



City of Ann Arbor

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

Tuesday, June 5, 2012

7:00 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.

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1 CALL TO ORDER

Chair Mahler called the meeting to order at 7:05 pm.

2 ROLL CALL

Rampson called the roll.

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

Absent 2 - Bona, and Westphal

3 APPROVAL OF AGENDA

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

4 INTRODUCTIONS

None

5 MINUTES OF PREVIOUS MEETING

None

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

6-a City Council

Derezinski reported that there were two major items discussed at the previous night's Council meeting. He said the first was the four-party agreement for the Ann Arbor Transportation Authority, which was passed with one amendment. He said this agreement will now go back to the other parties for their confirmation.

Derezinski said the other item discussed was acceptance of a grant from the Michigan Department of Transportation for the work needed to plan the Ann Arbor Rail Passenger Station. He said this grant has a 20/80 local/state split and will bring in about \$3,500,000 to the City. He said acceptance of the grant was approved by a wide margin. He noted that all details of the project are not known, but this is the initial step. He said the head of AATA and Eli Cooper provided information about ridership, including that the Ann Arbor station has the most ridership in the state, and it is projected to increase.

Derezinski noted that the City Council accepted a grant from the Ann Arbor Community Foundation for art at Allmendinger Park.

Derezinski said that City Council appointed Bonnie Bona to the North Main/Huron River Task Force as the Planning Commission representative, along with Connie Rizzolo Brown as the representative from the Arts Commission.

6-b Planning Manager

Rampson brought the Commission's attention to the Planning Commission retreat questionnaire that was emailed to them, as well as the Planning Manager and Planning Staff Evaluation. She said the evaluation would be on next week's Working Session agenda, along with the Plymouth Green pre submittal conference on PUD changes.

12-0781 June 2012 Meeting Calendar

Received and Filed

6-c Planning Commission Officers and Committees

None.

6-d Written Communications and Petitions

12-0782 Various Correspondence to the 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.)**

None

8 **PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

12-0789 Summit Townhomes Annexation, Zoning and Area Plan for City Council Approval - A proposal to annex this 3.3 acre parcel located at 2081 East Ellsworth Road from Pittsfield Township and zone it R3 (Townhouse Dwelling District). The conceptual area plan submitted with zoning request proposes a 24-unit multiple-family residential development with 36 parking spaces and two access driveways.

Chair Mahler read the Public Hearing Notice as published.

9 **UNFINISHED BUSINESS**

9-a 12-0783 Maple Cove Apartments and Village Site Plan for City Council Approval - 2.96 acres site at 1649 North Maple Road, between North Maple Road and Calvin Street, north of Miller Road. A Rehearing of a proposal to construct two new 18-unit, 3-story apartment buildings with a 64-space parking lot, and a private street serving 7 new single-family dwellings. Access to the apartment buildings and the private street will be provided separately from North Maple Road. Staff Recommendation: Approval

Rampson gave the staff report.

PUBLIC HEARING:

Minda Hart, 1691 Calvin Street, stated that she is dismayed with the project and the lack of planning and consideration for the residents on Calvin Street. She said their street is unique and unusual in that there are three related family members who live there and have grown up on the street. She said she heard from her neighbor that this development was going to happen. She said she took planning classes at the University of Cincinnati where she learned to plan with people and not just plan with developers as the University of Michigan teaches. She said the project has way too many homes for this amount of area, and it is very upsetting to her that they will be taking down several of the large trees on the site. She said several years ago when they proposed putting up an office building, no one was against that, but this development is a high density project. She said traffic will be touch and go, adding that it is difficult for them to get out from Calvin Street onto Miller Avenue and this project will increase the traffic.

Cheryl Sharalia Brown, 1761 Calvin Street, said that she needs to inform the developer that Calvin Street is a private drive and when the family vacates the rented house they will lose egress to Calvin Street. She said there shall be no construction going on, no construction traffic going down Calvin Street, adding that she will be out with her camera, her notebook, taking dates and times and phoning City police. She said she will be asking for help with enforcing trespassing on Calvin Street. She said they take objection to people who will be coming to trespass. She said she is glad that they put the Sheriff and City Police together because it should simplify things for her. She said it would've helped to have a fence to separate the neighborhoods to prevent trespassing.

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

Moved by Adenekan, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Maple Cove Apartments Site Plan and Development Agreement, subject to the combination of parcels and recording of an access easement prior to the issuance of building permits.

COMMISSION DISCUSSION:

Briggs said she would like to point out to the developer that there is a lot of disapproval for this project, and it is a shame. She said there was a greater need for advance planning, and she suggested that the developer sit down with the neighbors to work out the smaller issues. She said, on the part of Planning Commission, there has been a failure in educating the neighbors about the implications of the zoning that was approved several years ago. She said the Commission needs to look at requirements in Chapter 47, as it is not ideal to allow approval of something that isn't consistent with access guidelines. She said this may be a subject for the Ordinance Revisions Committee.

Derezinski said that he agreed with Commissioner Briggs' comments, but noted that there is the option of closing driveways if there becomes a traffic problem. He said that there were many issues that had been resolved in this site plan review process, and the developer has provided a letter saying he was going to be a good neighbor. He said that in terms of the Planning Commission's responsibility, they have no choice but to recommend approval. He said perhaps some ordinances need to be reviewed. He said he visited the sites, and noted the condition of the site could use some improvement and this project will do that.

Woods said she continues to be concerned about the access and curb cuts for this project. She said the traffic engineer's statements only increase her concerns. She understands that if something happens, the city has the authority to close a driveway, but said this is not a great way of going about planning something. She said she understands that the developer intends to move forward with the plan as submitted, and appreciates that he sent a letter and reiterated that resources have been spent on the planning phase and that they too are residents of the City. She said there is a doubt in her mind that this is the best arrangement. She encouraged the developer to reconsider the plan, because it makes sense to show a good faith effort to respond to neighbors' concerns. She said that, given the Planning Commission's charge, they have done what they can to research the issue and now must vote on the project. She said that compromise goes a lot further than relying on only what the law requires.

Adenekan said that she, too, will recommend approval because the project is in compliance, but she is disappointed that the petitioner decided not to change or listen to the complaints of the surrounding neighborhood. She said that she hopes that in the future there can be cooperation between the homeowners in the area and the petitioner.

Mahler agreed, but noted that he was disappointed there was no sidewalk added along the drive. He said the Planning Commission and staff have provided three opportunities for the public to comment on the issue, so they have done what they could to raise the concerns. He said it is a project that does meet code and while it isn't all that it could be, he will support the project.

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

Yeas: 6 - Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 3 - Bonnie Bona, Evan Pratt, and Kirk Westphal

9-b 12-0784

DTE Buckler Substation Site Plan for Planning Commission Approval - A proposal to construct a new substation on the east side of 984 Broadway Street. A total of 800 cubic yards of fill is proposed to be added on the 0.45 acres site in the floodplain of the Huron River, which is proposed to be offset by removal of 1204 cubic yards of material up-stream from the site. A variance from the conflicting land use buffer requirement is being requested to allow the landscape buffer to be planted on the adjoining Riverside Park property. Staff Recommendation: Approval

Rampson gave the staff report.

PUBLIC HEARING:

Mike Witkowski, Planning Engineer for DTE Energy, reiterated the critical nature of this project. He said that summer loading peaks have increased over the past several years, and without this project, the city has increased risks of brownouts and blackouts. He thanked the staff for getting this proposal back on the agenda so quickly.

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

Moved by Derezinski, seconded by Giannola, that the Ann Arbor City Planning Commission hereby approves the DTE Buckler Site Plan for Planning Commission Approval, subject to:

- 1) Obtaining variances from the Zoning Board of Appeals from the conflicting land use buffer and storm water detention requirements;**
- 2) Obtaining a Michigan Department of Environmental Quality (MDEQ) permit for work within the floodplain, prior to issuance of building permits;**
- 3) Relocating the fire hydrant and construction of associated water main, prior to the issuance of building permits;**
- 4) Completion of required footing drain disconnects, prior to final inspection approval; and**
- 5) Execution of water main easements, prior to final inspection approval.**

and further,

that the Ann Arbor City Planning Commission hereby approves the proposed off-site mitigation of flood storage capacity as shown on the approved site plan and on the Michcon Site Plan for Planning Commission that was approved on May 15, 2012.

COMMISSION DISCUSSION:

Briggs said that she was not at the last meeting, but she reviewed the recording and now had a question. She said she is concerned that the Commission hasn't done its due diligence about understanding the City's long-term energy needs. She said that while DTE is responding to customers, she said that the Planning Commission's agenda is different. She noted that since the last substation was added in the 1960s, the building of a substation doesn't come up often. She said that approving greater electrical capacity may conflict with the City's goals in the Climate Action Plan and Sustainability Framework. She said that one way to address increasing energy use is to limit the supply of energy. She recommended postponing this item to have discussion about these issues. She asked Rampson if there have been discussions

involving the Climate Action Plan and the Sustainability Framework for the City

Rampson said that there have been discussions as part of the Climate Action Plan about greenhouse gas emissions, and she is aware that DTE has been at the table in discussions about those aspects. She said the substation, and the electrical grid in the downtown has been discussed for approximately ten years in terms of meeting the demand for the growing need and density that is proposed in the downtown area. She said while she doesn't staff the Energy Commission, she believes this issue is something they have been aware of, and there hasn't been any specific directive not to allow for distribution of energy. She agreed it would be a good discussion to have as part of the Climate Action Plan.

Briggs said this substation is a large investment in the community's energy infrastructure, and it concerns her that there have not been discussions on the implications of this project.

Derezinski said these are good points for future planning. He noted that the Mayor of Tuebingen, German, a very green city, was here last year talking about energy needs of their city. He said the needs of Ann Arbor have been presented, and the building of this substation is rather urgent. He agrees that the Commission should talk about this, but this project needs to be moved forward very quickly.

Mahler asked the petitioners if they could speak to DTE's efforts toward renewable energy. He noted there are two issues involved: with the economy improving, additional capacity is needed with the growth, while on the other hand, increased energy use limits the future.

Paul Ganz, Regional Manager for DTE Energy, said the distribution grid needs for the City of Ann Arbor for electricity are distinct from green energy initiatives, which he said DTE is actively involved in discussing with the Energy Commission since 1982. He said the Argo substation has grown to its maximum capacity, and they have to carve out a whole new substation, known as the Buckler Substation, which will be using existing DTE property to do that. Ganz explained they are trying to fill a 26 megawatt hole, which has grown in the middle of that substation area to support already-approved projects. He said they are only responding to the need that exists by building a new substation to fix the distribution problems, which is a different issue from the energy mix. He added they have already invested over \$ 4 B in windmills and will continue these discussions with the Energy Commission.

Briggs said this is a separate issue from the amount of energy the community is using. She said that this is the Commission's opportunity to discuss these larger issues, and they should not rubberstamp something because a piece of equipment needs to be ordered. She said there is an analogy with roads in that communities do not talk about alternative transportation when there is no congestion. She said that in Ann Arbor, we have seen the expense of building parking structures and reacted with providing transportation alternatives, and she sees this as being a similar situation with energy demand. She asked if others felt this is a question that merits more discussion.

Briggs moved to postpone the petition. The motion failed for lack of a second.

Woods said that she understands Commissioner Briggs' concern, and said that in the future, the Commission should ask if a petition is built as specified, how many megawatts of energy would be required to operate the project. She said this Buckler substation is probably already half used up, considering all of the University of Michigan projects that are being constructed.

Witkowski said that the University provides 90-95% energy from their own distribution substations.

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

Yeas: 5 - Eric A. Mahler, Wendy Woods, Tony Derezinski, Diane Giannola, and Eleanore Adenekan

Nays: 1 - Erica Briggs

Absent: 3 - Bonnie Bona, Evan Pratt, and Kirk Westphal

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** **12-0785** Speedway Gas Station Site Plan for City Council Approval - A proposal to demolish the existing vacant gas station building and construct a new 3,968 sq ft gas station/convenience store building, fire pump island with canopy, and 16 parking spaces on this 1.39 acres site at 1300 North Maple Road. Staff Recommendation: Postponement

Rampson gave the staff report.

PUBLIC HEARING:

Kevin Foley, representative for the petitioner, said he was available to respond to the Commission's questions.

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

Moved by Derezinski, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Speedway Site Plan, subject to approval of the plan by the Washtenaw County Water Resources Commissioner,

and

that the Ann Arbor City Planning Commission hereby recommends that the

Mayor and City Council approve the Speedway (1300 North Maple Road) Rezoning from PL (Public Land District) to C3 (Fringe Commercial District).

COMMISSION DISCUSSION:

Derezinski asked the petitioner is there were any time constraints on the project.

Foley said the project has been budgeted, and they would like to start construction in early September.

Derezinski asked if the information requested by staff would be difficult to provide.

Foley said he expects this item to be back before the Commission in two weeks. He said the comment they received from the traffic engineer about turning limitaitons out of the driveway needs to be addressed.

Moved by Derezinski, seconded by Briggs, to postpone this item to allow the petitioner to address outstanding issues.

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

Yeas: 6 - Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 3 - Bonnie Bona, Evan Pratt, and Kirk Westphal

10-b 12-0786

Bluffs Park Rezoning for City Council Approval - A petition to rezone two parcels recently acquired for expansion of Bluffs Nature Area at 1099 North Main Street - a 1.12 acre addition to the north connecting the existing parkland to Huron View Boulevard currently zoned O Office, and a 0.57 acre addition to the south connecting the existing parkland to Sunset Road currently zoned R4C Multiple-Family Dwelling. Staff Recommendation: Approval

Enter Pratt.

DiLeo gave the staff report.

PUBLIC HEARING:

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

Moved by Adenekan, seconded by Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Bluffs Nature Area Additions petition for Rezoning from O (Office District) and R4C (Multiple-Family Dwelling District) to PL (Public Land District).

COMMISSION DISCUSSION:

Giannola asked if these new park entrances will be available immediately.

DiLeo said that the deeds have been transferred and the property is in public ownership. She said she is not sure what improvements are planned by the Park's Department. She said the park currently has informal access, and there is a trailhead in the vicinity. She said an existing trail comes close to the northern parcel.

Briggs said she is glad to see this being rezoned. She said that Bluffs Park is a

hidden asset and well accessed by mountain bikers. She said she assumes Parks will follow up with signage at the trail entrances.

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

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

Nays: 0

Absent: 2 - Bonnie Bona, and Kirk Westphal

10-c 12-0787

Bryant Community Center Addition Rezoning for City Council Approval - A request to rezone a 0.2-acre parcel from R1C Single-Family Dwelling to PL Public Land at 5 West Eden Court. This parcel was recently acquired by the City of Ann Arbor Parks and Recreation Services and will added to the adjacent Bryant Community Center site at 3 West Eden Court. Staff Recommendation: Approval

DiLeo gave the staff report.

PUBLIC HEARING:

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

Moved by Pratt, seconded by Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 5 West Eden Court petition for Rezoning from R1C (Single-Family Dwelling District) to PL (Public Land District).

COMMISSION DISCUSSION:

None.

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

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

Nays: 0

Absent: 2 - Bonnie Bona, and Kirk Westphal

10-d 12-0788

Sustainability Framework Goals

Jamie Kidwell, Sustainability Associate for the City of Ann Arbor, reported that this joint resolution has been approved by the Energy Commission, Park Advisory Commission, Housing & Human Services Board, and Environmental Commission. She said that the Housing Commission would consider this resolution later in the month.

Rampson noted that the Planning staff recommends approval of the resolution.

Moved by Pratt, seconded by Briggs, that the following resolution be approved:

Whereas, the City of Ann Arbor aspires to be a sustainable community;

Whereas, the City of Ann Arbor is committed to ensuring a high quality of life,

while balancing economic development with the preservation and conservation of natural resources;

Whereas, City Council previously adopted 10 environmental goals in 2007 including Clean Air; Clean Water; Efficient Mobility; Health-Promoting Urban Environment; Local Food Sufficiency; Responsible Resource Use; Safe Community; Stable Climate; Sustainable Energy; and Viable Ecosystems;

Whereas, the City of Ann Arbor accepted a grant from the Home Depot Foundation to develop a sustainability framework and sustainability action plan;

Whereas, the 16 sustainability goals have been developed from goals created in over 25 different planning efforts covering the three key aspects of sustainability – environment, economy, and equity;

Whereas, these sustainability goals build on goals already developed through a variety of public processes;

Whereas, a joint commission meeting with representatives from Energy, Environmental, Planning, Park Advisory Commission was held in September 2011 to discuss sustainability goals;

Whereas, a Sustainability Framework Committee was formed with representatives from Energy Commission, Environmental Commission, Housing Commission, Planning Commission, Park Advisory Commission, and the Housing and Human Services Advisory Board to help create these goals;

Whereas, the Sustainable Ann Arbor Forums addressed the areas of climate and energy, community, land use and access, and resource management;

Whereas, the sustainability goals were distributed to City Council, Energy Commission, Environmental Commission, Housing Commission, Planning Commission, Park Advisory Commission, and the Housing and Human Services Advisory Board in February 2012 for comments;

Whereas, the sustainability goals were shared with the public in February 2012;

Whereas, a public meeting was held on March 29, 2012 to solicit feedback on the sustainability goals;

Whereas, additional opportunities for public comment were available at various city commission meetings and will be available as part of the City Master Plan review process.

RESOLVED, the Planning Commission recommends that City Council initiate the process to adopt the 16 sustainability goals as part of the City Master Plan.

RESOLVED, the Planning Commission recommends that City Council direct city staff to apply the 16 sustainability goals in their work on the sustainability action plan while the City Master Plan review process is underway.

COMMISSION DISCUSSION:

Derezinski stated that he regretted that Bona wasn't present, noting that this resolution was the result of a challenge from Commissioner Bona, and the result of a

lot of hard work. He said that the distillation of the goals from all of the City's plans was a real accomplishment.

Pratt thanked the staff, specifically Wendy Rampson and Matt Naud for applying for the grant, which allowed for the hiring of great staff. He also thanked City Council for tackling these goals. He said this is a moment to be proud of and shows the City's great leadership.

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

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

Nays: 0

Absent: 2 - Bonnie Bona, and Kirk Westphal

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

None.

12 COMMISSION PROPOSED BUSINESS

None.

13 ADJOURNMENT

A motion was made by Woods, seconded by Secretary Giannola, that the meeting be Adjourned. On a voice vote, the Chair declared the motion carried.

Adjourned at 8:30 p.m.

**Eric Mahler, Chair
mg**

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