



City of Ann Arbor

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

Tuesday, March 20, 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

Chair Mahler called the roll.

Present 8 - Bona, Mahler, Woods, Derezinski, Briggs, Westphal, Giannola, and Adenekan

Absent 1 - Pratt

3 APPROVAL OF AGENDA

A motion was made by Westphal, seconded by Adenekan, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

None

5 MINUTES OF PREVIOUS MEETING

5-a [12-0419](#) City Planning Commission Meeting Minutes of February 7, 2012

A motion was made by Vice Chair Westphal, seconded by Secretary Giannola, that the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.

5-b [12-0420](#) City Planning Commission Meeting Minutes of February 23, 2012

A motion was made by Vice Chair Westphal, seconded by Secretary Giannola, 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

6-a City Council

Derezinski reported that City Council approved the Les Voyageurs PUD at the previous night's meeting. He said other issues discussed were the amendments for Chapter 62 of the Zoning code, relating to the conflicting land use buffer requirements. He said the big question was whether Council should proceed with the amendments or wait until the R4C/R2A Committee had completed their report. He said Council defeated the proposed amendment because they felt they should not piecemeal the changes.

Derezinski reported that City Council also discussed two liquor license requests. Rush Street liquor license was recommended for renewal and Dream Nightclub was recommended for nonrenewal; both requests moved on to the Liquor Board Commission.

6-b Planning Manager

None

6-c Planning Commission Officers and Committees

Bona reminded everyone that at last week's Working Session they had a presentation of the Climate Change Action Plan where they were seeking for feedback and recommendation from the Commission by the end of the month of March. She added that the presentation on Climate Change at the library was very interesting and was accessible for public viewing through the library's website.

Briggs reported that the Sustainability Committee was meeting on March 29, at 6:00 pm, at the Downtown District Library, to review the Sustainability Goals and they were seeking feedback from the public on the proposed goals.

6-d Written Communications and Petitions

Chair Mahler read the Public Notice as published.

[12-0421](#)

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**

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.)

12-0422

Maple Cove Apartments and Village Site Plan for City Council Approval - A 2.96 acre site at 1649 North Maple Road, between North Maple Road and Calvin Street, north of Miller Road. Existing buildings left will be demolished and two new 18-unit, 3-story apartment buildings with a 64-space parking lot, and a private street serving 7 new single-family dwellings will be constructed. Access to the apartment buildings and the private street are provided separately from North Maple Road. No access to Calvin Street is proposed. Staff Recommendation: Approval

Matt Kowalski gave the staff report.

PUBLIC HEARING:

Stephanie Raupp, 1680 North Maple Street, stated she lived directly across the street from the proposed development and was representing approximately 30 residents living on all four sides of the proposed development. She said they oppose the proposed apartment part of the development but not the single-family development. Raupp said their main concern was water run-off issues, followed by increased traffic, the height of the proposed building being excessive for the area, possible sewer issues in the area, and ongoing crime issues, adding that apartment buildings in close proximity to freeways are natural hot spots for drug trafficking. She provided a copy of a signed petition against Maple Cove Apartments.

Brad Moore, J. Bradley Moore, Architects, representing the petitioner, addressed some of the staff concerns in the staff report. He explained that with the two curb cuts it would separate the private residential homes from the apartment building and

reduce the traffic to the seven residences. He said they are proposing rooftop decks to allow apartment residents a private space, adding that there are also several public park facilities within close proximity.

Moore said that they intend to have a green roof, if funds allow, with a gathering space surrounded by the vegetation. He said storm water will be stored on site, and they will be keeping more water out of the storm water system than what they will be putting into it. He said they believe they have a project that meets all the City's ordinances and is well thought out and asked for the Commission's approval.

Motion made by Briggs, seconded by Bona 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 issuance of building permits.

COMMISSION DISCUSSION:

Briggs asked if there was a Citizen Participation Report for the proposed project.

Kowalski responded that the petitioner had mailed out a notification of the project but they were not required to hold a public meeting. He added that neither the petitioner nor the City had received any public responses on the notification of the project.

Briggs asked the petitioner about sidewalk connections within the project.

Moore stated that there was a sidewalk that lead from the public sidewalk to the apartment building. He explained that there was no dedicated sidewalk along the private drive because of the low traffic volume leading to that area and for reasons of not wanting to add additional impervious surfaces.

Briggs asked if there was available space for a sidewalk.

James Gorenflo, Project Manager, Midwestern Consulting, reviewed the site plan with the Commission and said that adding sidewalks would require additional easements on the lots to be granted and they would need to decrease the lot sizes. He said since the development was on a private street with less than eight residences, they were not required to provide sidewalks per the ordinance. He added that they felt given the excessive street width it wasn't appropriate for this development.

Briggs said that even though sidewalks weren't required by ordinance she felt it was part of best standards of the industry for residential areas. She asked if there were any plans to include sidewalks if it could be worked out.

Gorenflo said he would have to discuss it with the client.

Woods asked if children living in the residential houses would be forced to walk in the street in order to walk out to Maple Road to catch a bus.

Moore responded that they could walk in the street or use the grass.

Woods expressed her concerns for the children stating that it was not practical to expect children to walk in the street together with cars, especially in inclement weather.

Moore explained that the street is a private drive with minimal traffic and they view

the paved area as dual-purpose use for pedestrians as well as cars.

Woods asked the petitioner about the public notice sent to residents in the area.

Gorenflo explained that they had worked together with the Planning Division staff in following the requirements in mailing out a proposed project notification letter to residents in the area which included developer contact information for anyone interested in more information.

Woods asked if they had received any comments or concerns from the residents.

Gorenflo and Moore stated they hadn't.

Muayad Kasham, Owner and Petitioner said he had unsuccessfully, attempted to follow up with someone who had left a message at their offices.

Woods asked the Chair for permission to ask Raupp to return to the microphone. Chair Mahler agreed.

Woods asked Raupp how they were made aware of the proposed development.

Raupp said they had received a letter from the developer that explained the project and they had also received a notice that the proposed project would be moving forward and going to come before the City. Raupp said they didn't organize themselves after receiving the developer notification because there had been other projects for that site, that had fallen through, and they waited until after being notified that the project was coming before the City.

Woods explained the benefit of the Citizen Notification Process to Raupp, noting that it is an opportunity for the developer to hear the concerns of the residents and possibly work with them on concerns they have for proposed projects while the project is still in the development stages. She said the Commission likes to see residents and developers communicate because it is of great importance. She said it was unfortunate that it didn't happen in this case.

Woods asked Raupp about comments she made about high school pedestrians that use N. Maple Road.

Raupp answered that they get a lot of students using the sidewalk on her side of the street, since there is a path leading through the park to the middle school, as well as the fact that Skyline High School is just down the street. She added that in the six years that they have lived there, the area has been revitalized with nice homes built.

Woods asked Moore to speak to comments he made regarding the green roof and the economic feasibility of it becoming a reality.

Moore explained that the developer also has a landscaping business and loves the green aspect, but they also have to live within the reality of Ann Arbor rents and the associated costs. He said when the building has been completely designed and construction bids received, they will know if it is within their budget. He noted that the green roof is within the specifications of the project but if the green roofing cost shows prohibitive then they would postpone that to a later point.

Moore explained the proposed green roofing material, noting that they would construct the building roof for the green roof and install the roofing membrane at the time of construction and then the green planting material comes pre-planted in large

trays, and can be added at anytime in the future.

Woods asked staff how the City could insure that the green roof happens and if it would be included in the Development Agreement.

Kowalski said the City would need a commitment from the Developer on the green roof in order to include it in the Development Agreement.

Westphal asked if staff could give the Developer the option of including the green roof in the Development Agreement or to remove it from the staff report, so it didn't give an uncertainty when the project moved on to City Council.

Kowalski said the current staff report would move on to City Council, and staff would include the green roof in the Development Agreement if the developer committed to it; he offered to write a separate memo to City Council if the developer decided to remove the green roof as an option.

Westphal asked if staff could expand on water run-off issues and how confident they are that a new development will improve the situation in this area.

Kowalski responded that he has every confidence that the water issues will improve, referencing the code, he noted that currently the site water sheet flows off onto Maple Road. He explained that with the new development all the site water will be treated on site by going into a detention basin, and then using an infiltration system. He said that upon observation of the Calvin Street parcel after rains, there is quite a lot of standing water on site as well as running off onto Calvin Street. He added that the Washtenaw County Water Resources Commissioner has reviewed and preliminarily approved the proposed project.

Westphal asked about the proposed height of the apartment buildings, noting that it wasn't proposed to be built as high as code allows. He also noted that there were office buildings to the south of the proposed buildings that were taller than single story.

Kowalski agreed, referencing the code that would allow the buildings to be 55 feet tall, noting that the proposed buildings is 44 feet.

Adenekan asked staff about parking on the site.

Kowalski and Moore reviewed the site plan, noting that all the parking was behind the apartment buildings and in between the buildings.

Adenekan asked if there would be bicycle parking provided on site.

Kowalski responded that there are eight required parking spots, four of which are enclosed.

Derezinski reviewed the concerns brought by Raupp, noting that the water run-off issues will be resolved. He asked staff about the sewer concerns.

Kowalski answered that with the ten required footing drain disconnects in the area, they would be mitigating their impact to the sanitary sewer system.

Derezinski asked about traffic concerns and access to Calvin Street.

Kowalski responded that there will be no connection to Calvin Street, because it isn't

a platted right-of-way and access to both the apartments, as well as the single family residences, would be off Maple Road. He added that the two curb cuts are allowed per code.

Derezinski asked about concerns raised that there are several other apartment buildings in the area.

Kowalski reviewed the aerial map noting that there were a few with the closest apartment building being approximately half a block away.

Derezinski asked staff about the concerns raised regarding the proportion of the apartment buildings to the area and if it conformed to code would the Commission have discretion on the height.

Kowalski responded the proposed apartment buildings did conform to code.

He asked staff about concerns brought to the Commission regarding possible drug trafficking, noting that the staff report stated that the proposed development would not create a private nuisance or have a detrimental effect on the public health, safety or welfare.

Kowalski said while they can not predict what will happen, they can say the proposed site plan will not pose any safety issues.

Derezinski asked staff if they take crime statistics into consideration when reviewing proposed projects.

Kowalski said they don't look at crime data and it is difficult to predict who future tenants might be for buildings such as these.

Derezinski said he hears the heartfelt concerns of the residents in the area and is open to more information on the issue from the developer.

Moore said in regards to the leasing process, he is aware that they will do credit checks and criminal checks on the ones who will be residents of the project. He said the lease will also strictly preclude any criminal activity on the premises and it is in their best interest to not have problem tenants on site.

Giannola said that it rubs her the wrong way to associate apartments with crime and she felt it wrong to base their decision of a project because they would link apartments to crime. She pointed out that there are lots of apartment buildings in Ann Arbor that are not associated with crime.

Giannola asked if traffic issue in the area had been reviewed.

Kowalski responded that the City's traffic engineer had reviewed the provided information and felt the project wouldn't create traffic issues.

Gorenflo added that they provided data that provided the necessary information required by the City, and they were not required to do a traffic impact study.

Giannola asked if the residential houses would face the service drive or Calvin Street.

Gorenflo responded that all of the houses will face Maple Court.

Bona said she feels it will be an advantage to have something built on the vacant

sites that haven't been taken care of and an apartment building is great for the location, since it is close to the park and ride lot and frequent bus route on Miller Ave. She had concerns regarding possible crime rates and said if other Commissioners were interested she would also be interested in reviewing crime data from other nearby apartment complexes closest to the proposed development, either on Miller Ave or Maple Road. She said she didn't know how they could mandate or have control of the crime issue since the apartment complex could be sold and another landlord might not have the same high standards as the current developer. Bona said she was open to postponing taking action on the item until they had time to review crime data.

Bona agreed with the concerns of pedestrians having to share the private drive with vehicles. She asked the developer about the referenced 'excessive width' of the street and what width would they recommend if they could add the sidewalks.

Gorenflo said he would recommend something much narrower, but he is constrained by emergency vehicle access and the international fire code standard that are dictating access to the residential homes as well as the turning radius.

Bona brought concerns about having two access drives which she said increases pedestrian-vehicular conflicts. She asked for an explanation on how the ownership of the residential houses works in relationship to the access drive.

Gorenflo explained that the residential site could be looked at as an 8-unit site-condominium or mixed use condominium project with access to the seven individual lots provided in a dedicated utility and access easement that crosses a portion of the property where the apartments will be. He said the apartments will not be a part of the neighborhood association.

Bona asked staff if it works to have separate associations using shared access easements. She said she would like to learn more from the Attorney's office since she felt it would be in the homeowner's best interest to have a good relationship with their neighboring apartment complex.

Kowalski said that the City's attorney will review the master deed that will specify the restrictions to make sure there is not a street that no one is responsible for.

Briggs reiterated the need to provide sidewalks and more open space, pointing out that it wasn't necessary to have two access drives from Maple Road. She said there have been neighborhood concerns brought and she felt there are ways to improve the development to make sure it works well for the community and to make sure access works well.

Derezinski asked how long the current height restrictions have been in place.

Kowalski answered that he believes they have been in place for approximately two years and the previous office building height restrictions was 40 feet. He said the previously approved office building was at 40 feet.

Derezinski commented that the current proposed development is four feet taller than what was approved under the previous code, yet within the current allowable height restriction for this zoning district.

Kowalski agreed.

Westphal asked for clarification on how crime rate data would affect the

Commission's decision if the proposed project met code.

Bona said, since she has heard similar things regarding apartments and crime, she would be interested in getting police data on calls received from the area of the Maple and Miller intersection and if such issues actually exist or if they purely exist because of a landlord that they can't have any control over. She would like to hear that there really isn't a problem since they would be getting into a grey area that would be difficult.

Giannola said it was important for the Commission to think about the precedent they are setting by including crime statistics to a development that she didn't feel is relevant to what is being proposed. She didn't feel that the concerns called for a postponement on the project.

Giannola asked if the two parcels would be merged and if there was a possibility that they could be divided at a later date.

Kowalski responded that the parcels would all become one and because of open space and setback requirements and easements it would have to stay as one parcel. He said that the Master deed would include specific language that the residential lots couldn't be split off and sold separately.

Adenekan asked Raupp if she had any evidence from the Police Department that would make her believe that the crime rate was higher in apartment complexes.

Raupp said she didn't bring any data with her but they had looked in the Ann Arbor Observer for crime information in the area as well as national studies that showed that apartment complexes located in close proximity to highways with easy on and off-ramps have increased crime rates. She added that she was sharing collective hearsay from those they spoke to in the neighborhood.

Derezinski reminded the Commission that the criteria they need to be using is to ask if the project creates a public nuisance and if it meets code, which in this situation it does meet code. He said if they were to use crime statistics every time they looked at a proposed apartment complex they would be on a slippery slope. He said they can't base their decisions on 'sort-of' possibilities.

Bona commented that she feels that they might have gotten a different reaction from the neighborhood if the zoning wouldn't have been Office zoning district because people don't expect multi-family residences in an Office district.

Briggs asked if the parcel had previously been rezoned to Office.

Kowalski said that the record shows that in early 2008 the front portion of the parcel had been rezoned to Office.

Briggs asked where the closest office building was located in proximity to the proposed development.

Kowalski reviewed the location map pointing out various medical and dental offices.

Briggs said she would like to see the project postponed for a variety of reasons, adding that she didn't believe that the crime rate issue was anecdotal since she had spoken to police officers who verified that there was crime issues in the apartments on Maple Road.

Bona addressed the petitioner, stating that she would be more comfortable with an apartment complex on this site if the driveways were connected and there was more connection between the apartment complex and the residential homes as neighbors. She asked what the potential was to getting it down to one access drive and having sidewalks.

Moore responded that the chances were slim to none.

Woods felt that crime data, if provided wouldn't hinder the Planning Commission process in moving the project forward. She reiterated that she felt one access driveway would be safer, adding that the City Engineer had also included this comment in their review of the project. Woods said it might mean that they would have to move one of buildings in order to combine the driveway and fit in the sidewalks.

Woods said, while their project might be meeting the code, in the end it might be better to listen to those who will be their future neighbors. She asked the petitioner to work with the Commission and the City and to be more amenable to the City's feedback relating to their project. She noted that the petitioner had declined a park contribution because they felt there were parks in the vicinity.

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

Yeas: 6 - Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 2 - Bonnie Bona, and Eric A. Mahler

Absent: 1 - Evan Pratt

12-0423

City of Ann Arbor Water Treatment Plant West High Service Pump Station for Planning Commission Approval - A site plan to construct a 3-story pump station (2 floors below grade) totaling 5,114 sq. feet at 919 Sunset Avenue. The service pump station is proposed to be constructed adjacent to the eastern side of the existing administration building. No natural features are proposed to be disturbed on this 10.50 acres site. Staff Recommendation: Approval

Chris Cheng gave the staff report.

PUBLIC HEARING:

Brian Steglitz, Senior Utilities Engineer with the City of Ann Arbor, was present to respond to Commissioner questions.

Motion made by Westphal, seconded by Giannola that

WHEREAS, the City Administrator is directed to obtain comments and suggestions from the appropriate City departments with regard to certain City projects meeting private development regulations prior to recommending that City Council approve funding for them; and

WHEREAS, such projects are to be reviewed by the City Planning Commission prior to City Council approval;

RESOLVED, that the Ann Arbor City Planning Commission finds the City of Ann Arbor Water Treatment Plant West High Service Pump Station Project generally adheres to City private development standards.

COMMISSION DISCUSSION:

Bona asked Steglitz to report on the neighborhood meeting held for the proposed project.

Steglitz reported that they had held a citizen participation meeting, attended by half a dozen neighbors. He said their concerns were not with the proposed building but the impact during construction, such items as noise and dust migrating off site as well as construction traffic.

He said they had addressed the neighbors concerns and they realized the project was a benefit to the neighborhood.

Adenekan asked if the water service would be disrupted during construction.

Steglitz said water service should not be impacted during construction, and while they would also be working on water mains, they didn't foresee any issues at this time.

Glen Resort, Stantec Engineering, confirmed that there are no anticipated interruptions.

Briggs asked for clarification on the Green Project Reserve Assistance.

Steglitz answered that it is part of the City's drinking water revolving loan fund program which allows the City to get very low interest bonds as well as loan forgiveness possibilities for energy efficient upgrades. He said the City had received a grant of approximately \$ 1.7 million in loan forgiveness on this project.

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

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

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

None

11 COMMISSION PROPOSED BUSINESS

12 ADJOURNMENT

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

**Eric Mahler, Chair
mg**

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