



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Tuesday, February 2, 2016

7:00 PM

Larcom City Hall, 301 E Huron St, Second
floor, City Council Chambers

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1 ROLL CALL

Interim Planning Manager Ben Carlisle called the roll.

Present 6 - Woods, Clein, Mills, Bona, Milshteyn, and Gibb-Randall

Absent 3 - Briere, Peters, and Franciscus

2 CALL TO ORDER

Chair Woods called the meeting to order at 7:00 p.m.

3 APPROVAL OF AGENDA

Moved by Mills, seconded by Milshteyn, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

[16-0156](#)

December 15, 2015 City Planning Commission Meeting Minutes

Clein noted a correction on page 9; second paragraph, second line to read: ‘...but not everyone gets a porch (instead of garage)...’

Moved by Mills, seconded by Clein, that the Minutes be Approved with amendments by the Commission and forwarded to the City Council. 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

6-b Planning Manager

Ben Carlisle reviewed the February meeting calendar with the Commission, noting that the Accessory Dwelling Unit discussions continue with meetings throughout the community.

He reported that the new Community Services Manager has been hired and will begin at the City on February 29th; he explained that Derek Delacourt is currently the Director of Community and Economic Development/Building for the City of Ferndale, Michigan.

Carlisle responded to an earlier enquiry from Gibb-Randall regarding plant selection in storm water locations; he reported that City staff have met internally to review the issue and Jerry Hancock will be reviewing all plant selections on projects to make sure they are compatible with storm water needs.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

16-0157 Various Correspondences to the City Planning Commission

Received and Filed

ROLL CALL

Enter Sabra Briere at 7:11 p.m.

Present 7 - Woods, Clein, Briere, Mills, Bona, Milshteyn, and Gibb-Randall

Absent 2 - Peters, and Franciscus

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.)

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

16-0158 Public Hearings Scheduled for February 17, 2016 Planning Commission Meeting

Chair Woods read the public hearing notice as published.

Received and Filed

9 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org).)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

9-a 16-0159 Jackson Avenue Retail Center for City Planning Commission Approval - A proposal to combine 2321 Jackson with 108 and 112 Collingwood and add a 27 space parking lot. The existing 5,000 square foot building will be used as a microbrewery and skate shop and the existing residential structure will remain. Ward 5. Staff Recommendation: Approval

Chris Cheng presented the staff report, noting that this project requires Planning Commission approval only and will not go on to City Council.

PUBLIC HEARING:

Patrick Sweney, 200 Burwood Avenue, Ann Arbor, stated that the problem with parking on Abbott is that it is not as wide as Collingwood and if anyone parks on Abbott, east of Collingwood, it becomes difficult for residents living there to get out of their driveways, and if someone parks directly across from a driveway it becomes impossible to get out. He said he didn't know how they could calculate that many parking spaces on the street once you take into account distances from the corner, stop signs, and fire hydrants. He said he walks their dogs regularly there and if they would fit 40 cars on the street in a one block radius it will be very difficult, especially since their section of the neighborhood is a cut-through neighborhood, adding that people drive through on Burwood, Collingwood, and Abbott, to get around one of the largest and most dangerous intersections in the County. He said they have heard accidents at Collingwood and Abbott and they hear horns blowing and tires screeching because of people not agreeing on who has the right-of-way. He said all of that happening with parking on both sides of the street, after dark, really doesn't appeal to him, so at the very least put up No-Parking signs on Abbott, east of Collingwood; or better yet, allow parking only on one side of the street and mark the spaces, otherwise people park wherever they think they can fit their vehicle. He said just as coming to the meeting this evening, there is angle-in parking, yet he saw a car parked at City Hall next to an angled-in car, parallel to the curb, because there was room enough for a car and parking spaces are difficult to find. He said it can be dangerous in this particular part of their neighborhood.

Sandy Schultz, 112 Collingwood Drive, Ann Arbor, owner of the proposed project parcel said she has lived there for almost 34 years and she is happy that she gets to stay. She doesn't see too much of a problem with the parking, agreeing that it is busy, but she thinks it will be a great place and a great business, and she believes it will be fine.

John Krienke, 204 Burwood Avenue, Ann Arbor, thanked the Commission for their service, adding that this was a great opportunity for him to speak at his first public hearing. He had 4 contingencies that he wanted the Commission to consider in approving this proposal. He said the first contingency is what type of clientele will this establishment bring in, explaining that his neighborhood is a nice mix of young families and older individuals who have been there for a while. He said he has been there for 15 years, and has seen a lot of young families come and go, adding that he has 3 children of his own. He asked if they will be getting a

'Hooters' in their neighborhood, and what kind of an establishment will they be catering to in their neighborhood; will it be a 'cheap beer and hang-out-late kind of place'. He said he would really like that to be a consideration for the Planning Commission for this project, as well as parking and capacity. He said there must be algorithms for figuring out tables for parking spaces which he hoped the Commission would use in their deliberations. He said hours was his third contingency, since he didn't know how late this place would be open, given they have so many families in the neighborhood, he would like to see hours like the Zingermans hours reflected. He strongly suggested 10 o'clock during the week and 11 o'clock during the week-ends, given the mixed area. His fourth contingency is sights and smells, stating that he doesn't know if some barbequing or smoking is being considered, like at Zingerman's this past week where there was a thick, thick, suffocating cloud of smoke wharfing two blocks from the Jackson and Maple intersection. He said if this establishment will also be having smoking it will come directly into their neighborhoods and he has neighbors who have asthma and other conditions and that would be a big concern to them. He thanked the Commission for looking out for their neighborhood as an advocate.

Patricia Felicia, 200 Burwood Avenue, Ann Arbor, said she has lived in the neighborhood for 20 years and she believes the traffic and parking will be a terrible problem, explaining that if they have 44, 22, or even 10, cars parked on Abbott, it will be very difficult for their neighborhood, like whenever there is an event at Vet's park their neighborhood get parked in. She said it's okay when it happens a few times a year but if it will be every night it will be very difficult. She said their driveway, which is really hard to get in and out of will become even worse to access. She said when Culligan Water was in that spot their garbage routinely blew onto her property because of the prevailing winds, so anything that is noisy, smoky, or has garbage is going to blow right into her property if the past is any indication of the future. She said she thinks the smoke and noise are something the Commission should be concerned about, adding that the garbage is something that can be policed but never was with Culligan. She asked if she will be able to sit out on her deck and be in her back and side yard when she is directly in the path of this, adding that she is smoke sensitive, and she is concerned that she will have to move. She said she is also concerned about what kind of coming and going to and fro from cars at what hours of the morning will they have, noting that she knows they are close to a commercial area but it is a really quiet neighborhood, and drunk people leaving their fire pits with loud music is a nightmare to her and she is very, very concerned about it.

Andrea Roe, 2000 E. Stadium Blvd, Ann Arbor, said she is really excited about the possibility of this brew pub; her husband and she are good friends with the owner, Tommy, and they can definitely say from knowing him over the past few years, that he is a person of integrity, and a person who would handle any neighbor concerns straight away and with respect. She said as a mom with two small kids she would be excited to come here and bring her family knowing there would be another affordable place to eat that is not too far from her house and being a person who doesn't love beer herself, she has been intrigued as Tommy has been working on the art of beer and what food pairs with it so she believes the clientele will be unlike what you see downtown campus; it will be young families, like herself who can bring their kids and eat good affordable food and enjoy a good time with their friends and family. She said she is looking forward to the pub and is excited about it and believes it will be great for the neighborhood and hopes the Commission will consider approving the neighborhood.

Cheryl Wiese, 110 Burwood Avenue, Ann Arbor, echoed some of the concerns expressed about the parking as well as the trash. She said she wanted to add concerns of noise and light pollution, noting that they live in a 2-story house that backs up to the parking lot, and if the proposed bar hours will be what the petitioner had informed them this past summer at the neighborhood meeting. She said she hoped that consideration would be made for these things, comparing The Wolverine Brewery, which is just down the street on Stadium, and has parking problems for their facility. She said it would be nice if they took the comparison of uses into consideration and the impact on their primarily residential neighborhood while The Wolverine is primarily in a commercial neighborhood.

John Iverson, 110 Burwood Avenue, Ann Arbor, aid he wanted to know about previously mentioned music outside on the site, given that their deck looks directly at their back door. He said he doesn't turn his music up for anyone else to hear and he doesn't want to hear theirs, so he hoped the Commission takes this into effect and thinks if this was in their neighborhood what would they do. He said the parking is difficult, and getting in and out of their driveway is not easy to do with a large truck, even without any cars in the way.

Darren Stevenson, 2108 Winewood Avenue, said he is one of the young families in the neighborhood who frequently walk to nearby places to eat and they would love to have another local neighborhood place they can walk to instead of having to use their car. He said they are firmly excited about this and they live 3-4 blocks away. He said there are many young

families in the neighborhood and he is ecstatic that they are not getting a 'Hooters' in the neighborhood but a brew pub and the clientele that would be attracted to this would be people like him who live nearby.

Steve Burns, (no address provided) said he wanted to bring out a point about the recreational sports community and a gathering spot on the northwest side of Ann Arbor. He said he has been a resident of Ann Arbor for 25 years, and in 2000 he moved to the west side. He spoke of his coaching experience and how he has brought together a soccer community in Ann Arbor and this recreational sports community that the Homes Brew Pub is centrally located in and is an important gathering spot for those teams that finish games from The Ice Cube, The Wide World, hockey and soccer, with Vets Park across the street with all the softball and hockey players and teams. He said this is another community team looking for a gathering spot to sit, talk and rehash after the games. He said certainly the parking concerns from residents are valid and hopefully they can get worked out, adding that he would be someone who would be coming over from the west side to have access to a brew pub like this. He said he knows Tom Kennedy as he recruited him to play on an over 30 soccer team that he is on. He echoed Andrea Roe that this petitioner has really high integrity and someone who is a pleaser of people and will bend over backwards to help come up with solutions to issues mentioned by previous speakers. He supported the project and hoped the Commission would see the excitement for this project.

Tom Kennedy, 1620 Kearney Road, Ann Arbor, thanked the public speakers for sharing their thoughts and for the Commission for considering their project. He stated that he and his wife met at U of M and have been happily stuck in Ann Arbor ever since. He said they are really excited about having this brew pub as a gathering space for the community and really represents Ann Arbor really well. He said they have taken into consideration the things talked about today, into their plans and are looking for other ways of cooperating with neighbors, and for more parking to be off-street. He said the venue is not 'Hooters' for sure and his food partner is No Hun from No Thai, who will be handling the menu and kitchen staff and then they will be bringing in a brewery that has awards from all over the place, from another brewery, so it will be a reputable place that presents the City well.

Noting no further speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Clein, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends approval of the Homes

Brewery Site Plan, subject to combining the 3 lots prior to issuance of building permits.

COMMISSION DISCUSSION:

Clein asked the petitioner about public speaker comments related to outdoor noise, music, smoke, fire-pits and lights, and what their vision is for the outdoor space.

Kennedy said there will be outdoor seating on the south side of the building, and the fire-pits will be gas operated, so they won't emit much smoke, and there is no smoking of food in the works. He said to alleviate sound concerns they have fabric fascia panels that fold down to block the sound and they are working with an audio specialist to make sure all the sound is facing the building and are limited. He said they really want to be respectful of the neighbors and it will be a very low key environment where they want people to be able to talk to each other and there won't be blasting music or dancing.

Clein asked if they are planning live music for outside.

Kennedy said, there are no real plans for music as he is no real fan of talking over music and they want it to be a place where people can get together and talk.

Clein asked if the petitioner was aware the City has a noise ordinance and what that means in terms of noise at the property line.

Kennedy said yes, and if there was a requirement to have the outdoor speaker system shut down at a certain time, having music, especially at late hours, outside, is not a high priority for them.

Clein asked about their planned hours.

Kennedy said, Monday through Thursday, 4:00 p.m. through midnight, and Friday, Saturday, 11:00 am until 1:00 am and Sunday, 11:00 am until 10:00 p.m.

Clein asked staff about parking concerns, and what the process is if residents want to petition the City for non-parking postings.

Cheng said it would have to be petitioned and he would have to discuss the issue with the City's traffic engineers about the possibility of limiting

parking to one side of the street or possibly both sides, or possibly on Abbott, where residents mentioned concerns, and possibly allowing parking only on Collingwood.

Clein asked if it could be done pro-actively or as a reaction to problems that have developed.

Cheng said it could be done either way, and he would bring it up with the engineer tomorrow. adding that if the project was approved, moving forward, if there were issues, He added that staff had extensive discussions and felt that 27 parking spots was the most they could get on site and they would ask for more, if they could, but because the petitioner secured 66 off-site spaces with Walgreens and two other office complexes, they are hopeful that it would address the parking issues. He said if it is wildly successful parking could spill over or the petitioner could direct people to park elsewhere to stay out of the neighborhoods. He said he had done research on The Wolverine Brewing Company in terms of size and parking issues.

Clein said at 4,300 square feet it is not a really big space, so one cannot image there be hundreds of people being in there with the capacity requirements.

Cheng said The Wolverine is close to 10,000 square feet.

Mills asked about the research done at The Wolverine Brewery.

Cheng said it seemed that Monday nights were the busiest with Trivia Night; he saw 76 cars at 8:00 p.m. He said the first time he went in November there were 89 cars on a cold night. He reported that Saturdays around 5 p.m. there were 46 cars, cloudy and 45 degrees weather, and Friday night, January 8th it was foggy and 40 degrees and there were 51 cars. He said he went every day of the week and there seemed to be a spike at certain times on certain nights but the week-ends weren't as busy as he had anticipated. He said given their size, being more than twice the size of the proposed Homes Brewery, they do not have a neighborhood surrounding them were parking spills out onto the streets, but when they peaked at 89 cars, he could tell that they had customers parking at the bank and nearby sports complex after hours.

Cheng said he felt comfortable with the petitioner saying that he wasn't opening until 4:00 p.m. on Monday through Thursday, where he is securing parking at 5:00 p.m. in shared parking agreements with other to

hopefully alleviate some of the parking concerns that may occur.

Mills asked if the facility was a restaurant and there was no retail component, what would the parking requirement be.

Cheng said it would be approximately 50 cars; 1 space per 100 square feet. He said he has had discussions with the petitioner for the parking counts to match a retail center he has to have some retail, and in this case he has a skate shop, and if at any point he decides he is going to expand further, we will have issues with him expanding and meeting his minimum parking counts on site.

Mills asked about the skate shop hours.

Kennedy said they are closed for the winter, and he thought it would likely be another retailer and not the skate shop by the time their construction is complete.

Mills said the fact that 50 spaces would be required if the facility was a restaurant and they have secured 91 parking spaces is applaud able. She asked how people are going to get from the off-street parking spaces to the Brew Pub.

Kennedy said it is paved from Ann Arbor Muffler to Walgreens and there is an alley way that was vacated so once their lot is paved it will be a straight paved shot to the Walgreens building.

Mills said so people will be walking by the dumpsters.

Gibb-Randall asked if the petitioner has made arrangements for off-street parking is there any obligation for signage or some way that the petitioner has to publically inform people, noting that first time customers would think they were trespassing if they weren't aware of the shared parking agreements.

Cheng said signs were not a code requirement that he was aware of, but he would think it was in the petitioner's best interest to put up signs at his establishment advertising the location of overflow parking spaces and the hours of operation.

Kennedy said in his shared parking agreements he makes mention of signage with allowable hours.

Gibb-Randall asked if there was any interface between the brew pub and the skate shop.

Kennedy said the two spaces are connected with a door, but it is likely that the skate shop will not be there, and it will be some other retailer, potentially someone more symbiotic with their business as well.

Woods asked if their micro-brewery is actually a restaurant where it will be appropriate for younger families to go there as well.

Kennedy said yes, that it will be a brewery in the sense that they will brew their own beer on site, but it will also have a full menu and serve in a restaurant capacity as well.

Milshteyn asked staff what happens if the retail space is not filled or the brewery expands into the retail space.

Cheng said such an expansion would most likely be caught at the building permit stage as a zoning code violation, since it would then no longer be a retail center but a restaurant and they would fall below the minimum required parking spaces on site, and such an expansion would be denied. He said if the current tenant moves out the retail space would need to remain vacant until they found a tenant.

Milshteyn said his biggest concern is with new patrons parking at Vet's Park ice skating and swimming facility located directly across the street; he doesn't see them walking to the intersection to cross the road, but running across the street, and his concern is with patrons who have had a drink or two running back across the street to their parked vehicles. He asked the petitioner if they have looked at this possibility.

Kennedy said they have considered it and they want to make it as obvious as possible that people park on site on in the two connected lots on the streets surrounding the building especially since the entrance is on the south side of the building and you would have to walk around to the other side of the building; the closest spots are the ones on the lot and in the connected lots and street.

Milshteyn said he noticed the parking agreement with Mr. Lloyd is across the street and one building away a State Farm agency. He asked if the petitioner had held conversations with the State Farm agent as well.

Kennedy said they were both together and more interested in making

their parking an employee parking lot so it would be a more controlled crowd, so it would not be customers parking in either location, and they would supply them signage and instructions where to park.

Cheng added that he had held brief discussions with the Park Director and said if this issue comes up, the City will start enforcement at Vet's Park and start towing cars since the City does not want them mid-block crossing without a crosswalk.

Milshteyn asked if the Commission could add restrictions to their approval.

Cheng said he was not aware of them being able to add restricted hours since the request was not a Special Exemption Use.

Bona commented that shared parking is a huge benefit to the City since it reduces our storm water requirements, and it takes sites that are not being used in off hours and makes them useable instead of just being paving, is a good thing. She said she doesn't expect the retail space to stay retail; if they would have come in today and the entire building would have been for the restaurant and we are planning for a potential office zoning where the residence currently is, how much parking would be required.

Cheng said for an office use you would need between 4 and 5 spaces.

Bona said even if the restaurant doesn't expand, she could foresee the retail space staying vacant, which doesn't really make it a retail center, but you are keeping a locked storage facility in order to keep it a retail center for zoning classification. She asked how many parking spaces would be required if that just became a restaurant.

Cheng said 50 spaces would be required for a 5,000 square foot facility, plus the 4-5 for the office use, so 55 on-site spaces would be required.

Bona asked what the City offers for not having all the parking on site.

Cheng said they could go the variance route, but he was not sure how confident he would be in getting an approval for a variance to exceed the parking requirement. He said the most likely would be to secure parking agreements from the surrounding businesses that exceeds those surrounding businesses' minimum parking requirements.

Bona said the variation in operating hours wouldn't be taken into consideration, which is probably something they should work on. Bona said she felt comfortable that there is enough parking, as long as the math works relative to the ordinance.

Bona asked what neighbors can do relative to any potential trash and light issues. She also asked about the lighting requirements.

Cheng said neighbors can call the City's Planning Department to address some of the lighting issues. He explained they have a light meter to measure if light is going past the property lines-off site, and if that was the issue they would work with the petitioner to put a shield on the light so it would not go eastbound towards the neighborhood or for them to try to use a lower wattage bulb.

Bona said it is often not just the light on the ground that neighbors see, but the light bulb, which can be seen, noting that is what she sees at her house. She suggested that the petitioner have fully recessed light bulbs because if they don't they will have complaints.

Bona asked how potential trash issues should be handled.

Cheng said neighbors could call Planning staff, Solid Waste Department staff or use the City's on-line A2 Fix-it. He said there are options available, such as possibly picking up trash more than once a week, if needed. He explained that the dumpster is a screened dumpster enclosure so hopefully the tenant is closing the screen carefully. He said if there are repeated problems with blowing trash leaving the site, they could get cited by the City's Community Standards Division.

Gibb-Randall asked for clarification on the landscape plan elevations and what was planned for the front elevation facing Jackson Road.

Jesse Lewter, Wolverine Engineers and Surveyors, said they are working with the architects on the landscaping, and had exchanged the Bradford Pear trees because they aren't the best so they changed them to Ghinkos, which aren't quite as brittle and last longer.

Gibb-Randall said Ghinkos grow very large so she was dubious that they would be pruned to be kept small, and be successful long term, adding that she realized the specific landscaping was not part of their requirement, so their choices were up to the petitioner.

Jesse Lewter said he could discuss the matter with Tommy and staff if it was a concern.

Woods asked about the hours of operation that were mentioned in the citizen participation report.

Kennedy said there were discussions at the meeting which would be the best times, and that there has been some potential change since then and they are not hard pressed to stick to them, because they don't know what there hours need to be based on the demand at this point.

Woods asked if their hours haven't actually been set yet, and if the demand is that people want to be there until 1 a.m. in the morning, you will be open until 1 a.m., and the hours have a potential to change.

Kennedy said yes, they could change.

Woods encouraged the petitioner that if he wanted to be a good neighbor that he keep an open door policy so that his neighbors will be able to work out any potential noise issues that might occur when patrons are leaving late in the night, since it is better to be able to work out issues directly with them instead of getting the City involved, because you also want your neighbors to be your patrons.

Kennedy agreed, adding that the same was true for any trash issues, and that he would retrieve trash if he saw it in a neighbor's yard.

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

Yeas: 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Sarah Mills, Bonnie Bona, Alex Milshteyn, and Shannan Gibb-Randall

Nays: 0

Absent: 2 - Jeremy Peters, and Sofia Franciscus

10 UNFINISHED BUSINESS

- 10-a [16-0160](#)** 816 S. Forest/815 Church Rezoning for City Council Approval - A request to rezone these two 0.18 acre parcels, zoned R2B (Two-Family and Student Housing District) to R4C (Multiple-Family Dwelling District). 816 South Forest, which currently contains two residential units, each containing four bedrooms, would be remodeled to provide six bedrooms in each unit. 815 Church, which currently contains a legal non-conforming dentist office

on the first floor and a residential unit containing three bedrooms on the second floor, would remain unchanged. Ward 3. Staff Recommendation: Denial

Ben Carlisle reviewed the staff report.

PUBLIC HEARING:

Scott Munzel, 603 W. Huron Street, Ann Arbor, Attorney, representing the petitioner whom were also present. stated that it was very important to understand that the Master Plan calls for this site a density that is greater than the R2B zoning classification, meaning that the Master Plan calls for this site to be zoned R4C which is multi-family. He said the re-zoning that they are proposing is not only consistent with the Master Plan but it brings the zoning of the place into compliance with the Master Plan. He referenced a report from an independent Planner who concurred that this proposal would in fact be consistent with the City's Master Plan. He said per the zoning ordinance R4C zoning surrounds this site and is specifically designed for areas next to the UM campus, so the R4C zoning is totally appropriate. He said he is talking about moving the R4C, R2B line up north, basically one lot. He said it is also important to understand that the R2B intent talks about being appropriate for the Greek system student coops, and it talks about large lots with large front yards with large distinctive houses with mature vegetation. He said none of those physical conditions apply in any way to either of these sites, so the R2B really makes no sense. He said it is his impression that in the 1960s there was a coop on the Forest Street property that had 22 students in it and at that point when the City zoned the property, perhaps R2B made sense because it was a coop, even though none of the physical characteristics were applicable. He said that burned down in the 2000s so there is a change of conditions so that the reference to R2B no longer is sensible. He said why the Church Street property was zoned R2B is impossible to determine, adding that he had researched it and there is no factual indication as to why, and his assumption is that they just drew a straight line, and that is one of the reasons why these 2 properties are before you today instead of one or the other. He said it is important to remember there has been a change in the City's conditions in the last few years, adding that the City now encourages walkability, encourages additional units in the urban core and this rezoning to allow 4 more students to live right next to the UM would be consistent with these more current City policies. He said 4 more students will not be much of a change but it could reduce pressure, very slightly, at the fringe between Burns Park and student/ family interface. He said no changes are proposed and there is adequate parking on all the sites, the R2B density

would be 1 person per 350 square feet, even with 12 people in the Forest Street property it would only be 1 person per 650 square feet so it's about half the density of the R2B.

Munzel said the concerns they heard seem to be focused on future potential development. He said first, any future development would have to go through the City's normal process and neither of these property owners anticipate any changes at any time in the future. He said Mr. Kim is willing to add a condition that he is not going to add any more units to his property, and Ms. Koko is a dentist and she anticipates to practice in that facility for the foreseeable future. He said her dentist office is somewhat idiosyncratic in that when she wants to retire there won't be someone who wants to practice there so this rezoning gives her a little more flexibility. He said the lot combination is usually not reviewed by the Planning Commission, and since they seemed concerned about lot combinations there is an alley that prevents them from combing east-west; this would give the Planning Commission some additional comment if there were ever a north-south lot combination, both of which are extremely unlikely as the sorority to the north and to the south are well developed student rentals and the Design Review Board is a good faith effort which is all we can ask for even now, as we were trying to mimic that. He said they felt the conditions would make the Planning Commission more comfortable.

Milshteyn stated that he wanted to disclose that he represented the sale of this property in 2004 when the ICC burned down, to the buyer who then built the property and then he assisted the builder of the property in 2007 with the sale of that property, which is not the existing owner. He said he would be happy to recuse himself if anyone had an issue with his previous involvement with this property.

The general consensus was that there was no current conflict of interest.

Noting no further speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Bona, seconded by Mills, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 816 South Forest Avenue and 815 Church Street Rezoning from R2B (Two-Family Dwelling and Student Housing District) to R4C with Conditions (Multiple-Family Dwelling District).

COMMISSION DISCUSSION:

Bona said the statement in the staff report, page 5, under Planning Initiatives, is her guidance on this matter; 'that higher residential density are generally desired but so are preserving the existing stock of single-family structures and streetscape character'. She said she thought the struggle they are having is accommodating density while preserving neighborhoods and there have been some opening up of densities allowed downtown and in the commercial districts. She said in the commercial districts most of that up-zoning has not been taken advantage of, and we are still seeing projects that are below the density of the previous version from the area, height, and placement changes. She said there is plenty of room in our zoning for additional housing that is close to transit, and commercial uses where people can walk and for us to take the sensitive neighborhoods which create the most public involvement when they come up, those are R4C and R2A neighborhoods and up-zone them when we haven't resolved the R4C issue that has been going on for several years, knowing that anything that becomes R4C zoning we are putting in a very precarious situation and until that zoning gets re-designed I am not comfortable placing any new property in that district. She said we need to work on that and it is a struggle but until it gets repairs she doesn't see any justification for moving something from a district that works to a district that is something that we don't like as it is now designed.

Mills asked about amending the zoning map and what was meant by 'extent the boundary of an existing zoning district', and when does that get used in practice, she referenced Page 5 of the staff report from September 29, 2015.

Carlisle said the beginning of the sentence talks about if there are changing conditions you can extend the boundaries of a zoning district based on changing conditions that would require such extensions. He said the reason it is put in there is to eliminate spot zoning and to allow more contiguous zoning districts to be more consistent.

Mills said she too would love to have the R4C issue resolved, adding that she struggles with the intent of R2B and the form of R2B that is being talked about, isn't something that is talked about here and she is wondering herself, since she wasn't alive in the 60s and she doesn't know why the line was drawn. She said the petitioner's claim seems to be reasonable that you didn't want to make a nonconforming use out of something that was there, and that condition has changed, and she doesn't see it as a spot zoning if they were to rezone it because it is literally just moving the line 1 property to the north. She said when she

looks at the map she sees all those larger properties zoned R2B and not the smaller properties so it seems bizarre to her that the line was drawn there, except if they were trying to not make a nonconforming use, back then. She said she feels there have been some changes in conditions and we would be extending the boundary of an existing zoning district which seems like a reasonable claim, but on the same point she doesn't want to open a can of worms, but she feels the condition that a lot combination coming before the Planning Commission where they can see the history of the discussion that has gone on about this property would help Planning Commission say we went over this and we didn't want a lot combination to happen, and we are not going to allow a lot combination to happen and hopefully in the meantime our R4C gets figured out.

Briere said she agreed with Bona.

Clein said he is not persuaded by the petitioner's argument in terms of the zoning change. He said Bona's statement about the R4C and the challenges of that district and until they are resolved it is better not to add any more properties to that district. He disagreed with Mills on the changing conditions of the area, noting that while there have been some new properties built in that area the population of Ann Arbor may have gone up slightly in the last 20 to 40 years but not significantly enough to reconsider that boundary at this point.

Clein said staff made a point that typically with rezoning we look at what is happening and benefits the community and that there is usually something that is being proposed in a response to that, while here we are not getting that, other than to say the petitioner is saying we are going to put more people in the building or eluding in the conditions that they offer, that there is going to be a tear down and redevelopment, but they are not telling us at this point. He said they are not making a commitment to follow the Design Review Board but only make a good faith effort at that so he doesn't see the conditions being offered as being anything that are compelling in terms of that change, so he is not in favor of the petition.

Milshteyn said he agrees with both sides of the argument; he sees that things have changed since this was zoned and the neighborhood has changed, he also had a hard time figuring out why it was zoned R2B, because for all intents and purposes it is R4C, it is student, that is all it is. He said he has a concern that both lots do not meet the square footage requirements for R4C so they are not compliant in that regard.

Mills asked if the lots are nonconforming does that mean they couldn't have 2 dwelling units of 6 persons if it were rezoned.

Carlisle said they are undersized for both the R2B and the R4C zoning. The R4C district has a minimum lot area per dwelling unit of 2,100 sq/ft versus 4,200 sq/ft for the R2B. He said the lot minimum lot size requirement is the same but a small sq/ft requirement per unit for the R4C.

Mills asked about the nonconformance factor and how it worked for rezoning.

Carlisle said it would be grandfathering in of nonconformity of the lot size.

Briere said when she sat of the Zoning Board of Appeals she learned that nonconforming lots become very difficult to work with; they don't have the available square footage, you can't do the setbacks effectively and amend the existing or build a new building on them, so they must go to the ZBA looking for a variance in many cases. She said this becomes a challenge for the Zoning Board of Appeals and it becomes a challenge for the property owner. She said in general one of the reasons she recalls the R4C zoning changes have been so slow to move through the process is because there are not only a number of nonconforming lots but an effort to try to decrease the number of nonconforming lots. She said we know that these 2 lots would be nonconforming with R4C zoning and in her mind to move these to R4C already knowing that they are nonconforming with R4C and wouldn't conform with the proposed new definition of R4C zoning, creates a barrier for the property owner or extends the barrier for the property owner that already exists. She said the question is, where is the benefit to the property owner, and that comes back to that ability to have more residents on the property than would be allowed otherwise and that is the challenge we are facing.

Munzel said for anything to happen on either one of those lots they would require a variance because they are nonconforming so no matter what they do they would have to go to the Zoning Board of Appeals to get a variance and it would be extremely unlikely and difficult for them to achieve a variance and that is one of the reasons there is no subterfuge going on; Mr. Kim is totally fine with his 2 units but it would be useful for him to have 12 instead of 8 residents, and Ms. Koko intends to keep practicing dentistry and her site is perhaps even more challenging and if she doesn't find the right kind of dentist to replace her then she is faced with a more difficult challenge of what to do with that property, so the R4C

only makes sense because of everything else around it that is R4C. He stated he researched the R4C study and it would be better for these 2 people if the R4C study recommendations were adopted just for the reason of reducing the minimum lot size to 4,350 or something like that so both of these lots would then become conforming.

Bona said her concern with rezoning it to R4C zoning as R4C is written today not as proposed and until is changed she is not comfortable changing. She said the number of nonconforming lots is more than a majority and it needs to change and it probably ought to change to something much smaller than 4,300 square feet, but until then, rezoning it to what it is written today is not a good thing.

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

Yeas: 2 - Sarah Mills, and Alex Milshteyn

Nays: 5 - Wendy Woods, Kenneth Clein, Sabra Briere, Bonnie Bona, and Shannan Gibb-Randall

Absent: 2 - Jeremy Peters, and Sofia Franciscus

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

12 COMMISSION PROPOSED BUSINESS

Bona asked about the current status of the R4C.

Carlisle said it is on hold, given the staffing transitions, the Planning Commission is focusing on some key issues and R4C is next on that list of priorities but we haven't gotten to it yet but the intent it to move it forward as soon as staffing levels are at a more consistent manner.

Clein suggested that topics such as this one or neighborhood planning could be possible Planning Commission retreat topics in April. He encouraged the Commission to all give it some thought and perhaps share their comments at the upcoming working sessions.

Woods commented that during previous retreats the Commission did walking tours to view various districts and she recollected they viewed nonconforming lots in the R4C district, which she felt was most helpful.

Bona said those neighborhoods are complicated and getting to know them better is only a good thing, she said it might be helpful to work on

how to get more density out of our commercial corridors where developers are not taking advantage of that potential since the density seems to all be coming downtown.

Briere said she would like to add the affect of Accessory Dwelling Units on existing neighborhoods, noting that the County has taken a lead on this which is great, but it would be good to review some of the feedback received and look at how parking might be affected for those who live permanently in various neighborhoods.

13 ADJOURNMENT

Moved by Milshteyn, seconded by Clein, that the meeting be Adjourned at 8:53 p.m. On a voice vote, the Chair declared the motion carried.

Wendy Woods, Chair
mg

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

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.