



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Meeting Minutes City Planning Commission

Tuesday, October 4, 2011

7:30 PM

City Hall, 301 E. Huron Street, 2nd Flr.

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

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

1 CALL TO ORDER

Chair Mahler called the meeting to order at 7:35 pm.

2 ROLL CALL

Rampson called the roll.

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

Absent 2 - Bona, and Woods

3 APPROVAL OF AGENDA

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

4 INTRODUCTIONS

4-a Introduction of ICMA Fellows from Indonesia

Rampson gave a brief introduction of the three visiting members of the International City/County Management Association. She explained that they are representing local government from three different cities in Indonesia and are visiting with the City of Ann Arbor for 2 weeks to learn about our sustainability efforts.

5 **MINUTES OF PREVIOUS MEETING**

5-a 11-1252 City Planning Commission Meeting Minutes of September 8, 2011

A motion was made by Councilmember Derezinski, seconded by Briggs, that the Minutes be approved 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**

Enter Pratt

6-a **City Council**

Derezinski reported that at the previous night's meeting, City Council passed the resolutions for annexation of seven Scio Township properties. He said that the City Council turned down the Clark rezoning request for a medical marijuana dispensary because it represents a spot zoning. He said that the discussion about this rezoning request reinforced the need for a South State Street corridor study to look at land use in the corridor.

Derezinski also reported that the Heritage Row PUD was brought back for consideration, and Council passed a resolution instructing the staff to determine whether the PUD could accommodate several changes to the original PUD that were proposed by the developer. He said that there is a tight timeframe for staff and the developer to work together and report back to the Council. He noted that Council members raised concerns about whether the revised PUD would meet the public benefit standard.

Derezinski announced that Council passed the PACE district and program, a new form of financing for energy improvements in commercial buildings. He said that the City worked with Senator Rebecca Warren to get the legislation approved that ultimately led to this program.

Rampson added that the Pittsfield Retail Site Plan was also on the City Council agenda and was approved.

6-b **Planning Manager**

Rampson reminded the Commission of the upcoming Michigan Association of Planning Conference and the deadline for registration.

Rampson added that there would be a Planning Commission Working Session next week where they would debrief about the joint Sustainability Framework meeting that was held the previous week.

11-1253 FY2011 Annual Report - 9-28-2011

Received and Filed

11-1247 October 2011 Meeting Calendar

Received and Filed

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

11-1248 Correspondence 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.)

Rick Stepanovic introduced himself as a student who serves on the Michigan Student Assembly. He said that he is interested in providing student input to the Planning Commission and will try to attend as many meetings as he can. He noted that he is a resident of the Packard/Hill neighborhood.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Chair Mahler read the Public Notice as published.

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

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

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

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

9-a 11-1249 University Bank Planned Unit Development (PUD) Supplemental Regulations Revision and PUD Site Plan - A request to revise the approved PUD supplemental regulations to increase the total number of employees and parking spaces allowed and a proposal to construct 14 additional parking spaces at the east corner of the site on the 2.10 acres at 2015 Washtenaw Avenue. Staff Recommendation: Approval

Dileo presented the staff report.

PUBLIC HEARING:

Dana Dever, attorney for the Serwers, neighbors of the property, said that there are two matters that still need to be addressed. He said there is nothing in the supplemental regulations prohibiting parking on the driveway and he feels this should be added. He said they are also asking for two no-parking signs to be placed along the driveway. He noted that Mr. Ranzini stated at an earlier meeting that parking on the driveway was not desirable, yet he subsequently encouraged employee parking along this driveway despite the prior site plan and the easement restrictions.

Ken Sprinkles, representative from University Bank, said that one reason cars are parking on the driveway is because there is a need for parking. He said that the easement language states that they must maintain one lane of traffic on the driveway. He said they will provide one sign, and they will enforce the no parking restriction. He said that they are working on an identification system for all employee cars. He said that, as of today, there was no parking on the driveway, even though there were more cars than parking spots.

Gerald Serwer, 2021 Washtenaw, said this zoning decision affects the financial viability and enjoyment of his home. He said that he would like two "no parking" signs to make sure no one misinterprets the use of the driveway. He also asked that no parking occur on the driveway during construction. He said that the wall that separates his property from the parking lot drive is requested to be faced with a material matching his house masonry. He emphasized safety, now, during the construction and into the future as their primary concern.

Stephen Ranzini, president of University Bank, said that since last month, his bank has hired 30 people, but only one was hired at the Ann Arbor location due to delays in getting this parking lot approved. He said that his preference is one "no parking" sign at the entrance. He said that the easement calls for keeping one lane of the driveway open, which allowed them to run the experiment to test the staff's suggestion from an earlier meeting. Because of the slowness of the process, it took a year to get to where we are tonight. He hoped that the Commission would do its part to preserve this historic property by approving the PUD request.

Cheryl Serwer, 2021 Washtenaw, noted that it had also been three years for her since this project started. She read the language of the driveway easement to the Commission. She said that they were willing to compromise on the removal of the trees by having a taller wall to screen the parking lot. She said that she needs to get out of her driveway safely and that two "no-parking" signs should be posted to make sure that cars will not park there.

Public Hearing closed at 7:40 PM.

Moved by Pratt and seconded by Westphal that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the University Bank Planned Unit Development (PUD) Supplemental Regulations and Site Plan.

COMMISSION DISCUSSION:

Derezinski asked staff to respond to the petitioner and neighbor's concerns and how the issue could be enforced.

Dileo explained that the driveway on this site is not a public or private street, so City ordinances are not helpful in this case. She also noted that the number of "no

parking" signs is discretionary. She said in regard to the driveway easement, the City does not enforce private agreements between two parties. She said the items could be included in the supplemental regulations if desired.

Derezinski asked the petitioner if he would be willing to put up a second "no parking" sign.

Ranzini said that until the Planning staff mentioned that parking on the driveway was an option, they did not have parking on the driveway because it is ugly. He said that they would put a second sign if required.

Derezinski asked staff how this additional sign requirement could be added to the agreement.

Dileo said that Section 4 (g) in the supplemental regulations could be revised to include limiting parking on the driveway and a requirement that two signs must be provided.

Gianolla asked if the no-parking would apply to all visiting vehicles even if they weren't bank employees.

DiLeo responded yes.

Westphal asked if parking did occur, which ordinance would it be violating.

DiLeo answered that it would be a violation of the zoning ordinance, since it would be a part of the Zoning Supplemental Regulations for this project.

Moved by Derezinski, seconded by Adenekan, to add to Section (4)(g) of the proposed supplemental regulations that no parking is allowed on the driveway and that two no-parking signs must be installed along the driveway.

Westphal asked whether this addition to the supplemental regulations would change the enforcement.

Rampson added that the City would not tow cars from a private property. She noted that the City could potentially ticket the property owners for allowing parking in that driveway.

Westphal asked if the signs would even matter, if the no-parking becomes a part of the supplemental regulations.

Derezinski said that it is unfortunate that this is becoming formal, since this should not be a problem between two neighbors. He said he is withdrawing his motion.

Motion withdrawn

Pratt said that the unfortunate problem with a PUD is that an owner has to take it as is. He asked whether staff had seen multiple submissions on this project which would've caused a delay?

Rampson said no, but the petitioner and neighbor had spoken on multiple occasions.

Pratt said that when an owner wants to change a PUD, the expectation is that there will be some give and take, and it sounds like there has been. He said he applauded the effort to try out the parking experiment, and he understands it was in an effort to minimize additional pavement and cutting down trees. He said that adding words will not really help, and enforcement may be through private efforts. It's a small concern

to the public, and is really a private property matter.

A roll call vote on the motion was as follows, with the Chair declaring the motion carried.

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

Nays: 0

Absent: 2 - Bonnie Bona, and Wendy Woods

9-b 11-1250

Varsity at Ann Arbor Site Plan for City Council Approval - A proposal to demolish a 2-story office building and construct a 13-story (148 feet) apartment building with 181 units for 415 persons, including 76 vehicle and 137 bicycle parking spaces at 425 East Washington Street on the 0.59 acre site. Staff Recommendation: Approval

Dileo presented the staff report.

PUBLIC HEARING:

Hugh Sonk, 505 E. Huron Street, representative for Sloan Plaza, said that residents are concerned about the traffic impact and the elevations for East Huron. He said that placement of the Huron driveway will require vehicles to stop on Huron. He said this project will displace permit parkers. He said the Huron facade represents a backdoor approach to a front door facade. He noted that the facade was not changed after comments were made last summer. He said the facade should be redesigned.

Ethel Potts, 1014 Elder, said this is an important building, since it is the first test of the new design guidelines. She said the Design Review Board raised some issues, but didn't have a detailed discussion. She said that, while the Huron facade was improved after the neighborhood input, she said the height and mass was not addressed and does not fit within this historic context. She asked why everyone is avoiding discussion about height and mass. She said this project provides open space, but not green space. She asked whether we are seeking downtown liveability.

Chris Crockett, President of the Old Fourth Ward Historic District, said that she is seeking conformance with the design guidelines. She said it is troubling when the first project under these guidelines ignores the comments of the Design Review Board and neighbors about the Huron Street frontage. She said it doesn't acknowledge the historic context of the historic house to the west and church to the east. She said that there are many changes that could be made to fit this building into its context. She said this building will be there for decades, so the Huron Street frontage should be treated with importance. She said this project should be pedestrian-friendly, but the petitioner has not made the Huron Street frontage more friendly. She said that the Design Review Board said that the walkway was too narrow, but the petitioner made it worse by adding an overhang.

Stephen Trandett, a City Planter, said this is a great project for this City and should be built. He said there is no landscaping or interplay along the Huron Street frontage. He said that they have a greater vision for the connection between Huron and Liberty, and this proposed walkway does not offer that. He said there is an opportunity for a pergola and water features. He said the community is not looking favorably on the petitioner for the items not addressed.

Donnie Gross, 11305 Crossing Glen Court, Potomac, MD, the petitioner, said that his

team is very proud of this building, and they have done a tremendous job on the walkway and design. He said that he could provide something that is by-right, but he has met with everyone and they have changed the design in many ways, maybe 20-30 times. He said just because they didn't incorporate citizen's ideas doesn't mean they didn't listen to their concerns. He said that they first met with the church to get their approval because they are most affected. He said that they did not skinny down the walkway, and are working with the church to get an easement for widening it. He said that regarding retail, they are not opposed to retail, but to empty retail. He said that they have designed the lower level of the building to provide evidence of life along East Washington. He said that they have revised the plans to add a green roof above the plaza. He said that if they were allowed to add a driveway on the historic property to the west, they would have, but they are not allowed to remove historic soils from that parcel. This leaves them without a turning radius for vehicles and forces entrances from both Washington and Huron. He said there are reasons why they do things on a site, stressing that they don't invest to upset people in the community, rather they invest to bring life and energy into the community.

Maurice Binko, resident of Sloan Plaza, said that he echos his neighbors comments about the Huron facade and entrance on a street which has distinguished buidlings. He said that most of the cars parking in this building will only have access to East Huron, with only room for one car to queue to turn out onto Huron. Cars coming out would have to turn left into heavy traffic. He asked how the developer proposes to address this. He said just adding something to the lease may not be adequate to avoid major miseries at some times of day.

Linda Binko, resident of Sloan Plaza, said that one of the great assets in the city has been the properties in this area on Huron Street. She said that putting in a building like this would damage the traffic and lower the property value and was not in the best interest of the city. She asked if consideration could be made to setbacks to preserve the value of Huron Street.

Tom Haywood, Executive Director of the State Street Association, said that when the developer came to them, he recommended that they talk to the neighbors. He said the developer did an incredible job. He said their Board reviewed the plans one more time this morning, and they recommended unanimously that this project be approved. He said that they understand the parking restrictions of the site, and noted that additional parking will be available in Tally Hall when the new Library block parking opens up. He said that this frontage will be more in character with Huron than the current building. He said, while they support the addition of retail, he understands that the demand is currently not there.

Ray Detter, Downtown Citizens Area Advisory Council, said that the addition of the green roof is a positive direction. He said because the design guidelines are new, this is part of an educational process. He said that the Advisory Council supports the increased setback on Washington. He said that the mews on the east side of the project is a public benefit and would like to see this widened if possible, and they will support these changes when it goes before the Historic District Commission. He said some of them would like to see the elimination of the parking entry on East Washington and the parking on the 1st floor moved to an extension of the underground parking entered from East Huron Street. He said this could open up a mixed use for the 1st floor. He said they look forward to the crosswalk into an improved alley that leads into Tally Hall.

Stacey Simpson Duke, 1201 Birk Ave, Pastor of First Baptist Church, said that they honestly didn't want a high rise next to them, but she recognized that if it was going to happen, this team has been the best neighbors that they could be. She said the

design team and developer have been extremely responsive about the walkway and plaza. She said she really hopes these two features happen, and they are excited about the project.

Joan French, resident of Sloan Plaza, urged the Planning Commission to not make the Huron frontage a back door.

Brad Moore, Associate Architect for the project, showed the proposed brick selection. He said that this color is similar to the original Chemistry Building on campus. He said there will be banding and decorative surrounds. He said that they have worked with the church, and have no objection to making the mews wider. He noted that this effort is a procedural issue that they expect to pursue. He said that regarding the parking on the East Huron side, this would be strictly a right-in, right-out turning movement and will be monitored by video cameras.

Bob Kane, with WDG Architecture, said that related to comments about the "back door" on Huron, there will be a texture and banding on the Huron Street side that matches that proposed on Washington Street. He said that the garage doors will look like storefronts. He said that people that drive by this building will think this is the front of a building. He said this is a juxtaposition of old and new buildings that works in an urban environment.

Rita Gelman, resident of Sloan Plaza, provided a copy of a letter she had written about her concerns.

Public hearing closed at 8:48 pm.

Motion made by Derezhinski, seconded by Briggs that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Varsity Planned Project Site Plan and Development Agreement.

COMMISSION DISCUSSION:

Westphal asked about precautions over construction debris and concerns raised by the adjacent pre-school.

Dileo said that she will provide background to the preschool, and the petitioner will set up a meeting. She said that hazardous materials are covered by state and federal laws.

Briggs said she had concerns about the narrowness of the walkway, and is encouraged by the comments that the walkway will be widened. She asked about the lighting along the walkway.

Moore said this would be incorporated into a project on the church property which would include pole lighting.

Briggs said the plaza appears to expand into the sidewalk area and does not have a defined sidewalk.

Moore said this provides a sense of entering the plaza.

Earl Ophoff said that the intent is to make the plaza look closer in scale to what's happening at the other end of the building in an attempt to diminish the driveway look.

Briggs said she is concerned that it may not be clear where the sidewalk begins and ends to drivers using the driveway. She said she appreciated the incorporation of elements into the walkway and asked about amenities for bicyclists.

Gross said he would take this into consideration.

Giannola said that she likes the building, plaza and walkway. She said her only concern is the amount of parking. She said she understands the effort to encourage walking, but she worries there will be a problem in the future. She suggested that they market to students who are not interested in parking.

Mahler asked about Paragraph-13 in the Development Agreement about proposing material changes and asked if these would come back to the Commission.

Dileo responded, no.

Mahler asked about Paragraph-8, contribution in lieu of parkland, and if the city has injunctive relief if the plazas are not done as we envisioned them.

Dileo said that a certificate of occupancy will not be issued until all improvements are installed, as per approved plans.

Mahler asked regarding Paragraph-13, whether this should come back to City Council or to the Commission.

Pratt said this may be appropriate, but wonders if Council wants to deal with it, since it's more of a Planning function.

Westphal reiterated his comments about the developer meeting with the neighbors, and he said it is good to know that he has been responding to concerns. He said he could see how the plaza transition benefits the church, and he said the mews and bike parking is a great approach and he does not have a problem with limited parking. He said the Design Review Board did an excellent report, and did not recommend anything burdensome, so we are seeing the result of optional compliance. He noted that this does meet the Planned Project standards, as written.

Pratt asked if the Huron Street frontage has changed.

Dileo said this has changed since the Design Review Board meeting, but not since the last Planning Commission meeting.

Derezinski said there are two things: how the process is working and how the Planned Project process is working. He said the planned project approach is a creative way to do this. He noted that sometimes you don't get what you want, but you get what you need. He said that everyone has done as much as they could to come up with a creative project that will add to this area, and improve the tax base.

Giannola asked if a no left turn sign could be added.

Gross said that they would welcome a sign.

Rampson said the developer would be able to put a sign up as part of their building but not in the Right-of-Way since it's an MDOT trunkline route. She said that staff will follow up with the traffic engineers on this issue.

A roll call vote on the motion was as follows, with the Chair declaring the motion carried.

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

Nays: 0

Absent: 2 - Bonnie Bona, and Wendy Woods

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

11 **COMMISSION PROPOSED BUSINESS**

Briggs said that the Commission had received a comment about signage for mid-block crosswalks. She said there are two types of signs available - regulatory and advisory. She said that the city anticipated that new signage would be created and added in the future.

12 **ADJOURNMENT**

Adjourned at 9:40 pm.

Eric Mahler, Chair
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