



City of Ann Arbor

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

Tuesday, April 1, 2014

7:00 PM

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

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1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:08 p.m.

2 ROLL CALL

Rampson called the roll.

Present 9 - Bona, Woods, Westphal, Giannola, Adenekan, Clein, Briere, Parekh, and Peters

3 INTRODUCTIONS

[14-0536](#)

Stadium Bridges Artwork - Bob Miller (Chair) and John Kotarski (Vice-Chair), Ann Arbor Public Art Commission

Link to slideshow:

<<http://www.slideshare.net/kotarski/stadium-bridges-winner>>

John Kotarski, Vice Chair of the Ann Arbor Public Art Commission, presented the winning submittal for the Stadium Bridges Artwork project.

Briere asked if the lighting would be from below the art panels and how the lighting would be powered.

Kotarski said yes, and that they believe the power source will be electrical.

Bob Miller, Chair of the Ann Arbor Public Arts Commission, said they are currently in the process of getting bids for the electrical work.

Briere commented that she was sad that it wouldn't be solar powered.

Miller said they could make it solar, if the City chose to.

Clein said the lighting makes the difference and will make the artwork really stand out. He asked about the panel materials.

Miller said the panels would be etched glass in aluminum frames.

Clein commented that the etched trees would be appropriate for Tree City Ann Arbor.

Woods asked if they had received any mock-up of how they would look with a lot of snow.

Miller said, no.

Briere asked about the location of the panels.

Miller explained that the panels would be installed to be seen above the plantings and in the median, and away from vehicular traffic and pedestrian traffic.

Westphal asked about maintenance of the artwork and possible replacement.

Miller explained that they have asked for a maintenance schedule from the artist; he explained that each panel is separate and could be replaced individually.

Westphal asked if there will be a plaque on site introducing the work and the artist.

Aaron Seagraves, the Arts Administrator for the Public Arts Commission, clarified that there will be a plaque and signage both on top of the bridge and under the bridge.

Received and Filed

4 APPROVAL OF AGENDA

Approved.

5 MINUTES OF PREVIOUS MEETING

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

6-a City Council

Briere reported that Council has not met since the Commission's last meeting.

6-b Planning Manager

Rampson reported that Council will be meeting next Monday and they will have before them the Planning Commission Resolution for the Edwards Brothers Property,

as well as the Library Lot Resolution.

She further noted that two Planning staff members, Commissioner Clein and herself had attended the Michigan Association of Planning's Spring Institute, and she would report more on that at the Commission's working session next week.

She was glad to report that the City Attorney's office and Planner, Alexis DiLeo have been working on ZORO in attempts to prioritize its progress.

6-c Planning Commission Officers and Committees

Bona reported that the Ordinance Revisions Committee met to review amendments to the downtown zoning and they are now working on adjustments to zoning at Main and William, which will come before the Commission in May. They are also starting to work on the Huron 1 overlay adjustment and rezoning to respond to concerns. She commented that they do not have another meeting scheduled, yet.

Clein said the Downtown Development Authority [DDA] is starting the Downtown Streetscape Framework, and as the Commission's liaison, they have asked for him to participate with the oversight committee over the next nine months. He noted that the plan will provide guidance about streetscape improvements, but not be proscriptive.

Woods asked about guidelines for sidewalk occupancy for what area restaurants are allowed to use when setting out tables and chairs.

Clein said there are guidelines in place when they apply for permits.

Rampson explained that one of the pieces of the Downtown Streetscape Framework is a look into the economics of sidewalk use for sales and dining.

Briere encouraged Clein and the committee to keep in mind handicapped accessibility, pointing out that it is often difficult for someone in a wheelchair to maneuver around the sidewalk dining fences.

Clein agreed this is an important issue.

Rampson added that the Commission will meet next Tuesday at 6 p.m. with the Energy Commission in Council Chambers and then move to the basement conference room at 7 p.m. for the regular meeting.

6-d Written Communications and Petitions

[14-0537](#) Various Correspondences 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

[14-0538](#) Public Hearings Scheduled for the April 15, 2014 City Planning Commission Meeting

Chair Westphal 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 [14-0539](#) Ruth's Chris Steak House Site Plan for City Council Approval - A proposal to renovate this single-story building located on this 0.19 acre site at 314 South Fourth Avenue and construct a 1,943 square feet second-level mezzanine addition over the front portion of the existing building. (Ward 5) Staff Recommendation: Postponement

Kowalski presented the staff report.

PUBLIC HEARING

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

Moved by Giannola, seconded by Clein, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ruth's Chris Site Plan, subject to:

- 1) Resolution of the discrepancy in the property legal description, prior to issuance of building permits;**
- 2) An executed license agreement for emergency egress across the Fourth and William parking structure frontage prior to issuance of building permits; and**
- 3) Construction of one Class A bicycle parking space in the Fourth and William parking structure or payment of a contribution to install this space being provided to the Downtown Development Authority prior to the issuance of a**

certificate of occupancy.

COMMISSION DISCUSSION:

Woods asked about the sprinkler system.

Steve Fry, architect for the project, explained that there was a question about whether the building code would require the building to provide fire suppression, since there was no change of use. He said if it is determined, then they will be required to install a new line from the street. He said there is also ongoing discussion about the possible need for an added fire hydrant in front of the building. He added that they are close to an agreement that the existing fire hydrants in the area will cover the area.

Woods said she noticed that the petitioner went before the Design Review Board. She asked if the building, when completed, will look the same as shown in the packet.

Fry said this was their favorite design (picked from 6 renderings) which they felt looked edgy and stood out. He added that going to two stories will make this building feel more at home on this monumental street, which is a difficult area given all the bus traffic. He said it is a good transitional use because it will be a destination use that will not rely on foot traffic.

Woods asked about the bike lockers and if they were visible from the street.

Fry said yes.

Briere asked the petitioner if they were required to hold a citizen participation meeting.

Fry said they had to mail out postcard notices.

Briere asked about the emergency egress.

Fry pointed out the location at the corner of the building where the second floor could exit, explaining that they felt it would help make the storefront look better without an opening there, so they are proposing a revocable easement from the city to exit onto this area. If the area was to become unavailable, they would have to modify the front structure of the building.

Bona asked how an infiltration system would be added to an existing building location.

Fry said the building is in a state of disrepair, and he will end up moving 50-60% of the existing flooring of the building as well as having to replace back doors, so the concrete tanks will be added at that time. He said roof water would be feed to tanks buried below the floor, which is allowed to settle and its flow rate is restricted in moving further into the system. He showed the drain in the back corner, which is connected to the catch basin in the alley.

Bona asked about the potential for infiltration.

Fry said he is concerned about introducing infiltration of water to the foundations of a 60 year old building, and they will be looking closely at the situation and might be able to come up with a solution for minor infiltration of water.

Bona asked if the tanks would be below the footings.

Fry said yes, noting that one of first things they will do is excavate to see what's there. He stated their commitment is to detention, and they will try for infiltration.

Bona noted that the zoning doesn't allow for single story buildings and asked if there is any potential for additions on top of this existing building.

Fry said the current structure will not hold a second floor, and the floor area is close to the maximum allowable without providing an elevator and the single floor roof allows for economical kitchen venting.

Bona said the second floor adds a lot to the street presence. She asked what the petitioner would like to see on the sidewalk.

Fry said they are in discussion with the DDA, and that they already some brick treatment out front and there is some broken concrete that needs to be repaired. He said he believes there will be seasonal changes out front and that they plan on activating the sidewalk with humans. He said they are serious about a valet service. He said that given that the sidewalk is only 12 foot wide and that they do not plan on being open for lunch, they will have to focus on evening activity, and the lighting will be a critical selection.

Adenekan asked if they had received any comments from the postcards that were mailed out.

Fry said no.

Peters asked about the discrepancy regarding the west property line.

Kowalski explained that the deed contained, what they believe, to be a clerical error, resulting that the building was over the described property line by 8 feet, when in reality the property line ends at the back of the building. He said there is no question about who owns it, but in order to clarify the matter the only way was to file suit for adverse possession, since the property owner has been paying taxes on it for 66 years.

Fry said it is likely confusion about the width of the alley, which is 16 feet.

Parekh asked about outdoor seating.

Fry said they do not think it's appropriate for this location, since the sun doesn't hit this location. Ruth Chris is a known and controlled dining experience and they don't feel they could control it outside. He said once they put valet out, there won't be much remaining room. He said they are not trying to compete with Main Street.

Westphal asked if there was anything that would preclude adding dining outdoors.

Fry said there is nothing that would preclude it, and they will evaluate it in the future. He said the biggest concern is continuation of bus traffic noise and lacking views around them.

Giannola asked about the possibility of a roof top deck.

Fry said they started with that idea, but felt they have to control the environment, and given the noise and kitchen exhausts up there it wasn't possible.

Clein said he felt the petitioner did a reasonable job in reusing the site and agreed with the petitioner that it's probably not the best location for outdoor dining. He said hopefully the DDA will be able to bring activity to the area that will work well with the restaurant. He appreciated that the design is out to the street, which is a good thing.

Fry clarified façade materials as being metal panels, not ephes, adding that they will continue to fine tune the materials to reflect quality throughout. He explained that Ruth's Chris does not dictate architecture; just the service and food.

Westphal said he is used to seeing this restaurant in non-downtown settings, and asked if there is a different feel to the Grand Rapids location.

Fry said yes, with the Grand Rapids location being in a 1913 Amway Grand Hotel. He explained that this design is site specific with each Ruth's Chris style varying by site.

Westphal asked about comparable noise levels from mechanical equipment at second floor apartments on Main Street and this location. He asked if there would be any noise shielding provided.

Kowalski said he would assume the noise levels to be more.

Fry said they would be about the same, and that they will be buying all new high energy efficient units.

Rampson said the challenge is that the City does not currently have any standards requiring shielding of mechanical equipment, similar to what exists for shielding generators.

Fry said the mechanical equipment is pretty well shielded, with the neighbors around.

Westphal said the neighbors would certainly appreciate quieter equipment and Council would approve of reduced noise.

Clein said he agreed with the petitioner that the noise would be shielded with the second story being added and the neighboring garage structure. He said the City did have a noise ordinance that enforces excessive noise. He said there are acoustic screening materials that work, noting that is what they did with Zingerman's project.

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

Yeas: 9 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

Nays: 0

10-b [14-0540](#)

Zoning Ordinance Text Amendment regarding Drive-Thru Facilities - Amendments are proposed to add a definition of a drive-thru facility and allow accessory drive-thru facilities as special exception uses in the O (Office), C2B (Business Service) and C3 (Fringe Commercial) districts, as well as provide basic layout requirements. Drive-thru facilities currently are allowed as special exception uses without any further requirements in the C2B district and as permitted uses without any further requirements in the C3 district. This amendment will make

permitted and special exception uses consistent with City master plan recommendations and the intent of the affected zoning districts. Staff Recommendation: Approval

Rampson presented the staff report.

PUBLIC HEARING

Nothing no speakers, the Chair declared the public hearing closed.

Moved by Adenekan, seconded by Peters, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, Sections 5:1, 5:10.12, 5:10.21, and 5:10.23, regarding Drive-Thru Facilities.

COMMISSION DISCUSSION

Clein asked if this amendment would affect carwashes and oil changes.

Rampson said no, since carwashes are a separate use.

Clein asked if the word 'motor' should be added before vehicle.

Rampson said that for clarity she felt it would be good to add the word 'motor' before vehicle since that was where the issue laid.

Westphal asked if the restriction could be done through adding a driveway width restriction.

Clein moved to add "motor" in front of vehicle in the definition, Peters supported.

Yeas: 9 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

Nays: 0

Bona said she felt the issue is a driveway, not sidewalk, and felt like this is a simple solution.

On a voice vote, the Chair declared the motion carried on the added amendment.

COMMISSION DISCUSSION:

Bona suggested that one of the projects where the Ordinance Revisions Committee noted they would have liked to have this tool was on the Plymouth Road drive-thru, in front of the hotel, where the drive-thru goes all the way around the back doors face the front. She asked staff to explain how this would have helped that project.

Rampson clarified that since it was a Special Exception Use it would have been a discretionary decision based on the list of standards that would need to have been met. She pointed out that the Tim Horton's on Ellsworth would need to have been altered since the drive-thru window is located facing Ellsworth and would not have met this standard.

Bona agreed that if they would have created design requirements, people would spend time trying to get around them. She felt using the Special Exception Use tool was the best way of dealing with these and not prioritizing the vehicular experience

over pedestrians.

Peters said that turning these requests into special exception use requests and laying out what things we can evaluate, one can help proactively get better designs from developers.

Woods said there are some facilities where there are problems with drive-thrus, like Walgreens at Huron Parkway and Washtenaw, and the traffic is difficult for cars and pedestrians. She said there are some towns where they have drive-thru funeral homes, and asked if that might need to be added to the amendment.

Rampson said the drive-thru would be the component that triggers a Special Exception Use allowing for various uses, such as dry-cleaners, etc.

Westphal asked if there was a threshold for the amount of reliance on the drive-thru that would trigger the request.

Rampson said no, it would be irrelevant.

Peters said he is a fan of taking this approach rather than prohibition, which will allow freedom for businesses with specific needs.

Westphal asked if someone is undergoing renovations, how would this be treated.

Rampson said for all existing projects going through site plan amendments it would be considered pre-existing special exception use, and for those required to go through City Council approval, they would need to reestablish the need for the Special Exception use.

Westphal asked if a bank is undergoing renovations, how would it work.

Rampson said if they were moving the canopies they could do it administratively and it wouldn't need a full Commission evaluation, but if a bank came in and the scale of their project was beyond minor changes, they would need a full review for the added use.

Clein said this is a good, reasonable tool, which raises the bar and allows them to scrutinize them a bit more.

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

Yeas: 9 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

Nays: 0

10-c [14-0541](#) July 2014 - June 2015 City Planning Commission Meeting Schedule

A motion was made that the Planning Commission 2014-2015 calendar be approved. On a voice vote, the Chair declared the motion carried.

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

12 **COMMISSION PROPOSED BUSINESS**

13 ADJOURNMENT

The meeting was unanimously adjourned at 8:40 p.m.

Kirk Westphal, Chair
mg

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