



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)

Wednesday, September 6, 2017

7:00 PM

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

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1 **CALL TO ORDER**

Chairperson Ken Clein called the meeting to order at 7:05 p.m.

2 **ROLL CALL**

Planning Manager Brett Lenart called the roll.

Present 9 - Woods, Briggs, Clein, Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, and Ackerman

3 **APPROVAL OF AGENDA**

Planning Manager Lenart noted that there would be a special working session following the regular session meeting.

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

4 **INTRODUCTIONS**

None

5 **MINUTES OF PREVIOUS MEETING**

5-a [17-1414](#) August 15, 2017 City Planning Commission Meeting Minutes

Moved by Woods, seconded by Trudeau, that the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried unanimously.

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

6-a City Council

Councilmember Ackerman reported that the City has added several new 'green lots' through the City's Greenbelt Initiative, these being outside of the Annexation zone. He further reported that the City's Master Plan for the Treeline Urban Trail (Allen Creek Greenway) project has been distributed for feedback, as has the review of draft Medical Marijuana ordinance language, slated to come before them on August 12th.

Ackerman further reported that the site plan for a proposed LA Fitness on the western side of Ann Arbor moved forward unanimously at City Council.

Ackerman also explained that he and other Councilmember are part of a joint committee, The Housing and Human Services Advisory Board which has over the past months been discussing rezoning along major transit corridors, to improve affordability by increasing housing supply, while achieving some of the City's Sustainability Goals by getting people to live closer to where they work.

6-b Planning Manager

Planning Manager reiterated that he plans on being able to bring a draft Medical Marijuana language before the Commission on August 12th.

6-c Planning Commission Officers and Committees

Commissioner Julie Weatherbee reported that the Zoning Board of Appeals granted a parking variance for the 1140 Broadway Avenue project, to reduce the number of required parking spots to one tenths of a space per unit.

Commissioner Sarah Mills reported that the Allen Creek Advisory

Committee will be holding a public meeting next week Wednesday, in Council Chambers at 8:30 a.m. She explained that the working draft master plan is available to the public through the City's website.

6-d Written Communications and Petitions

17-1411 Various Correspondences to the City Planning Commission

Chair Clein reviewed the correspondence received, noting that the Historic District Commission had sent a resolution recommending impact studies on surrounding historic districts whenever new infill projects are considered, along with Historic District Commission and City Council evaluation of the zoning in proximity to the City's historic districts that could include property owners in historic districts.

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

17-1412 Public Hearings Scheduled for the September 19, 2017 City Planning Commission Meeting

Planning Manager Lenart read the public hearing notice as published.

Received and Filed

9 UNFINISHED BUSINESS

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

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

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

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

- 10-a** **17-1247** DTE State Street Utility Substation Planned Project Site Plan for City Council Approval - DTE Energy is proposing to construct an expanded substation at their existing substation at 2551 South State Street. The substation will be surrounded by a masonry wall and will be landscaped. Vehicular access will be from the private drive south of the site. A Planned Project is proposed to accommodate the height of the electric towers. The petition is also proposing the removal of a number of landmark trees requiring City Council approval. Staff Recommendation: Approval
City Planner Jeff Kahan presented the staff report.

PUBLIC HEARING:

David Diephuis, 2096 S. State Street, Ann Arbor, said he believed the public would like to be reassured by DTE that there won't be brownouts or blackouts due to this new station. Diephuis also commented that this addition is part of a much larger project and DTE's partners will be trenching DTE cables from South State Street to Washtenaw Avenue. He suggested that the City request full disclosure of the entire project from DTE so there won't be surprises, adding that it would be most helpful if the City posted a working timeline on the City's website. Diephuis said he wishes the City would not allow recently paved streets to be cut into, because they would last longer.

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

Moved by Weatherbee, seconded Milshteyn, the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve DTE State Street Utility Substation Planned Project Site Plan (2551 South State Street).

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format.]

Commissioner Woods asked DTE representatives to respond to audience participation comments, regarding brownouts, blackouts, and possible service interruptions.

Paul Ganz, Regional Manager for DTE, 425 S. Main Street, Ann Arbor, introduced himself and asked his staff to respond to enquiries.

DTE speaker, stated that the project was conceived to solve any service problems in the area. He said with the commissioning of the new station the service will be better; however, there will be some times when the circuits connected to the old system could cause outages, but he foresees these could be noticed to the neighborhood.

Woods asked how such messages go out as well as what type of disruptions could be expected.

Paul explained that they have POD broadcasts that go out via telephones/texts. He said he likes the idea of keeping the progress posted on-line. Ganz clarified that this project is not new to the City, as they have spoken with the Mayor and Councilmembers for over two years. He noted that they have had wonderful working relations with City staff on suggestions on how all of this project would go together; staff have notified them that only a small portion of any given road can be cut at the same time, allowing them to bury their cables and return City roads to the condition in which they found them. He verified that work would begin at their station on South State Street and progress up to their load location.

Ganz said this is a major investment that DTE is undertaking.

Lenart explained that there would be several projects occurring at the same time and DTE is working in conjunction with cable companies, ITC, the University of Michigan (on the APEX power station on the northern side), with the plan to improve service to the residents and businesses of Ann Arbor.

Woods asked about the size and height of the tower and if lights would be located on top.

Ganz said no lights would be on top of the tower; lightning mass would be located on the tower.

Mills asked about the visual impact from the street.

Kahan said from South State Street it will be visible but because of walls and vegetation the 70-foot structure will look more like a 50-foot building.

Mills asked about the various structures and their locations.

Mark Fearless, DTE representative, reviewed the building configuration with the Commission.

Mechanical structures on the towers were explained. DTE engineers explained that the reason for power outages in the City is mostly due to the many smaller lines coming into the City, and with these new larger size cables will be better from what currently exists.

Commissioner Shannan Gibb-Randall expressed concern with the very tall and bare proposed wall around the facility. She suggested climbing vines might help make the fence look better.

Fearless explained that DTE usually uses a high cyclone fence around their substations; however, the neighboring school expressed that they would prefer to have this type design fence instead. He noted that vines could be used for climbing and they wouldn't want that situation.

Ackerman commented that others might 'decorate' their wall.

Fearless said that the fence would be treated with graffiti guard, and would be applied as needed.

Ackerman suggested that the fence could be a great opportunity for public art showcasing given the school nextdoor.

Dan Breaker, DTE Engineer, reviewed the scope of work with the Commission.

Ackerman asked about potential road closures given the proposed work.

DTE representatives said they propose to close 200-foot sections at a time, and will start in October 2017 and work through until December

2018. The cable construction is scheduled to be completed by April 2019.

Weatherbee explained that where she lives they have a substation that is softened by the planting of fruit yielding cherry trees where neighbors gather and enjoy the views. She asked if DTE would consider installing a bench or plantings that help with the mass of the fence and tall structures.

Ganz said they would be happy to work with City staff to plant trees or bushes that would be appropriate.

Commissioner Erica Briggs asked about correspondence they received from a neighbor Savarino.

Kahan explained that he had spoken with Ms. Savarino who had concerns about how this project was going to impact her trees on her property. He added that this was the first she had heard about the project. Kahan noted that she did request a meeting with DTE representatives for discussions on vegetation and screening options.

On a voice vote, the vote was as following, with the Chair declaring the motion carried unanimously. Vote: 9-0

Yeas: 9 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

- 10-b [17-1413](#) Kingsley Condominiums Revised Natural Features Plan for City Planning Commission Approval - A request to revise the approved Natural Features Protection and Mitigation Plan (site plan SP15-033) to increase the amount of proposed fill in a floodplain, thereby changing the final net amount of increase in floodplain capacity. The finished floor elevation of the garage level is proposed to be raised so that the entire building is considered to be outside of the 100-year floodplain. No change to the top of building elevation is proposed (the garage height has been decreased). Zoned R4D with Conditions. Staff Recommendation: Approval
City Planner Alexis DiLeo presented the staff report.

PUBLIC HEARING:

Javan McMalee, 115 Felch Street, Ann Arbor, said he could not speak positive about this item, noting that after the floodplain lines had been redrawn to include his house as well, resulting in high insurance rates for

him as well as his neighbors. He asked if the proposed changes to this site plan would impact the existing floodplain lines and reduce the number of houses that are currently inside the floodplain.

Fred Beal, 2008 Morton, Ann Arbor, said he represents the original land owner and petitioner for the original site plan that was approved in 2016. He provided the background on the longtime industrial site along the railroad, noting that the benefits of the developing the site includes; clean-up of a large amount of contaminants on the site, that have existed since the drain was built, removal of the blighted buildings, and improvements on the Allen Creek Drain and Greenway. Beal explained that they will be going from a 100 % impervious site, sitting directly over the Allen Creek Drain to a much improved project. He said when the excavation began they found far more contaminants than earlier believed, and they are following through on requests from the Michigan Development of Environmental Quality [MDEQ] to elevate the complete building-pad out of the floodplain, which remedies neighborhood concerns about building in the floodplain and eliminates the need for future condominium owners and condominium association from purchasing flood insurance. Beal said the proposal is a significant improvement for future condominium owners to know they are not in the flood plain. Beal introduced his development team, Architect Bradley Moore, and Civil Engineer Kathy Keinath who were available to respond to questions.

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

Moved by Trudeau, seconded by Mills that the Ann Arbor City Planning Commission hereby approves the Kingsley Condominiums Revised Natural Features Protection Plan to amend the impacts to the 100-year floodplain.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format.]

Clein enquired about any potential benefits to the general public that these proposed modifications would bring.

DiLeo said she would have to refer the question to the City's Flood Plain Coordinator. She did explain that the project proposes to punch a hole in

the railroad which could have widespread benefits, by reducing the floodplain and the need for several homes to no longer be required to carry flood insurance. DiLeo said historically the area where Kingsley and First streets meet, there has been flooding and the City's floodplain Coordinator as well as the City's Soil Erosion Coordinator believe that it will continue to flood during heavy rain events. She added that during construction all nearby catchbasins are protected with silt sacks which are known to really slow down the infiltration; however, she noted that the flow has increased and upon construction completion the sacks will be removed, allowing the flow to continue to improve.

Ackerman asked about the fill material and the underground stormwater detention system.

Moore answered the proposed fill that needs to be brought in would be approximately eight inches of engineered fill to replace the contaminated soils being removed and would go under the concrete slab in the parking level. Moore said the fill would be compacted.

Keinath explained that the site is packed and there is no space for added underground water detention systems. She reviewed the site plan with the Commission, pointing out that because of the contamination on the site they are being forced to line all of the detention areas, raingardens, underground detention areas, which doesn't allow them any infiltration on the site. She said they are already storing 120% of the stormwater run-off, along with using impervious pavers on the driveway.

Klein asked about possible changes on the FEMA maps

She said they are working with the DEQ on possible floodplain modifications, adding that even if all the various government agency's would all agree it will still take time for any updates to show on the FEMA maps.

Gibb-Randall asked for a description on where and how the run-off flowed over the site as well as the location of the Drain under the site.

Keinath explained that all of the existing buildings would be demolished and a retaining wall would be installed. She reviewed the modeling of the Allen Creek Drain, and the existing lines of the Floodway as well as the Flood Plain and the sloping of the site necessary to drain as needed. She explained that the existing Drain is nine feet wide with a 50-foot wide easement, and the proposed building cannot be built deeper due to the

existing drain location.

Gibb-Randall said the over-all improvements to the site, along with the existing site parameters to which the developer is bound by, was the reason for her support of the project.

Mills asked about the change of conditions from the original site plan and the request before them tonight. She asked what will happen if the 100-year storm turns out to be the 10-year storm.

Keinath explained that the MDEQ brought this suggestion that if they put X amount of cubic fill on the site without having to mitigate for it, then that would be better to get the building up. She said they didn't want to put fill in there, because there was no need for the fill, because they were still providing a cut in the floodplain. She said there were no changes on the ground that changed; however when they began working through the construction drawings they began re-working the grading plan and re-working where they could locate the building on site - could they locate the building out of the floodplain and still provide that cut on the site, without providing mitigation on site. She said they ended up with the site plan before the Commission which was a result of optimizing, still giving you the cut out of the floodplain, still putting all of the buildings out of the floodplain, still opening up the site, was better than having the building flood.

Architect Bradley Moore added that the MDEQ would rather have buildings built outside of the floodplain.

Clein asked if the MDEQ's current approval is dependent on the buildings being built out of the floodplain.

Keinath said their permit approval is worded so to allow either or, depending on the approval of site plan.

Mills brought her concerns about adding fill to a site, in order to move buildings out of the floodplain.

Woods said she saw this site plan as being better than the earlier version presented and approved, for all involved, and therefore she is in favor of approving the site plan. She said severe weather events across the United States have become quite prevalent, so residents and homeowners should count on them.

Weatherbee agreed with Mills, adding that it's counter to what we want in the floodplain or floodway. She said the increased flood insurance rates are high for a reason - we don't want people to live in floodplains or floodways. Weatherbee stated that she didn't believe the condominiums were intended to be affordable, and it's been a year since the original site plan was approved, and these issues should have been considered earlier, and not in hindsight. She felt the Commission might not have approved this proposed plan if it would have been presented in place of the original site plan.

Milshteyn said he lives in a similar building like this in the floodplain and he pays way to much for flood insurance, which he would rather not have to pay; however, living in the downtown offer means having to live in a situation like this. He said he remembers lots of neighbors coming to speak in support of the original site plan, because they were really looking forward to proposed specifics dealing with the flooding in that area. He said he finds this site plan pleasant to view, but he is not able to support it, because those same neighbors are not present to speak of their support for this proposal.

On a rollcall vote, the vote was as following, with the Chair declaring the vote passed. Vote: 6-3

Yeas: 6 - Wendy Woods, Erica Briggs, Kenneth Clein, Shannan Gibb-Randall, Scott Trudeau, and Zachary Ackerman

Nays: 3 - Sarah Mills, Alex Milshteyn, and Julie Weatherbee

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

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

Moved by Trudeau, seconded by Mills that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.

Ken Clein, 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 Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

***** **BREAK** *****

CITY PLANNING COMMISSION WORKING SESSION

1. Call to Order

See video for pre-submittal presentation.

2. [17-1410](#) Lockwood Senior Independent Living PUD Pre-Submittal Conference Submission

Received and Filed

3. Public Comment

4. Adjournment

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