



City of Ann Arbor

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

Tuesday, March 19, 2013

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. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least forty-eight (48) hours in advance of the meeting. 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 on the home page.

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1 CALL TO ORDER

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

2 ROLL CALL

Rampson called the roll.

Present 7 - Woods, Westphal, Giannola, Adenekan, Clein, Derezhinski, and Briere

Absent 2 - Bona, and Mahler

3 APPROVAL OF AGENDA

Moved by Adenekan, seconded by Derezhinski, that the agenda be approved. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

5-a [13-0297](#) City Planning Commission Meeting Minutes of January 15, 2013

Moved by Clein, seconded by Briere, that the minutes be approved by the Commission and forwarded to City Council. On a voice vote, the Chair declared the motion carried.

- 5-b [13-0300](#) City Planning Commission Meeting Minutes of February 5, 2013
- Moved by Briere, seconded by Giannola, that the minutes be approved by the Commission and forwarded to City Council. On a voice vote, the Chair declared the motion carried.**
- 5-c [13-0301](#) City Planning Commission Meeting Minutes of February 21, 2013
- Moved by Adenekan, seconded by Derezhinski, that the minutes be approved by the Commission and forwarded to City Council.**
- Westphal noted two corrections on Page 6: "Westphal asked if it would be [likely] ..." and "Westphal commented that he believes that while crime [may correlate] ..."*
- On a voice vote, the Chair declared the motion carried and the corrected minutes approved.**
- 6 **REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS**
- 6-a **City Council**
- Briere reported on the previous night's City Council meeting. She said Council postponed the Summit Townhomes zoning and asked that the Planning Commission re-evaluate its recommendation and get back with the Council by the second meeting in April. She said that the Council also approved a resolution asking the Commission to review the D1 zoning. She said the Council postponed action on the 413 E. Huron site plan. She said the plan had changed and Council was shown new drawings. She said for that reason and unanswered questions about the mitigation plan for natural features, action was delayed to April 1. She noted there may be further changes to the design.*
- 6-b **Planning Manager**
- Rampson reviewed upcoming meetings with the Commission, pointing out that the third sustainability forum would take place this Thursday at 7:00 p.m. at the downtown library, with the focus on diverse housing and how Ann Arbor can be sustainable by using existing buildings to age in place.*
- Rampson reported that next Tuesday, the Citizen Engagement Committee would meet to review the Citizen Participation Ordinance surveys that were completed.*
- Rampson noted that there would be a regular City Planning Commission meeting on April 2, and at the April 9th City Planning Commission working session, there will be a presentation on the R4C/R2A proposed changes from the Ordinance Revisions Committee.*
- 6-c **Planning Commission Officers and Committees**
- 6-d **Written Communications and Petitions**
- [13-0306](#) Various 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.)**

None.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

- 8-a** [13-0305](#) State Street Center Rezoning - A proposal to rezone this parcel from O (Office District) to C3 (Fringe Commercial District). The petitioner proposes to demolish an existing vacant building on this 1.0 acre site located at 3945 South State Street and construct two one-story retail buildings totaling 8,531 square feet in one phase. A single-lane drive-through is proposed to serve the front (west) building.

Westphal read the Public Hearing Notice as published.

9 UNFINISHED BUSINESS

- 9-a** [13-0302](#) Hideaway Lane Revised Planned Project Site Plan for City Council Approval - A Proposal to construct 19 single-family units and 13 parking spaces. The 4.57 acres site, located at 2000 Traver Road, currently contains 9 attached townhouses and 1 single-family home. Driveway and utilities were installed as part of the previously approved Hideaway Lane site plan (expired). Staff Recommendation: Approval

DiLeo presented the staff report.

PUBLIC HEARING:

Thomas Partridge, resident of Ann Arbor, said he wanted to impress upon the Planning Commission to ask for affordable and accessible housing, including accessible by public transportation. He said this is a ranch compared to the project that was discussed at City Council the previous evening. He said this site should have been considered by the developer for multiple family housing. He said the Planning Commission should call for this housing to be affordable for all races and incomes. He said we have continued to engage in segregationist housing and historic pernicious discrimination needs to end.

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 Hideaway Lane Planned Project Site Plan and Development Agreement.

COMMISSION DISCUSSION

Giannola asked if this will be a public street or a private street.

DiLeo said it will be private.

Giannola asked if this was to be a condo.

DiLeo said yes.

Giannola clarified that these are single family dwellings on a single site.

Briere asked about maintenance to the street.

DiLeo said this would be the responsibility of the condominium association.

Briere asked about snow plowing and trash collection.

DiLeo said the association will provide this, with trash pick-up provided by the City or through private contract.

Briere asked if it is possible to cluster buildings in R4A zoning districts.

DiLeo said the code allows this, but doesn't treat single family in R4A the same.

Derezinski asked about the nearby creek, noting the recent work on the creek. He asked if there was any concern for flooding, given the proximity to the creek.

DiLeo said this was reviewed by the Washtenaw County Water Resources Commission. She also noted there is at least a 25 foot natural features buffer between the creek and the buildings, and that the stream channel is quite deep and narrow, so it would take a lot to overflow the banks.

Woods asked about the two homes on the north side of the site and its encroachment on the bioswale natural feature.

DiLeo explained that this swale was turned into a wetland as part of the earlier construction on the site, so this buffer is newly established as part of this project. She said staff supports this because, if this layout had been built as proposed, as part of the earlier construction, the City would have allowed it.

Woods said she is trying to understand the impact. She asked the petitioner about whether he is assured that these buildings will not flood.

Bruce Michael, petitioner, said this wet area was designed to collect storm water and go into a catch basin. He said there is very little drainage that goes into that wet area. He said it won't flood.

Briere said the earlier approved project was for townhomes.

DiLeo said the earlier proposal was to retain the original townhouse building on site, plus add 22 single-family homes, similar to the current plan. She said the current plan uses the existing drive and utilities, with a similar layout.

Briere asked for a rendering of what the buildings will look like.

Michaels passed around a copy to the Commission.

Clein asked if there were comments from the Fire Department on their review, since he felt there was not an adequate radius provided. He also asked about parking for the residents.

DiLeo said the Fire Marshal denied the initial submittal, and the plan was revised to include a turnaround, which was acceptable. She said each unit has a two car garage. She pointed out the additional parking on the plan.

Clein asked about Unit 10, and if it crossed over the buffer line.

DiLeo said they are right on the buffer line, but not over it.

Clein asked how this is handled during construction.

DiLeo said this is overseen by the Land Development inspector, adding that the line is coincidental with the limits of grading.

Clein said Traver Creek is a sensitive waterway.

Westphal asked for comments on the layout.

DiLeo said this type of spacing is pretty typical of the city's Old West Side. She said this could probably be laid out as an R1D development. She noted the short drives, narrow driveways, with a lot of sharing of elements, with built in efficiencies.

Westphal asked how this would affect the home price.

DiLeo said this cost is spread out over more people, so it would affect cost to build.

Westphal asked about neighbors being notified.

Michaels said it did not require a meeting, only the mailing of the postcard notification, which went to approximately 1,100 residents and owners.

Westphal asked if there was a response.

Michaels said he heard from residents of the townhouse, wanting to know what was going on, adding that they will be happy that something will be built and not the attractive nuisance that it has been. He said they will be meeting with those residents as they will have to deal with the condominium association as part of this project.

Woods asked about the buffer from the railroad.

DiLeo said that there is a steep climb from the site up to the railroad, which acts as a deterrent, along with it being fully vegetated, and a small child could not really climb it. She said older adults would be able to access it.

Woods asked for the distance and whether a fence would be added.

Michaels says it's a 25-30 foot difference in grade, and they will vegetate with a line of evergreens, which would act as a deterrent.

Woods asked if this is where the mitigation will be planted.

Michaels said mitigation trees are spread throughout the site.

Westphal asked if there is a legal railroad crossing at this location

DiLeo said there is not.

Westphal asked if there was a way to make a connection to the bus stop on Plymouth.

DiLeo said it would require crossing the railroad and the creek.

Michaels said there is also a deep ditch on the other side.

Briere asked if any of the units are designed to be accessible to people with physical limitations.

Michaels said this would be difficult, since the porches are elevated; however, ramps can be added to the garage, for entry. He noted they have units with a first floor master and bath and they can modify the unit for the user.

Briere said there may be a need for school or city bus service with the addition of families. She asked the petitioner if they have discussed this issue with AATA.

Michaels said they have not yet discussed this. He said most of the residents will have cars.

Briere said he should design this so there is an easy walk to Northside Elementary School.

Michaels said they have sidewalks that connect at the edge of the site.

Giannola asked if there will be common open space.

Michaels said the area along Traver Creek will be a place where people will gather, noting it was not a swampy situation.

DiLeo said this project meets the active open space requirement between front porches and open space, and they are providing a park contribution for parks within walking distance.

Clein asked if they owned the panhandle that extends along the right of way.

Michaels said no.

Clein said he noticed that garages are at grade and the porch has steps. He asked how the grade will be handled in the garage.

Michaels said there will likely be 2-3 steps in the garage, but hasn't been determined exactly at this preliminary stage.

Clein asked about the storage area shown on the layout, adding that he realized interior layout is not within the Commission's purview.

Michaels said that the storage space is not adequately laid out at this stage, and is yet to be determined.

Clein suggested that the rear elevation could use another window.

Michaels said they will likely move the storage area to the side.

Westphal said he feels this meets the planned project standards, particularly in the layout of the houses. He said this is a project that they don't see too often but certainly meets the needs of the community.

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

Yeas: 7 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

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

Moved by Derezinski, seconded by Giannola, that the Ann Arbor City Planning Commission hereby authorizes the disturbance of the natural features open space per submitted plans.

COMMISSION DISCUSSION:

Briere asked if there is an alternative mitigation plan included.

DiLeo said there was an alternative analysis and the City felt the presented plan was the one with the least disturbance.

Briere asked if this information could be included in the packet that goes to Council.

Westphal asked about the encroachment being "high quality".

DiLeo clarified that the wetland established well, which means it likes the conditions and is worth protecting.

Westphal asked if this has to do with plant species.

DiLeo said there is a nice amount of water to support the plants they chose.

Westphal observed there is sometime a struggle and it can be difficult finding the right mix. He said this mix is worth noting if lessons are to be learned.

DiLeo said similarly, the wetland shelf is thriving.

Clein asked how these nice wetlands get protected during construction, even though the project is not impacting the wetlands directly.

DiLeo said they will be using filter fence and hay bales.

Michaels said they may set up a super silt fence, noting that they will be doing some mitigation as well that will include removal of fragmites and adding of scrubs, which will be pretty sensitive to monitoring during construction.

Michaels said the previous developer obtained a wetland fill permit when they did the second phase of the development which did not get fulfilled. MDEQ has said the petitioner is not legally obligated to finish what the previous owner didn't fulfill, however, the current petitioner has stepped up to do this. He said they are also doing enhancement to wetlands on the south side of the site. He said they are mindful as well as sensitive to the needs of the development and wetlands.

Clein asked about removal of soil during construction.

Michaels said that because of the proximity of the houses they will dig the basements all at once. He said they will be picking up groundwater when they hit clay so they can route it to the wetland.

Clein asked where they will stockpile soil.

Michaels said they will have to truck it out.

Clein said this alleviates his concern about erosion into the creek.

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

Yeas: 7 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

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

Moved by Woods, seconded by Briere, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the alternative mitigation plan for 153 caliper inches of required tree replacement and 14% of required wetland mitigation.

COMMISSION DISCUSSION:

Briere asked where the alternative mitigation will be.

DiLeo said the woodland will be through a cash contribution and the wetland will be the "wetland shelf".

Briere asked how such a cash contribution would be used by the City; for street tree replacements or in parks.

DiLeo said it needs to be used for the management of restoration of an important natural resources. She said it could be used for invasive species removal or replacement of trees.

Briere asked if we have a record of how these contributions have been used, noting that if there is a record this could be added to the Council packet submittal.

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

Yeas: 7 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

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

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** [13-0303](#) State Street Center Site Plan for City Council Approval - A proposal to demolish an existing vacant building on this 1.0 acre site located at 3945 South State Street and construct two one-story retail buildings totaling 8,531 square feet in one phase. A single-lane drive-through is proposed to serve the front (west) building. Staff Recommendation: Postponement

DiLeo presented the staff report.

PUBLIC HEARING:

Thomas Partridge, resident of Ann Arbor, said he wants to impress upon the Commission that its policies need to be reformed. He said this body should be scheduling frequent meetings with the Ann Arbor Housing Commission and Human Rights Commission. He said projects should not be forwarded to City Council without the consideration of air quality, affordability, and accessibility. He said you have built a high priced segregated city, on land where the American Indian and slaves lived and worked. He said they need to reform the policies and criteria that the Commission uses to review site plans.

Noting no further speakers, the Chair declared the public hearing closed and to be continued if the agenda item is postponed.

Moved by Giannola, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the State Street Center Site Plan, subject to the dedication of the 50-foot South State Street right-of-way to the City prior to the issuance of any permits.

COMMISSION DISCUSSION:

Giannola asked if there will be restrictions on signage, since the strip mall will be setback and difficult to see.

DiLeo said the site will be permitted a limited size ground sign, per Chapter 61 of the Zoning Code, where multiple business identifications can be displayed.

Giannola asked if anyone will be able to see the rear lot from the street.

DiLeo said the lot is rather flat, and visibility may be an ongoing challenge.

Giannola asked if there is any connection or grade difference the Tim Horton's lot and

this lot.

DiLeo said there is no connection nor grade difference, but a difference between property owners, which is a civil matter.

Westphal asked if staff had worked towards the petitioner getting a connection to the neighboring Tim Horton's lot.

DiLeo explained that staff person, Chris Cheng, had worked rather diligently towards making that happen, but believes that could only happen following a property owner change of one or both parcels.

Rampson clarified that staff regularly works with the petitioner on access management in an attempt to connect commercial sites, and in this case the property owners did not agree. She said without having an access management ordinance in place, they are limited to working with the petitioner.

Adenekan asked which tree will be replaced.

DiLeo clarified using the site plan and site photos, noting that none of the trees will be chopped down, but because the parking lot is going to be located so close to the tree trunk, they are requiring mitigation.

Derezinski asked about the appropriate zoning for this project, and if the rezoning would require more notice to the neighboring parcels.

Rampson clarified that it would not requiring a citizen participation meeting, just the postcard mailing notification to all owners and residents within 1,000 ft of the parcel. She noted that most neighboring parcels are commercial.

Moved by Derezinski, seconded by Briere, to postpone this item to be considered with the rezoning application.

Briere asked if adjacent property owners in Pittsfield Township could also be notified of the rezoning.

Rampson confirmed this.

Woods said when the item returns to the Commission, she would like further information about how vehicles get into the site when going south and north on South State Street.

Westphal asked that staff review the parcel to see if the rezoning would fit into the zoning, before the South State Street Corridor Plan was created, and if this might be connected to errors elsewhere.

Derezinski asked about the timing for the roundabout.

Rampson said she believed it would be on course for this construction season, but she would get more details from staff on the construction timetable.

On a voice vote, the Chair declared the motion carried and the item postponed.

10-b [13-0304](#)

Resolution to Approve City Planning Commissioner Attendance at the American Planning Association Conference. Staff Recommendation: Approval

Rampson provided background regarding the proposed resolution.

Moved by Giannola, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby approves the attendance of Chairperson Westphal at the 2013 American Planning Association Annual Conference, April 13-17, 2013 in Chicago, Illinois, and further approves the reimbursement of eligible expenses from the Planning Services conference and training budget.

Westphal recused himself from the vote.

Vice Chair Woods took over.

Briere asked that a copy of the presentation be sent to City Council.

Clein said this is a benefit to the whole community, and requested attendees bring back learning experiences.

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

Yeas: 6 - Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

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

Recused: 1 - Kirk Westphal

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

Thomas Partridge, former law student, said he was here to call on the Planning Commission to adopt the attitudes and judicial attitudes of Philip Hart, Patrick McNamara and JFK which they would bring to review of site plans. He said it is time to recognize that Ann Arbor was not built on the land of 1% individuals, but built on native American land, built by slaves. He said we need a change of attitude for civil rights, and working towards affordable housing; everything that he is certain native American foremothers and forefathers discussed at their community meetings, as well as these topics that were discussed in the churches of the slaves, at are still active in the City. He asked that this Committee pass a resolution for joint meetings under the 1970's Supreme Court decisions.

12 COMMISSION PROPOSED BUSINESS

None

13 ADJOURNMENT

Moved by Giannola, seconded by Clein, that the meeting be adjourned at 8:50 pm. On a voice vote, the Chair declared the motion carried.

Kirk Westphal, Chair
mg

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Meeting Place” page (<http://www.a2gov.org/livemeetings>).

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- *Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx*
- *Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.*

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