said the Resolution of Appreciation for outgoing Commissioner Diane Giannola was a joint effort of Commissioners, which they felt served to affirm the spirit of cooperation that Diane gave to the City

during her years of service.

Commissioner Bona read the following resolution:

Resolution of Appreciation for Diane

Giannola

Whereas, Diane Giannola has served on the Ann Arbor City Planning Commission for over 5 years, from July 2009 to September 2014, and

Whereas, Diane Giannola has used her optimism and enthusiasm to promote a livable community that includes successful neighborhoods and improved quality of life for students, and

Whereas, Diane Giannola has contributed independent views, clearly thought-out and stated, adding robustness to the Planning Commission's discussions and solutions, and

Whereas, Diane Giannola has demonstrated creativity in response to varying opinions, finding common ground and a stronger position through challenging discussion, and

Whereas, Diane Giannola has provided honesty and ethics in her approach to projects and issues being considered by the Planning Commission, and

Whereas, Diane Giannola's appreciation of truth and logic and her affinity for Pi and pie will be missed by the Commission, be it therefore

RESOLVED, that the Ann Arbor City Planning Commission expresses its sincere gratitude and commends Diane Giannola for her dedicated service to planning in the City of Ann Arbor on this 21st day of October, Two Thousand and Fourteen.

- Wendy Woods, Chair*
- Ken Klein, Vice Chair*
- Jeremy Peters, Secretary*
- Eleanore Adenekan*
- Bonnie Bona*
- Sabra Briere*
- Sofia Franciscus*
- Sarah Mills*
- Kirk Westphal*

Moved by Briere, seconded by Westphal, that the agenda be approved as presented. On a voice vote, the Chair declared the motion carried.

5 MINUTES OF PREVIOUS MEETING

5-a [14-1387](#) City Planning Commission Meeting Minutes of June 17, 2014

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared the motion carried.

5-b [14-1462](#) City Planning Commission Meeting Minutes of July 1, 2014

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared the motion carried.

5-c [14-1388](#) City Planning Commission Meeting Minutes of July 15, 2014

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared the motion carried.

5-d [14-1464](#) City Planning Commission Meeting Minutes of August 6, 2014

Clein noted a corrections on Pg 13; that it should read: He also believed'we' [instead of 'they'] should be...

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared the motion carried.

5-e [14-1541](#) City Planning Commission Meeting Minutes of August 19, 2014

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared the motion carried.

5-f [14-1542](#) City Planning Commission Meeting Minutes of September 3, 2014

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared

the motion carried.

5-g [14-1543](#) City Planning Commission Special Meeting Minutes of September 22, 2014

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared the motion carried.

5-h [14-1544](#) City Planning Commission Meeting Minutes of October 7, 2014

Moved by Peters, seconded by Adenekan, that the minutes be approved by the Commission. On a voice vote, the Chair declared the motion carried.

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

6-a City Council

Briere reported that at the previous evening's meeting, Council approved an administrative, non-substantive change in their policy for the Affordable Housing Trust Fund.

6-b Planning Manager

Rampson reported the ongoing City-initiated annexations through the Boundary Commission, which City Planner Jeff Kahan has been working on, were brought before Council the previous night and they were approved. She noted the first set of applications includes 9 properties, most of which are utility or vacant properties.

Rampson further reported that Council approved the Planning Commission Bylaws the previous night, which included the amendments dealing with public hearing speaking times when public hearings are continued.

Rampson noted that the meeting venue would change for the second meeting in November due to renovations of Council Chambers in City Hall. She said three Planning Commission meetings would be held in the County Building Board Room.

6-c Planning Commission Officers and Committees

Clein noted that the DDA Streetscape Framework Committee is moving a little slower through advisory committees and technical workgroups and that there could be public meetings scheduled in November. He said they would be coming to the Planning Commission's working session in November.

Peters reported that the Capital Improvements Plan [CIP] Committee met last week, where they have begun to run through the process involved in revising and updating the CIP.

Rampson said CIP items that scored high on the Master Plan and Sustainability criteria would be examined by the Commission at the November working session, to make sure they were prioritized appropriately.

6-d Written Communications and Petitions

[14-1539](#) Various Correspondences to the City Planning Commission

Received and Filed

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.)

Ann Attarian, 3490 Gettysburg Road, said her comments are inspired by the annexations along Nixon Road. She said she is very concerned about design changes to Green Road, now that they know development is at their doorstep, and she felt it was really important that any plans be shared with the public and those affected. She said it could be that the changes are in the CIP, but she hasn't seen it there. She said Green Road is a little quirky, and the alignment needs to be changed at the Gettysburg intersection where the sight distance is not good and encourages higher speeds than posted. She said the homes on the east and west side have no access to anything except to Green Road. She said she hopes that whatever design will be created, it will be a community road, not a freeway. She noted that the changes made with crosswalks have been helpful, but there needs to be something done with the sidewalks and the alignment so people will drive slower and be able to stop when they need to.

Roger Coleman, 2421 Placid Way asked if there will be an opportunity to speak about the Toll Brothers project.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

14-1540 Public Hearings Scheduled for the November 5, 2014 City Planning Commission Meeting
Chair Woods read the public hearing notice as published.

9 UNFINISHED BUSINESS

10 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.)

10-a 14-1545 Concordia University Kreft Center Landscape Modification - A request for a landscape modification on this 80.63 acres site at 4090 Geddes Road. No changes are proposed to the existing parking lots and the petitioner is asking permission to waive the requirement to install bioswales within the existing parking areas. (Ward 2) Staff Recommendation: Approval
Jeff Kahan presented the staff report.

PUBLIC HEARING

Rick Meader, Washtenaw Engineering, 3526 W. Liberty Street, Suite 400, Ann Arbor, landscape architect for the petitioner, was available to answer the Commission's enquiries.

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

Moved by Clein, seconded by Peters, that the Ann Arbor City Planning Commission hereby approves modifications to the interior landscaping requirements for the existing Kreft Building parking lots, consistent with Chapter 62 (Landscape and Screening

Ordinance), Section 5:602 (2)(g) and 5:603 (1).

COMMISSION DISCUSSION:

Bona said she concurred that the mature landscaping should not be disturbed. She noted that the Commission heard about the Washtenaw County Water Resources Commissioner’s Rules, which encourages increased infiltration on sites. She asked about the parking lot drainage.

Meader said the parking lots are existing and have been there for a long time, and they do not plan on making any changes to them. He said there is no storm drain at the north lot where it runs off into the green space. He said there is a storm drain catch basin at the bottom loop and then it goes on directly to the Huron River.

Bona asked if the bioswale requirement applies to both areas.

Kahan said yes.

Bona asked if the area to the north ‘ponds’ in the center in that location.

Meader said yes.

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

Yeas: 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, and Sarah Mills

Nays: 0

Absent: 1 - Sofia Franciscus

10-b [14-1546](#)

Woodbury Club Apartments Annexation, Zoning and Site Plan - A proposal to annex this vacant 54 acre parcel located, at 3380 Nixon Road, from Ann Arbor Township, zone it R4A (Multiple-Family Dwelling District), and construct 282 apartment units in 4 buildings and a clubhouse on the western portion of the site. (Ward 2) Staff Recommendation: Approval

Kahan presented the staff report.

PUBLIC HEARING:

Ann Attarian, 3490 Gettysburg Road, said she was happy to see effort is being made to retain the wetland and wetland systems. She said in the past there have been drainage and flooding problems on the Windemere and Barclay sites, in part because of insufficient knowledge of wetlands.

She said she hopes this won't happen now and that care has to be taken. She said the last NAP newsletter highlighted Oakwoods Nature Center, noting that this is a lovely place and will be an asset to the City.

Jesse Osborne, 2805 Windwood Drive, resident of Windemere Park, said that she has previously served in governmental positions that dealt with creating laws for wetlands. She asked why the developer is asking the city to pay for the land when they should be donating it. She would like to see oversight of the developer to make sure substantial trees are planted that will do well and withstand storms. She asked if the traffic study conducted included traffic from other sites, since she felt the City needs to look at the whole area, not piece by piece.

Richard Osborne, 2805 Windwood Drive, said they moved here two years ago from New Hampshire, where he was a member of the Council Planning Board for 14 years. He asked the Commission to take into account the total scope of what is happening in this part of the city, with his estimated 1000 units of housing, including this project, Toll Brothers twin projects, Traverwood, and Pontiac Trail. He said it represents a major impact on this portion of the city and the city as a whole. He said he had not seen any mention of affordable housing for this project which was of concern to him. He said he likes to look at usable land to figure density and on the 54 acre site it becomes less than half that, resulting in 10 units per acre. He said that becomes the upper limit, so it is concerning. He said this is a strategic entry point to Ann Arbor from other areas, and the proposed buildings are massive, with 70 units per building. He said they won't know what solution the city will propose for the DhuVarren/Geen/Nixon Road intersection until after approval is given for this project and other projects coming along.

Roger Coleman, 2421 Placid Way, said he is not sure why the city would want to add more people in a high density condition since it did not seem environmentally responsible to him. He said this project is going to be destroying a lot of natural areas. He said he is surprised by the fact that liberal Democrats seem to be very cozy with developers, which doesn't fit in with environmentalism, and adding people destroys wetlands. He said he felt the redevelopment of the intersection of Dhu Varren and Nixon should be paid for fully by the developer and that it would seem strange to put the cost on taxpayers.

David Cooke, 2815 Leslie Park Circle, said he has lived in the area for 15 years. He said they were attracted to this area because it was less developed, with natural areas and wetlands which their children have enjoyed. He said this project, along with others, will represent massive change to this part of town and felt it needs to be seriously considered and will be an environmental issue, quality of life issue as well as a

neighborhood character issue. He applauded the developer for making significant efforts to try to preserve some of the natural features, but didn't feel that this changes that this will be a completely different area. He said he felt the Commission will need to consider what we are doing to this part of town and the character. He said his additional concern is with traffic. He said he knows that there are plans to upgrade the intersection, but is not sure this will address the existing traffic, much less the new. He said the roads are not adequate in size and speed limits and he fears it will be difficult to get around this part of town if this development is approved.

Crosby Beene, 1 Westbury Court, echoed the comments made already. He said the projects coming before the Commission tonight are not being looked at as to their overall impact. He said one other project that will affect the area, the Northville project off Joy Road, the Builtmore development, will affect the traffic. He said traffic is unbearable getting out of driveways now for several hours of the day, and if the annexation of the Whitmore Lake public school goes through, there will be 1800 more homes whose traffic will come down Joy Road to Nixon, which will then be 3000 more homes that will impact the area. He said there is no easy way to come in from the north, as most people use Whitmore Lake Road now .

Maris Vinovskis, 13 Westbury Court, Northbury Condominiums, said they have lived there for 35 years and have watched the traffic grow, and felt that the City is out of touch with this part of Ann Arbor. He said they need to stop doing it piecemeal and instead re-work the Master plan. He said whomever drew up the Master Plan and said the traffic wouldn't increase, he would love to invite them to see why they were wrong. He said since the City has done lots of wonderful things downtown now is the time for them to look at the Master Plan. He said the City can't annex more and more properties and think that traffic will not have an impact. He said he can't walk across Nixon Road to catch a bus to the University. He said the intersection can be better, but will not reduce the amount of traffic. He said the City needs to look at the amount of traffic and if it is not done now, it will never be done. He said he feels for the Nixon family, who has been a big part of Nixon Road, but the proposed changes will not be making it a good part of Ann Arbor anymore. He said he would not like to live there anymore if all of these developments go through. He felt there was a disconnect between various groups and how the City operates. He said the staff discussion of traffic is inadequate.

Robert Darvas, 17 Southwick Court, Northbury Condos, said they have lived there for 30 years and it would be naive to believe that no one is ever going to develop this land on Nixon Road. He said in looking at the

site plan, he can say that the plan is about as tight-packed as he has ever seen, as a structural engineer and professor of architecture emeritus. He said traveling on Nixon Road during rush hour, specifically after the traffic circle, sometimes takes 6-7 minutes to travel 1/3 mile. He said Nixon Road is a major artery road, and to think that with the added developments you will just dump more cars into the area is disturbing. He said he is bothered by the vague statement that there will be a restudy and reconfiguration of the corner of Nixon Road and Green Road and Dhu Varren Road. He said what the reconfiguration will mean no one has ever seen, just words written down without knowing what people have in mind and if it will help ease the traffic flow of the intersection that feeds into a very, very narrow artery.

Carole Rycus, 2726 Winter Garden Court, Ashford Court Condo resident, said she has lived off Nixon Road for 54 years. She said they chose the northeast side of Ann Arbor for its beautiful open green spaces and limited commercial areas. She said they have been very fortunate to have lived near wetlands, farmlands and open fields for all these years. She said when she first saw the for sale signs go up she called Don Nixon and they shared their pleasant experiences of living in such a lovely area as the northeast side. She said she even asked him to reconsider selling his property and donating it to the City of Ann Arbor, which was wishful thinking on her part. She believes Mr. Nixon was conflicted because he set the price very high back then and he had no buyers. She said she realizes that property owners have the right to develop their land, but they do not have the right to destroy the integrity of an area. She said the Commission and City Council have a responsibility to make sure this does not happen; we have to review and evaluation any future building plan to ensure that they do not adversely affect the quality of life and the environment. She wished all parties well in coming to a fair and reasonable solution to the problems with the properties on Nixon and Dhu Varren Roads.

Bernard Lugar, 26 Haverhill, Northbury Court, said they have lived there for over 30 years. He said during this discussion and during several other discussions he hears reference to the Master plan. He said what they don't hear is that the Master plan was developed when no one had the full picture and is full of faults. He said the Master plan is not taking into consideration what is being built and what is coming up and we are destroying the integrity of the City if we move forward shortsighted with piecemeal plans just for a profit motive and not looking at the whole picture what this community is all about.

Scott Betzoldt, Midwestern Consulting, Civil Engineer and representative for the petitioner, introduced the Bleznak team, a family-owned company for 50 years. He said they have managed more than 5000 apartment

units in the area, including Woodbury Garden complex at the corner of South Industrial and Stadium Blvd. He said the existing site consists of two contiguous parcels that they have asked for annexation and to be zoned R4A. He said the sites have been owned by the Nixon family for over 100 years and consists of approximately 32 acres of uplands and is loaded with natural features. He said they very quickly realized the natural features were important to work around and have consolidated their development to only 17 acres of the site. He said currently the Bleznak group is talking with the City of Ann Arbor Greenbelt Committee in hopes of trying to bring in the eastern portion of the site under their dedication. He said they are proposing R4A zoning which would allow 540 units, but only build 282 units in four buildings that would be built in 2 phases. Three buildings would be built in the first phase. He said the unit mix and pricing associated with the units will be market rate; 132 one-bedroom units, with approximately 750 square feet which will rent for approximately \$1,100 per month. There will be 126 two-bedroom units, with approximately 1,100-1,300 square feet which will rent for \$ 1,300-1,600 per month. There will be 24 three-bedroom units, with 1,400 square feet which will rent for approximately \$ 2,000 a month. He said they put effort into minimizing woodland and wetland impacts and chose to put the detention pond in the wooded area of least quality woods while maintain the higher quality woodland to the north. He showed the small wetland finger impact to the south to get the required parking spaces, noting that the wetland was not of great significance as it is currently tilled land. He said there will be carpools and parking on site for all units.

Mitchell Bleznak, developer, said their intent is to bring an asset to the local community by bringing affordable and safe housing in a wonderful area, by enhancing the neighborhood despite of the traffic conditions that exist today. He said they feel they can be part of the solution to improving traffic flow in the area. He said they are long-term owners of real estate in Ann Arbor, having purchased and developed the 538 unit Woodbury Gardens complex, which was formerly the UM botanical gardens. He said he is sensitive to the traffic situation but the other perspective is that the traffic is coming because there are jobs. He said the City has worked hard to develop a Master plan that they are trying to be a part of and the jobs will keep growing. He said the available walk-ability and bike paths in Ann Arbor only enhances less desirability to drive. He said in building this community, and in preserving the natural features, they have travelled the country in looking for a design that would take up the least amount of land while giving affordable density. He said the only correction he wanted to make was that Mrs. Spurway does not still own the land.

Noting no further comment the Chair declared the public hearing closed.

Moved by Westphal, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Woodbury Club Apartments Annexation, R4A Zoning, Planned Project Site Plan, and Development Agreement.

COMMISSION DISCUSSION:

Bona said that those who are interested in the future of Ann Arbor should look at SEMCOG statistics. She said the population is at a little over 110,000 but with the added workers it elevates to 170,000. She said the traffic they experience on their corridors is mostly commuting, including the project mentioned in Northville, outside of the City. She said she works on North Main Street and you cannot get out of their driveway between 4-6 pm, because of the traffic heading north to 23. She said it is every one of the City's corridors, not just Nixon. She said the Master plan talks about how do we give people alternatives so they don't have to use cars, adding that this site was probably too far for walking, but they hope that in the future the whole City can be 'walkable'. She said cycling is growing, but a real source of alleviating traffic is mass transit, which means we need bus routes that operate longer hours with more frequent service. She said in order to help those who live on new bus routes, we need to increase density to help support that. She said even though we are a generous community, we can't keep subsidizing bus service. She said she wanted to try to put these things into context and hopes that when the Master Plan comes up for review again that many will participate in the process since the City's Master Plan is a result of those who participate. She said there was much thought that went into the Master Plan for this particular area, where the intent was to create a livable community with more choices where people didn't have to commute in from outside. She said there is no way that they are going to create housing for 70,000 additional people who drive into Ann Arbor every day and adding 1,800 or 5,000 units will also not solve that issue. She said research from California has shown that the easier you make it for the traffic [as adding more lanes], the more you encourage traffic. She said SEMCOG projects continued growth of commuters into the City. She suggested that those interested should look at the City's policy for Complete Streets, noting that the design of the streets and the building's proximity to the street has much to do with the traffic speed on the street, such as narrower lanes and buildings closer to the street. She explained that adding housing inside the City limits actually alleviates traffic than if we get the units built outside. She said it is the realization that Ann Arbor is a desirable community; people want to live here, there are lots of jobs here and we can't be elitist and build a fence around Ann Arbor and say 'no more'. She said we already have a lot of people who live closer and should be able to commute to work.

Bona asked about the affordability of the units and what income level

would be able to rent the apartments.

Bleznak said for rents that start in the \$1100, they would expect customers to be making 3 times the rent, so \$40,000 at least.

Bona suggested that when the project moves on to Council, the developer have the figures relating to median income available , since it doesn't seem to fall under low income.

Bona asked about the flooding and drainage, in the Barclay development, as referenced by a public speaker, and if the proposed development would help or hurt them.

Betzoldt said the projects are not in the same watershed and are not connected, and the only issue he is familiar with in Barclay Park is a small kettle wetland. He said as the Windemere buildings made modifications to their gutters and downspouts and installed underground black plastic connectors out to their property line, it drained right to the wetland and made the small wetland inundated, which then resulted in the trees dying since they were not used to being mangroves.

Bona asked how wetlands will function properly without being overwhelmed.

Betzoldt said the wetlands will get a higher volume but not greater run-off, since the detention will slow down the water run off from impervious surfaces that would normally rush off in a flash flood. He said the pond will capture that water and release it at the rate of the undeveloped site would release it. He explained that the central wetland was not a wetland in 1940, but a narrow ravine in 1940, and when they put in the expressway they put in a culvert, that changed the outlet elevation. He said what has happened over time is that the culvert has silted in and the water surface has expanded over time to what it is now. He said the ultimate reason for the wetlands is the 72 inch culvert that goes underneath M14, and drains to the north and then in turn drains back under M14 to a smaller wetland and then goes under Nixon Road and goes out to the water course on the Nixon Farm to the west. He said since the culverts are so large, there will not be any inhibiting the flow of water and in theory the flow will be identical to current flow. He said it will not cause additional erosion and there will be pretreatment devises in place to protect from silting.

Bona asked about the process of management over time.

Betzoldt said the detention pond has a maintenance schedule for items that must take place every 6 months, every year, every two years, which

includes inspection of the discharge and replacement of the filter rocks.

Bona asked if the City monitored the maintenance schedule.

Betzoldt said only on a complaint basis.

Westphal asked about the planned project benefit that the project would contribute to the community, and how the open space calculations would change if the eastern part were to be donated or acquired and how the timing affects how we consider open space.

Kahan said currently the 54 acre site has 86.2% open space and, if the eastern parcel were to be acquired as public parkland, it would shrink the western parcel down to 73%, which is in excess of the 65% required open space. He said the project is still providing open space in excess of the requirement in order to qualify for the planned project standards.

Mills asked what is considered open space.

Betzoldt said general open space is everything but pavement and rooftops.

Mills clarified if wetland is considered open space.

Betzoldt said yes.

Mills asked about wetland impact.

Betzoldt pointed out the small disturbance of approximately 2,400 square feet on the southern portion of the site and approximately 6,700 square feet of mitigation area on the northern portion of the site.

Briere asked about traffic.

Betzoldt said the traffic as bad as everyone says it is. He said there is a trick to navigating the intersection and if one doesn't know how to handle the intersection, it can slow it down. He said their traffic study they did not include the Toll Brother's development, since it was not a petitioner at the time they did their traffic study. He said the study showed levels ranging from C to F, indicating it is in disrepair and needs to be fixed. He said while there are many in the room tonight that don't want to see this development, there are two willing parties ready to step forward to get what is already in disrepair fixed.

Briere asked about information in the Transportation Plan that addresses the Nixon corridor, noting that it did not show of any foreseeable

problems in area. She asked what the proposed contract would cover.

Kahan gave background information on the situation, noting that City engineers are painfully aware of the challenges of the Nixon/Dhu Varren/Green Road intersection. He said City Council approved funding to hire a consultant, Opus, to evaluate the existing conditions at the intersection, assess future traffic going out to at least 2035, and to propose a preferred solution in terms of a design concept. He said Opus has been meeting regularly with City staff and will participate in a public meeting, to be held within the next month or two, that would be wholly focused on the intersection as well as the approaches in all directions. He pointed out that the developers for Woodbury as well as the developers for Nixon Farms are acutely aware of the challenges and recognize that they will not be able to lease or sell units until the intersection issue has been rectified. He said it is our understanding that both developers are willing to be active participants to either construct the intersection itself or to pay a fair share of the re-construction of the intersection. He said it is staff's goal to draft agreements that insure the intersection is thoroughly and completely constructed prior to the issuance of the first certificate of occupancy.

Briere noted that the Dhu Varren improvements as well as Green Road improvements have been in the Capital Improvements Plan, and Council just approved another Rectangular Rapid Flashing Beacon to help people get across Green Road, so they can walk on the new sidewalk all the way to Clague. She said the levels of insecurity is in not knowing how much we will have to make changes to this area in two years, much less immediately. She said if construction starts on the fixes to the intersection and roads, is there a rational way to deal with truck traffic that inevitably follows construction of the condominiums and apartments in this proposed mix.

Kahan said this question would likely be resolved through attempting to route truck traffic away from the intersection [coming southbound from Nixon] but the details of the construction have not been worked out, in part, due to premature timing and given that truck traffic from construction has not been addressed yet either. He said one could access the Nixon Farms without going through the intersection and it would make sense to flag the issues now.

Rampson commented that these specific issues on logistics would be discussed as more details become available. She explained that the City's Transportation Plan is done on a system's level and not meant to look at individual intersections. She said when they get to specific developments proposed, then City staff can look at the specifics of the driveways and the types of uses and have a traffic study that addresses

these details. She further explained that the Transportation Plan did envision a corridor study of Nixon. She noted a couple of years ago there was concern about not being interested in widening roads; however there are turning movements and access points and so there was thought they would look at Nixon to see if it needed to be wider. She said since then, the community has voiced that is not what they want to see, but there are still issues of bus access, pedestrian access, safe routes to school, efforts to bring sidewalks up on Nixon, projects on the Nixon sites, and ultimately on the Woodbury Garden site. She said the City is looking at how all the projects connect and how they impact the area. She said they have heard feedback on how people are impacted by those coming out of Traver and getting across the street to Clague and what this intersection does in providing gaps there will be included in the Opus review.

Adenekan said she was delighted to see so many people at the meeting and that the community engagement was great through their questions, comments and suggestions. She asked about the water pressure impact given the proposed development.

Betzoldt said that the water pressure in the area was fairly good. He said when they constructed Barclay Park, they built a water pressure booster station to boost the pressure to acceptable levels, given the three story buildings in that development. He said after they put in the booster station, the pressure was blowing washing machine hoses. He said when the City raised the water tower by 60 feet on Plymouth Road, it increased the water pressure greatly. He said the flow is excellent and the newer transmission lines were developed with the intention of serving development on the Nixon properties.

Adenekan asked how many of the 282 units would have first floor master bedrooms.

Bleznak and Betzoldt said they would all be stacked units.

Clein said he also appreciated the public comments and that so many had chosen to spend their evening at the meeting, adding that the goal is to make a better community and public comments usually result in better developments. He said he also appreciated Bona's eloquent comments about creating more density within the City. He said he believes Ann Arbor is in an enviable situation, and if this development would've been proposed in 2009, when the Master plan was created, it would probably have been heralded as something good happening in the City because in recession. He said it is because the City is a successful, desirable community, and as the Chinese saying goes, nothing succeeds like success. He noted that another saying is that

nothing fails like success, which is to say at a certain point success becomes too much, and that is what we are hearing from the public today. He said no one want to lose the quality of life they have and no one here are proponents of that. He said the Commission realizes that it is within the property owner's rights to have someone develop their property and they are trying to find the best way to respect the system and the rights of individuals in the community. He asked about the sewer capacity.

Kahan said the City conducts a sewer capacity analysis, paid for by the developer, adding that there was not a downstream issue. He said the development will be responsible for disconnecting 72 homes through footing drain disconnects.

Clein asked if the buildings will be fully fire suppressed.

Betzoldt said yes.

Clein asked about techniques to protect the water quality of the surrounding wetlands.

Bleznak said from a conservation standpoint they would try to use well water to sprinkle the lawns.

Clein said given that this would be on a very sensitive site, with water draining into what might turn into being parkland, there is a certain level of environmental responsibility and he asked the developer to be mindful of this when using fertilizers on the site lawns.

Bleznak said he would take the advice seriously and seek counsel from professionals on the issue.

Clein asked about lighting.

Betzoldt said lighting would be the traditional down-lit fixtures as per City ordinance and would be adequate to make it safe.

Clein asked about the ongoing parkland discussion and if that discussion was contingent on the approval of the site plan.

Kahan said the discussion was not contingent on the approval. He said the petitioner has requested that the City explore acquiring the eastern half of the site through purchasing it. He said that decision ultimately rests with City Council. He said they are currently in the process of gathering appraisals for the land and if it is not purchased by the City, it remains as part of the site plan.

Rampson explained that the Parks and Recreation Open Space plan has a formula that the City uses to determine when there are new residents introduced to the City, how much parkland would be necessary to keep it a steady state given the current population levels. She said with this development, the formula showed they would need at least 2+ acres, so the developer is asked if they would donate at least 2+ acres to meet their obligation. She said in the State of Michigan, they cannot require any type of exaction of this nature, so the City asks nicely, and it is then up to the developer to decide weather they want to participate or not. She said if they do, it is then put in the form of a development agreement that commits them to providing that dedication. She said in this case, the City also had the opportunity to acquire this eastern parcel to be a part of the wetland system, and they are in the process of using funds available to the City to supplement this acquisition along with the western portion being donated by the developer.

Rampson commented regarding an earlier question that there is a phosphorus limitation ordinance within the City limits of Ann Arbor so properties within the City are not to use phosphorus fertilizers and the results of that is that they are seeing lower rates of phosphorus in the Huron River.

Peters asked about how run off picking up oils from driving surface will be addressed, given the proximity to the wetlands.

Betzoldt said it would be no different than any other road in the City. He said the outlet water filters are filled with sand and gravel so the water has to filtrate through the sand and gravel to get to the angular shaped area to drain out to the discharge pipe and then to the wetlands. He said the filtration is shown to be quite effective in other locations.

Briere asked if the City will end up owning the wetlands, will the City be responsible for maintaining the wetland. She said she is concerned with re siltation, construction impacts, and cleaning and hopes that on-going discussion includes active ways to clean the water as much as possible before it enters the wetlands. She said it will be expensive for the City to maintain wetlands that have been silted and polluted and it destroys habitat that the City is trying to protect. She said whatever mitigation the developer can put in to clean the water before it hits the wetlands would be good.

Westphal echoed concerns addressed, noting that they alert the Commission to other problems outside of the footprint of a site plan. He said in regards to comments about the City looking at this piecemeal, he asked staff to refresh the Commission about the process involved and

how large of an area was looked at overall when the Master Plan was written, and the overriding changes to the land uses from what they were previously.

Kahan said about 14 or 15 years ago the City undertook a multi-year planning effort commonly referred to as the Northeast Area Plan, which included generally the area south of M 14, west of US 23 and north of Washtenaw Avenue. He said they did look at this 54 acre site and came up with site specific recommendations. He said the planning effort included 13 public workshops, 36 citizen advisory committee meetings that were open to the public as well as multiple Planning Commission and City Council meetings with the effort of including as many people as possible. He said they did look at the recommendations in a transportation study conducted by the Corradino Group. He said the ultimate short answer for land use recommendations of up to 10 units per acre for the 6 large sites in the Northeast Area was they would not by themselves have substantial traffic impacts on the major corridors in the Northeast Area. He said, as expressed earlier, much of the traffic along the corridors during peak periods is originating from a huge capture area outside of Ann Arbor.

Rampson added that the transportation study went hand in hand with the land use study; the land use recommendations formed the modeling that was done for the transportation study. She said one of the key things they looked at was what density did they need to have to support and improve transit access in this area. She said typically you would need 6 dwelling units per acre in order to support viable transit service. She explained that the discussions between the plan's advisory committee on these larger parcels included what was the appropriate density given the character of the area, for supporting transit, and for protecting natural features. She said on the Nixon sites, given their sensitive natural areas, there was a sense that if one could incentivize a developer to cluster a development on the farmed area and leave the natural areas, that is how they came up with the density recommendations for the area. She said it was a very comprehensive review that was ongoing for two and half years and involved many citizens.

Westphal asked if office and research uses were formally recommended for these areas and what the traffic impact difference would be.

Rampson responded that the properties along M14, including Arbor Hills, were recommended for office/research and limited industrial uses in the 1970's, and the large employment from those uses was not something they wanted to see in this part of the Northeast Area. She said when the original land use recommendations were made, there was an assumption that there would be a freeway interchange at Nixon Road.

These recommendations later evolved after Arbor Hills as proposed, and as a result, the recommendations changed to residential for these parcels.

Westphal asked about the pedestrian easement/walkway that would access some the natural areas of the site. He asked staff to review the pedestrian easement that would be for public access and would not be crossing private land.

Kahan reviewed the access easement with the Commission, noting it would be a 50 foot easement with a sidewalk throughout its entirety.

Rampson added that this approach with providing a public easement is the same that they took with Barclay Park.

Clein asked about refuse removal for the development, pointing out large dumpsters in one location.

Betzoldt said they are central trash compactors.

Bleznak explained that typically residents will take their trash to this central refuse and recycling area and they might have a concierge service available for residents interested.

Bona said that a planned project is shown in the comparison chart and wanted to make sure all requirements are met with the option of a smaller site. She noted that the dwelling units per acre is listed as 10 units per acre maximum and in looking at only half the site it is 10.17 units per acre. She asked if the City considers that more than 10.

Kahan said the City would consider that more than 10. He explained that if the City were to acquire the property to the east as parkland, the City would ask the developer to reduce the number of dwelling units or to dedicate a portion of the eastern property as parkland as part of the site plan, making it 10 or fewer units per acre.

Bona noted the planned project justification as meeting one or more of the following requirements; must provide usable open space in excess of the requirement, additional setbacks and preservation of natural features that exceeds ordinance requirements. She said the added benefit in exchange for the relief seems reasonable in this development.

Westphal agreed with Bona that the modification justification checks off. He asked if there will be any energy conservation third party metric.

Bleznak said they want to build a sustainable and environmentally

appropriate development, adding that they have been working on getting site plan approval before looking closer at the building options. He said they would be happy to take any suggestions under advisement.

Westphal said solar orientation or energy conserving design would be appreciated, noting that Energy Star standards would be beneficial to project.

Woods said she appreciated Kahan reading the traffic mitigation paragraph at the beginning of the meeting and that they would limit the issuance of Certificate of Occupancies until the modifications to the intersection are substantially complete. She said this information may help allay some fears expressed by the public about traffic concerns. She noted that it is rare for the Commission not to receive similar comments and concerns when new developments are being proposed. She reiterated what Commissioner Bona had said, that for those of us who are already here, we are reluctant to bring in newcomers and we buy our properties based on the way it looks around us at that time; however the reality is in the long run, we are all just renters, and come and go for some time. She said we are a community that prides ourselves in being environmentally sensitive, and hopefully the things we're doing do not degrade the environment such that future generations don't have an opportunity to live here, to grow, to develop. She said she really appreciates the discussions held this evening.

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

Yeas: 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, and Sarah Mills

Nays: 0

Absent: 1 - Sofia Franciscus

Moved by Clein, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Woodbury Club Apartments Wetland Use Permit to allow filling and mitigation of 2,550 square feet of wetland and on-site mitigation.

COMMISSION DISCUSSION ON WETLAND USE PERMIT:

Bona asked about the amount of mitigation required.

Betzoldt said the required mitigation is 2 to 1, but due to the shape of the wetland, it made more sense to do 3 to 1.

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

Yeas: 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, and Sarah Mills

Nays: 0

Absent: 1 - Sofia Franciscus

COMMISSION BREAK

10-c [14-1547](#)

Nixon Farm North, 3381 Nixon Road - A proposal including several related petitions necessary to develop a 68-acre site at the northwest corner of Nixon and Dhu Varren Roads for multiple-family residential use with 209 attached dwelling units in 51 buildings, with community clubhouse and pool, storm water management and park donation. Petitions include Annexation, Zoning (to R4A Multiple-Family Dwelling), Site Plan and Natural Features Open Space Activity authorization, Landscape Ordinance modification request and Wetland Use permit. (Ward 1) Staff Recommendation: Approval for Annexation and Postponement on all others

Chair Woods noted that the next two projects would be considered together, with a single public hearing.

DiLeo presented the staff report.

Marilyn Shatz, 2730 Maitland Drive, Ann Arbor, said she understands that there is a 30 foot setback along Nixon Road, but that it would be more appropriate with 40 feet, like there is at Ashford Place. She said it would be appreciated if there was adequate landscaping installed prior to construction to help shield the construction. She said she recently visited two Toll Brother's development sites in Pennsylvania and noted they were both very congested and had minimal landscaping. She urged the City to have concerns about both of these scores. She said fixing the intersection will not fix Nixon Road, and a traffic circle does not solve the problem. She noted back up at 3:30 pm at the Earhart Road and US23 traffic circle yesterday that was incredible. She said she was not sure if the answer is public transportation. She said it would be useful to have a website showing weekly updates for approvals of work, and when construction would begin. She said in regards to the wetlands and run-off issues there are now products that are pervious materials that can be used for roads and driveways and help solve the water run-off problem.

Gideon Hoffer, 22 Haverhill Court, Ann Arbor, said the Nixon Farm

proposals include two entrances on Nixon, one on the north and one on the south. He said imagine one car during rush hour wanting to make turn left into Nixon Farm. While they are waiting for traffic to clear there will be a back-up behind that car because there is only one lane. He asked what will happen when new traffic is added; can we widen Nixon Road, can we accommodate left turns?

Fred Mayer, speaking on behalf of Northbury Condominium Association, said when many of their members bought their units they were aware that the Nixon property would be annexed into the City and would be developed. He said they don't have a problem with that concept, per se, but they are anxious to see that the development takes place in a manner that respects the natural character of the environment as well as the existing character of the surrounding neighborhoods. He said they have been working with other associations in the northeast part of Ann Arbor and they support their stand on the issues. He said he wanted to concentrate on neighborhood compatibility. He said they support the developer's original intent with residential-only development, and the inclusion of commercial and office uses on this site would be highly objectionable and they would be strongly opposed to it. He said the proposed unbroken row of buildings that extends from north to south is not in character with the neighborhood, and if one looks at Nixon Road there has been a conscious intent to create a green roadway with houses set back allowing for landscape buffers and berms, and in some instances houses have been turned perpendicular which allows for green pockets. He said this creates a reasonable separation between Nixon Road, which is a major arterial road with noise and pollution, from the residential uses. He said with this proposed development, with the houses lined up tight to the right-of-way, it is a complete contrast to what previous developers have done in that area. He said they would like to see that altered and for the Commission to work with them on that request. He said this site is one of the last remaining open spaces in Northeast Ann Arbor, and is surrounded by existing neighborhoods on 3 sides, with their own distinctive character and quality, and those who moved there respected that quality and wanted to be a part of it. He said they would like to see this development blend harmoniously with those neighborhoods. He said some conflicting developments that have recently come to the City are the townhouses on South Fifth and the high rise on Huron Street and Division and they don't want to see these conflicts repeated. He said they think with a few appropriate modifications to the site plan that can be avoided and they hope the Planning Commission will work with the neighborhoods.

Elizabeth Donoghue Colvin, 17 Westbury Court, said she had concerns about stormwater management, traffic and sidewalks. She encouraged the Commission to do the best they can in stormwater management,

given the saturated soils in Northbury and issues with wet basements in the area. She agreed that the traffic issue is larger than the intersection and encouraged the Commission to think as large as possible about the issue; a park and ride lot further north on Nixon Road if possible, a transit route that would connect along Nixon Road and hopefully with a connector system planned that will make its way up to Plymouth Road. She said she understands there is a grant for sidewalks on the east side of Nixon. She said on the west side of Nixon, where the sidewalks will end and where Westbury lets out, if they are not connected to the Clague area, people will need to cross over. She suggested that sidewalks either continue to the Clague area and/or provide a safe crossing for children as well as adults who want to walk in the area.

Lisa Dusseau, 2740 Lakehurst Lane, said she wanted to speak to the density and aesthetics of the developments in the area. She read from a prepared statement noting that they don't want to see an ominous wall of grey stone. She said with the developments going on in the area there would be 1200 new residential units planned. She said Trowbridge had stated to the media that they see sustainable demand for single family homes. She asked why this part of town has to bear the burden of high density development and asked the Commission to look at developments in the area with regards to the amount of density, placement of buildings, and tenants in the exiting neighborhoods, which are mostly single family dwellings.

James D'Amour, 2771 Maplewood Avenue, said he was not a resident of the Northeast Area, but he participated in the process of creating the Northeast Area Plan, when he had the opportunity to serve. He said it was a privilege to serve and worthwhile in many aspects, especially the creation of the Transportation Plan. He said he didn't believe the land use recommendation was a deliberative process, but a set process, where the Planning staff was directed by the City, with the primary purpose of preventing urban sprawl, and creating affordable housing and providing transit. He said we in Ann Arbor think we are going to be the saviors of southeast Michigan, and we are going to save the world. He said we are really only making ourselves more dense. He said he really thinks there hasn't been a true dialog in the process in terms of the Northeast Area Plan. He said you need to take a step to really listen to the neighborhoods that have come to you tonight and moving forward and they do not need to be lectured about not being aware of the big picture. He said, knock it off! He said there is a lot of brain power in this room and just because people don't have a degree in urban planning doesn't mean they don't know what they want for their neighborhoods. He said the members of the Planning Commission are supposed to be the citizen representatives. He said to staff, he realizes that 15 years ago there were some cutting edge things they were looking at regarding the

Northeast Area Plan, but maybe it's time to look at that in the greater context and maybe with a reality check.

Mary Ann Drew, 8 Haverhill Court, read from a prepared statement, saying that she invited the Planning Commission to drive through the northeast from Washtenaw Avenue along Nixon until it terminates at Pontiac Trail. She said in all the developments you will find generous setbacks with landscaping along the roads and even new single family homes are built with generous setbacks, or with sides facing the road in order to prevent the units being too close to traffic. She said in the Master Plan, it recommends landscaping along Dhu Varren and Nixon Roads to preserve the green edges along the roads. She said she understands that Toll Brothers has changed the units along Nixon to be 2-story units instead of 3 and if that is correct, she commends them for listening to the community and she hopes that the setback along Nixon will be increased to 40 feet. She said as part of Northbury's landscaping committee, she has been working to incorporate sidewalks and landscaping for the last two years and they have hired landscape specialists and consultants in an attempt to deal with the impact on the evergreens, adding that they could be impacted by the air quality and ever increasing pollution. She said she is struggling with the fact the City Council and Planning Commission are not addressing the challenges to Tree City Ann Arbor and the impact of the three developments upon the environment. She said they are not interested in commercial development and are disappointed that Ann Arbor does not have requirements for permeable pavements and LED lighting.

Ward Bissell, 5 Northwick Court, resident of Northbury Commons, and of greater Ann Arbor for 52 years, said he appreciates the vast amount of time spent on issues dealing with the Toll Brother's development. He said his suspicion is that Toll Brothers will agree to all the requirements proposed by the City of Ann Arbor, then attempt to get around all or most of them. He said he based this suspicion on the record that \$1.4 million had been awarded by a jury to homeowners, because of Toll Brothers using banned material in a development, and fines assessed by the federal government for violations of The Clean Water Act. He said this information is readily available about the Toll Brothers and narrates a true horror story of endless violations of building codes and shoddy construction. He said under these circumstances it would be premature to approve annexation and anything else.

Tom Tomsik, 2880 Lakehurst Lane, said he feels he speaks on behalf of others and lives right behind the proposed Nixon South development. He said his neighborhood had turned in a position paper to City Council and he hoped it was being referred to as it contains several of the elements talked about at this evening's meeting. He said he had concern about

barrier free design, and whatever development goes in, whether multi-family or single-family dwelling, that the barrier-free design be taken into consideration. He said he has friends that have to leave town because there are no barrier free housing available. He said hopefully more people will be able to stay in Ann Arbor because there could be more barrier-free housing units available to them. He encourage using The Center for Independent Living for consultation of standards. Ann Arbor is great place to live, anything we can do to maintain and improve the quality of life, the greater life will be. He said he knows the Commission has a tough job to do and he didn't envy them and he thanked them for the fine work that they do in addressing the many issues brought before them.

Jeff Hayner, 1807 Pontiac Trail, said he has lived in this part of town for 32 years, and he felt this project is offensive to a lot of people for a lot of reasons. He said to dump this many houses, in this density with this many autos onto the area is offensive. He said this should be annexed, zoned, and used for agricultural, because once you build houses, the agricultural use will be gone forever. He said just north, you have land that's being used for farming and the best thing you can do to keep this area green it to leave it green agricultural land. He said it is disappointing that more property inside the highway belt have not being set aside through funds of the Greenbelt because they create greenways that all connect. Instead, he said, we have been focusing outside of the freeway. He said there is a lot of talk about fixing the roundabout that sits in the middle of a swamp, and it takes dozens of years to bring back wetlands. He said there needs to be more consideration about the value of the origin of the land. He said he understands that when the land was under commercial farming they used fertilizers and such but it was agricultural land and green. In closing he said what the City is experiencing more density, which is the exact opposite of what was promised here in Ann Arbor.

Robb Burroughs, OX Studio, 302 B South State Street, Ann Arbor, representing the petitioners, introduced the development team. One of the elements they want to emphasize is the connections of the two parcels, which allows for the Dhu Varren and Nixon intersection to be re-aligned. He said all of the south buildings along Nixon have been reduced to two stories. He noted that the development is leaving a large undisturbed area, specifically 50 percent of the northern parcel remain in an undisturbed setting, which allows them to leave a unique buffer along the western boundary and allows the opportunity of nature trails through the development and connection with the broader park system.

Noting no further speakers, Chair Woods declared the public hearing continued, if the items are postponed.

Nixon Farm North:

Moved by Briere, seconded by Peters, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Nixon Farm North annexation of 67.8 acres from Ann Arbor Township, and

The Ann Arbor City Planning Commission hereby recommend that the Mayor and City Council approve the request for R4A (Multiple-Family Dwelling District) zoning designation for the Nixon Farm North site, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Nixon Farm North Site Plan and Development Agreement, including flexibility in the application of the Landscaping and Screening Ordinance for conflicting land use buffers, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the Nixon Farm North development, and

The Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Nixon Farm North development, and

Nixon Farm South:

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Nixon Farm South annexation of 41 acres from Ann Arbor Township, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the request for R4A (Multiple-Family Dwelling District) zoning designation for the Nixon Farm South site, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Nixon Farm South Site Plan and Development Agreement, including flexibility in the application of the Landscaping and Screening Ordinance for conflicting land use buffers and vehicular use areas, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the

Nixon Farm South development, and

The Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Nixon Farm South development.

COMMISSION DISCUSSION:

General discussion pursued regarding annexations and zonings with Rampson explaining the process to the Commission.

Westphal asked if the Commission were to postpone everything but the annexation, would tonight's meeting be the opportune time to voice concerns on proposed changes the Commission would like to see before the item returns.

Rampson said yes, this would be the best time for the Commission to bring concerns so that staff can work with the petitioner.

Woods said they would discuss all motions on the table and then entertain a partial or complete consideration of postponement.

Clein asked about the projected cost of the project and if they would be rentals or condos, noting that the total project cost is listed in documents as \$5,500,000, which he considered to be low.

Burroughs said he believed the cost would be more than noted in the staff report and that all of the units are intended as for sale units. He said the South side has two different types of blended brownstones, which stack two-story units next to each other with parking on the lower level. He said they create a unique, slightly higher density feel, while on the northern side, there would be carriage homes with a blend of 3,4,5, or even 6-plex attached condominium development unit houses with front entry and side entry and ranch style for end units.

Clein asked if they had a target mix at this time on unit sizes, in trying to understand what the targeted demographics is, noting comments from public speakers regarding the opportunity for aging in place.

Jeff Brainard explained that the stacked units are around 1800 square feet and the carriage units on the north side are about 2100 square feet, on average, with a mix of 2 and 3 bedrooms in both types.

Clein asked where they thought they were in the marketplace.

Brainard said they are about 18 months from opening up, if all goes well, and given the market research at the time, they estimate the townhouses

to be in the \$300,000 range and the carriage houses in the \$400,000 range.

Clein asked about total development cost of \$ 5.5 million listed in the staff report.

Brainard said it is high; he estimates the total value to be less than stated.

Clein asked where the number came from.

Brainard said they combined the north and south developments together so they would be more in the \$ 10+ million range.

Clein said if you look at it on a per unit basis it seems low at under \$ 20,000 per unit, which would put it at an average of \$10 per square foot. He said maybe this would've been an opportunity for the developer to allay fears of the broader concerns brought about quality.

Brainard said they do put a lot into their developments and don't do things on the cheap.

Bona asked about barrier free design and asked what gives them assurance that the site plan is as forward thinking about a younger demographic, or residents with disabilities, or older residents, given that a mixed demographic is the most desirable. She asked how many barrier free units have they planned and how would they get around the site or would they need to get in car to get around the site and what if they don't drive.

Burroughs said all of the streetscapes throughout the development are lined with sidewalks and lead out to the sidewalks on Nixon and Dhu Varren and into the community at large. He said there are a minimum number of barrier free units designated per code and there have been discussion and requests for single-level units, which is what has been mentioned for the end ranch units and is currently the thought process as to how those units get mixed in and intentionally to blend in. He said the younger demographic is to integrate to the community at large through streets and sidewalks and level engagement to get out into nature and to access the tributary to Traver Creek, which already has some undefined walking paths that would be promoted as an interconnected fashion, not only from within their property but from outside of their property.

Bona asked how one would get from the property on the north side of Dhu Varren.

Burroughs said it would be an ultimate challenge because of the traffic; maybe catapult. He said it is the definable access point but without the bridge to get across, and that the ultimate goal is to find a way to mitigate that through finding another means of getting them through.

Bona said maybe there was a possibility of having something on the site plan or in the development agreement about the developer helping to make a future connection would be nice.

Bona said she wanted to know more about the potential of future designation of a commercial area, other than as being part of the last phase. She said the designated area doesn't feel like the best spot.

Burroughs said that stand alone commercial can become subordinated and moving it to the south, closer to other commercial development made more sense to them.

Bona said an independent commercial retail development with a little parking lot was not what she had in mind when she suggested the idea at a working session. She had envisioned small entrepreneurs as they planned in Ashley Mews, where they could live and work from a home office. She said that ultimately didn't work, as was the case in Brighton, where they tried work spaces attached to residential units. She said in Seattle, they designed the first floor as studio apartments, but gave the flexibility for businesses such as small day cares, artist studios, business without in and out traffic. She said she was not sure if C1 zoning would allow not having a parking lot and she had envisioned walkable commercial development such as Knight's Market and Big City Bakery. She said C1 zoning is not what she had in mind when she made the suggestion. She said she still thinks that in a part of our City that's only residential, to be walkable we have to think about weaving in employment and shopping opportunities.

Woods noted the time had passed 11:00 p.m. and that discussion would continue on the agenda item before them.

The Commissioners agreed.

Westphal said there have been meetings with neighbors and some design elements have changed since the original conceptual designs were presented. He asked what those changes included.

Burroughs said the clubhouse on the north side was moved further into the property, making it more central to the development instead of at the entrance, and they addressed the vertical massing of the brownstones

fronting Nixon by reducing the units to two story.

DiLeo clarified that the move of the clubhouse reduced woodland impact and units along the western property line were pulled back.

Westphal said the Commission appreciates the developer making modifications when there is early input. He said the Master Plan strongly recommended designation of some commercial development in the area, noting that he understands there is an option for a later phase, which does not honor the recommendation of the community. He asked for a review of that response.

Burroughs said the market studies and neighbor comments point to not wanting commercial along that stretch within the two parcels. He said there is a question as to what the zoning defines and what would be a hybridized commercial element, leaving a small box with parking around it which leaves one aghast. He said Toll Brothers has included in the final phase an area that can continue to evolve and could be ultimately knitted together with some unique form of urban adaptation.

Westphal said he felt it was the Commission's challenge to define neighborhood retail, noting that throughout the City they find small retail that fits the location and they do require parking to be at the side or rear of the building so not to have the boxed-in-the-lot feeling. He said he feels strongly that this needs to be addressed or reserved such that it is not planned for residential. He said it may be appropriate to leave for a later phase, but feels it needs to be guided by what people want for the area, which is a place where they can walk to. He said with regard to building codes and green features desired, he asked if Toll Brothers has touted any LEED or Energy Star on their developments.

Brainard said they offer upgrades and they like to go above and beyond; they do 2 x 6 construction, house wrap, Low E glass, argon filled glass for windows and they use Energy Star appliances and they try to be energy efficient and do upgrades that will exceed building code.

Westphal said there was an interest in keeping the community informed of construction. He asked if they have ever used websites to communicate construction or in larger developments if they have let neighborhood know of construction timelines.

Brainard said they haven't used a website but on major infrastructure work such as paving they would inform the surrounding neighborhood. He said they are open to putting something in place if that is the desire.

Brainard clarified about the construction cost that they would be

approximately \$75,000 per unit or \$55-\$65 per square foot.

Westphal asked about the stormwater facilities.

Todd Pascoe referred to a board with the stormwater facilities, showing that infiltration is done underneath the roads through infiltration trenches in the North site. He said all the water basins will have water quality structures built in. There will also be vegetated swales that work to clean the water as it passes. He showed the layout on the South site as well, noting that the soils do not meet requirements for infiltration, so the ponds have been upsized by 20 percent and treatment will be handled in the same way, but the release rate will be less since the storage is more.

Woods asked about the depth of the ponds and if there is vegetation around the ponds to keep the resident's children out of the ponds.

Pascoe said the deepest is 5-6 feet and most of them are 2-3 feet. He explained that they are dry vegetated ponds where water is stored and released over 48 hours and in a large rain event, the ponds will fill to the top, which is five feet.

Woods asked about the pond closer to Logan school and how far away it was from the school.

Pascoe showed there was a wetland between the school and the ponds and a walking trail to get to the school.

Briere asked about parks and the concept of connecting to the pedestrian access on the east side. She said she didn't see anything about dedicating parkland to the City or any mention of easements and asked for clarification.

Burroughs said the gesture has been made to begin dialog with the City's Parks Department and that details have not yet been worked out.

Briere reviewed statistics from Greenbelt fund.

Briere asked about "upgrades", noting concern that better insulation would qualify as an upgrade.

Brainard said upgraded insulation would include an application of in-blown high density fiber insulation that increases the R-value.

Briere said that if they are building in that fashion, then the value is in having these qualities in all units consistent throughout the development.

Burroughs clarified that the elements are built at a higher level and that it wouldn't be a purchasing option.

Clein noted some conflict between what the Master Plan calls for and what the neighbors want in regards to commercial use and density. He said he envisioned ground floor commercial and living above, but noted that the site is clearly an auto-centric neighborhood based on its location as well as the layout of the site and land. He commended the petitioner to sticking to areas that had been agriculture and away from natural features, but that may mean the site does not lend itself to a new urbanism style of community. He said in this location, walk-up style might seem inconsistent with the other neighborhoods in the area where they are used to more landscape buffering and buildings not facing street. He felt it was a positive that the height of the buildings along Nixon has been reduced so neighbors are not met with a tall wall. Regarding the density, he noted they are within the recommendations, and the north site is less, explaining while there are several hundred units being built it is not really that dense. He said as an architect, he is dismayed at the repetition of the single product in every area, while more variety would allay some concerns about the repetition and could make some units more valuable. He said regarding the environmental issues he has read the provided information and will ask staff to look into concerns about natural features and species. He said regarding the request for landscape modifications he was having difficulty on the need for modifications for interior landscaping; he didn't have a problem with leaving the existing vegetation buffer that is there, as long as it has good screening qualities.

Mills asked about rationale for row houses along Nixon.

Burroughs said that he believes it is the Planning Commission's intent to front streets with design, whether commercial or residential, and this gives residents the opportunity to connect with neighbors in a 30 foot setback with landscape buffers.

Mills asked for elevation plans of units.

DiLeo said there are some black and white renderings included in the staff report, and she would make sure to provide more at the next meeting.

Mills asked about northbound traffic turning lane.

DiLeo said this is being wrapped into the intersection study.

Mills asked about the activity in the natural features open space as listed

in the motion.

DiLeo explained that Chapter 57 requires a 25 foot buffer around wetland and watercourses, and that some of those activities include grading or permanent encroachments and bridges in the watercourses and the buffer area.

Mills said it would be helpful if the areas of activities would be highlighted when the item returns to the Commission.

Peters asked if the natural features protection plan include any fiscal plan.

DiLeo said she believed the wetland monitoring plan requires a plan but she would find out.

Peters said there is clear community concern that the protection of natural features be included as part of the plan.

Peters asked for the timeline for providing the natural features protection plan.

DiLeo said it needs to be shown on the revised plans or it won't make it to Planning Commission.

Pascoe said they continuing to work on the plans as they receive feedback and they will regroup after everything they have heard tonight.

Moved by Adenekan, seconded by Clein to postpone all items other than the annexation for Nixon Farm North and Nixon Farm South.

Friendly amendment offered by Briere to divide the motions of annexation from the question.

Agreed by Adenekan and Clein.

VOTE ON DIVISION OF MOTIONS:

On a voice vote, the Chair declared the motion carried.

COMMISSION DISCUSSION ON POSTPONEMENT OF ALL ITEMS EXCEPT THE ANNEXATIONS:

Peters said he still had one question for staff, but he could ask it later if the item was returning.

Woods said he could ask his question now in the meeting if he wanted everyone to hear what he was asking or he could always ask staff a

question at any time.

Westphal clarified that they were discussing to postponing all items except the annexations.

VOTE ON POSTPONEMENT OF ALL ITEMS EXCEPT THE ANNEXATIONS:

On a voice vote, the Chair declared the motion carried.

COMMISSION DISCUSSION ON ANNEXATION OF NORTH AND SOUTH:

Briere said she was not willing to vote in favor of annexation tonight as she felt there were still a number of unanswered questions.

Moved by Briere to postpone the annexations for two weeks, to the first meeting in November.

DISCUSSION ON POSTPONEMENT OF ANNEXATION:

Clein asked if Briere could share some of the questions with the Commission.

Briere said she understood the process of annexation going to City Council but that it would be a challenge for Council to vote on annexation without a site plan. She said there will be questions asked that she can't answer. All of the questions deal with zoning and one of the deep questions people ask her is why do we have to annex this parcel in the first place. She said the questions deal with policy and politics and not with staff questions.

Peters asked about the ramifications of postponing the annexation process on this item.

Rampson said it would extend the timeframe of getting this property into the City.

Peters asked the petitioner's viewpoint.

Brainard said they would like to move forward with the annexation tonight to get the process moving forward, but if it waits until November 5, that would be okay.

Westphal said he appreciates that this is a political question; however he understands that the City is under agreement to annex this land with the Township and in our efforts to follow our policies and have things move along, especially since the zoning is not attached to the annexation, he

would want to move annexation forward and leave the zoning to a later date.

Woods asked for clarification that the City has already made agreements with the township that we will annex certain properties and it is only a matter of time when that will happen.

DiLeo said yes.

Bona asked Briere if the answers to her questions would come from issues related to zoning, which haven't been acted upon. She noted that the City could zone it to parkland or public land.

Briere agreed that the City has engaged in long standing agreements to annex islands, but because of the timing, she doesn't believe this is going to impact a further decision or the timing of that further decision or the impact at the State level or the governance level. She said as she listened to people tonight she found herself thinking about things she wants to be certain about and get those questions answered. She said by bumping the decision to November would put the annexation on the first meeting in December and this seems like a harmless delay to the petitioner.

Woods asked if annexed property starts collecting taxes.

Rampson said it would have to be annexed before the end of the year to begin collecting taxes next year.

VOTE ON POSTPONEMENT OF ANNEXATION:

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

Yeas: 1 - Sabra Briere

Nays: 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, Jeremy Peters, and Sarah Mills

Absent: 1 - Sofia Franciscus

VOTE ON ANNEXATION OF NORTH AND SOUTH:

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

Yeas: 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, and Sarah Mills

Nays: 0

Absent: 1 - Sofia Franciscus

Briere asked that the record show she will be asking more questions about annexation off camera.

10-d [14-1548](#)

Nixon Farm South, 2999 Nixon Road - A proposal including several related petitions necessary to develop a 40-acre site at the southwest corner of Nixon and Dhu Varren Roads for multiple-family residential use with 264 attached dwelling units in 51 buildings, with storm water management and park donation. Petitions include Annexation, Zoning (to R4A Multiple-Family Dwelling), Site Plan and Natural Features Open Space Activity authorization, Landscape Ordinance modification request and Wetland Use permit. (Ward 1) Staff Recommendation: Approval for Annexation and Postponement on all others

See Agenda Item 10-c for Commission Discussion and Action on this item.

Moved by Bona, seconded by Peters, to continue the meeting to receive public comment during Audience Participation. On a voice vote, the Chair declared the motion carried.

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

Jeff Hayner, 1807 Pontiac Trail, said the Nixon Farms project is not affordable housing, but cheap construction at a high price, noting that the City will have to annex the parcels in order to develop them since they will not perk and they need the City services. He said the City will be asking 130 households to disconnect their footing drains in order to develop this site. He said there are 2 schools in the area, Logan and Claugue; the whole area is swamp. He said we are greenwashing this and there are many reasons to say no to this and he was disappointed that another motion to postpone didn't pass as the frogs on Peeper Pond could have had a chance to go through another life cycle. He said he finds it personally offensive.

Bernard Lugauer, 26 Haverhill Court, said why not flip the development and put the high rise up north and the single-family homes down south.

12 **COMMISSION PROPOSED BUSINESS**

13 **ADJOURNMENT**

Moved by Clein, seconded by Peters, that the meeting be adjourned at 12:17 p.m.. On a voice vote, the Chair declared the motion carried.

Wendy Woods, Chair
mg

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The complete record of this meeting is available in video format at www.a2gov.org/ctn, or is available for a nominal fee by contacting CTN at (734) 794-6150.