



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
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Wednesday, September 9, 2015

7:00 PM

Larcom City Hall, 301 E Huron St, Second Floor,
City Council chambers

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1 CALL TO ORDER

Chair Wendy Woods called the meeting to order at 7:00 p.m.

2 ROLL CALL

Benjamin Carlisle called the roll.

Staff Present: Benjamin Carlisle (Carlisle/Wortman Associates)

Present 6 - Woods, Clein, Briere, Peters, Mills, and Milshteyn

Absent 2 - Franciscus, and Bona

3 APPROVAL OF AGENDA

Peters moved to approve the amended agenda, with item 10a moved before 9a, seconded by Clein. On a voice vote the Chair declared the motion carried.

4 INTRODUCTIONS

Benjamin Carlisle introduced himself, as a Senior Associate Planner with the Carlisle/Wortman Associates consulting group. He said their firm is happy to be assisting the City, the Planning Department and the

Planning Commission during the transition in the Planning Division since former Planning Manager Rampson retired and until the hiring of the new manager. He said Rampson left a large legacy when she retired as Planning Manager and their firm will do their best to try to fill her shoes in that role. He reported that Colin Smith, City Parks and Recreation Department Manager will be the acting Interim Planning Manager while Carlisle's role will be to offer technical assistance and more of an advisory role.

He explained that the Carlisle/Wortman Associates is a municipal planning service firm based in Ann Arbor since 1987. He stated that they only provide services to government agencies so there will not be any conflict with development that comes before the Commission; he noted that they currently provide building official services to the City. Carlisle said that he is an Ann Arbor resident and has served on the City's Zoning Board of Appeals for the past 4 years. He said they look forward to working with staff and the Commission until a new Planning manager is found.

5 MINUTES OF PREVIOUS MEETING

15-1118 August 5, 2015 City Planning Meeting Minutes

Moved by Mills, seconded by Peters to approved the minutes. 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

Briere reported that at last night's meeting, the Council approved The Madison on Main Site plan. She said Council postponed taking action on sending a request to the Planning Commission and staff for them to complete an ordinance on floodplain management.

Briere also reported that the Council postponed taking action on the Nixon parcels until the 19th, as was requested by the developer. She noted that Council is looking at doing a traffic study of the Nixon corridor

6-b Planning Manager

Carlisle reviewed upcoming meetings with the Commission. He also reported that the Michigan Association of Planning has awarded the City of Ann Arbor and the Downtown Development Authority with a Best Practice Award for the Ann Arbor Downtown Street Design Manual.

6-c Planning Commission Officers and Committees

Peters reported that the DDA Partnerships Committee met this morning; one of the updates from the meeting included that Craig Hupy from the City will be able to bring the technical assistance necessary, within the next month, to revise the City's 'Orange Book'. He also reported that they are preparing RFQs for two other larger downtown projects involving improvements to pedestrian walkways.

Peters reported that the Pedestrian Safety Task Force is presenting their report to Council at their next Working Session on Monday.

6-d Written Communications and Petitions

15-1119 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.)

William Higgins, 2131 Chaucer Drive, Ann Arbor, read from a prepared statement, saying that he has had surface water problems that won't be alleviated from any work being done at 2250 Ann Arbor Saline Road. He said he has participated in many City programs of which some are created to avoid responsibility. He said he has the highest regard for all those present and believed that even they were questioning the process here. He asked them to rethink, making certain that their mandate is balanced and fair, and to change it if it wasn't, challenge the City and even resign.

Elizabeth Davis, 1421 Iroquois Place, Ann Arbor, said she, her neighbor, and their neighborhood group are neighbors with the proposed re-development of the Circle K at 1420 West Stadium, and have concerns about safety, light pollution, air quality and the increase concrete footprint. She said they look forward to the up-coming review process for this project.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**9 UNFINISHED BUSINESS**

- 10-a** [15-1116](#) Argus Farm Stop Addition Site Plan for City Council - A proposal to construct a 556-square foot, one-story addition to the north side of this 1,270-square foot retail building, which is located on a 0.15 acre lot at 325 West Liberty Street in the Old West Side Historic District. The parking area will be reconfigured to provide three off-street parking spaces; no change in curb cuts is proposed. (Ward 5)
Matt Kowalski presented the staff report.

PUBLIC HEARING:

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

Moved by Mills, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Argus Farm Stop Addition Site Plan.

COMMISSION DISCUSSION:

Briere asked about the two parking spaces on First Street, that are not legal spaces however are used for parking frequently and do overhang the sidewalk.

Kowalski said it would be an enforcement issue for Community Standards to deal with, especially if they were blocking the sidewalk. He said they hope that formalizing the parking will tell people where they can and can't park instead of the current 'free-for-all' parking on the site.

Rich Henes, 310 Depot Street, Ann Arbor, Cornerstone Design Architects, agreed that once the parking lot is formalized the opportunity to park anywhere will be gone.

Bill Brinkerhoff, co-owner of Argus Farm Stop, 534 Glendale, Ann Arbor, said they did a test with striping parking spots on the surface parking lot and people seemed to follow the parking guide more orderly. He noted that on Wednesdays and Saturdays the parking lot will be more chaotic due to the farm deliveries that occur.

Peters asked about parking signage, noting the area has a high pedestrian population using the area.

Brinkerhoff said the surface selection helps demarcate the various uses; with paving in the back area from the barrier free parking spot through the loading area and permeable cement in the front area. He said the loading zone is clearly marked on the pavement and loading should only take place in this area.

Mills asked about the flow of traffic into and out of the site.

Brinkerhoff said when there is higher traffic, people can use the Second Street exit/entrance and at other times they can exit and enter using Liberty Street, adding that the angled parking spaces work best for this type of parking.

Mills said she appreciates that there are more bicycle parking spaces than is required by code. She said she would like to see the bicycle parking located closer to within view of those using it.

Clein asked about storm water management.

Kowalski said because no additional impervious surface is being added, the infiltration they are getting from the pervious pavers is actually increasing any requirement.

Henes said that is correct, noting that their lot is below 5,000 square feet so they are below any requirements for the infiltration.

Clein said he thought it was a great idea to add pervious pavers; he asked if the soils will allow such pavers.

Henes responded that the soils are sand, so they will infiltrate well. Milshteyn said he is very supportive of Argus and is happy to see this plan come forward, since he lived in the building right next door. He said he is concerned about families and kids walking through the parking lot on busy days and the possibility of them getting hit. He said he felt additional signage would be necessary.

On a voice vote, the vote was as follows with the Chair declaring the motion carried. Vote: 6-0

Yeas: 6 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, and Alex Milshteyn

Nays: 0

Absent: 2 - Sofia Franciscus, and Bonnie Bona

9-a **15-1115**

2250 Ann Arbor-Saline Road Condominiums Site Plan for City Council - A proposal to annex this vacant 5.34 acre parcel from Pittsfield Township, zone it R4B (Multiple-Family Dwelling District) and construct one building containing 75 dwelling units, exercise room, community room and indoor pool. The units will be a mix a one (20), two (53) and three (2) bedroom units. The proposal includes constructing 84 exterior parking spaces and 70 parking spaces under the structure. A storm water detention basin will be located in the rear of the site. The basin will be oversized to accommodate additional offsite water runoff from the north. This request includes a wetland use permit. (Ward 4)

Matt Kowalski presented the staff report.

PUBLIC HEARING:

Ralph Dixon, 520 Lambeth Drive, Ann Arbor, read from a prepared statement (provided to the Commission and included in the packet attachments) in opposition to any road, drive, sidewalk connecting the proposed project with Lansdowne subdivision.

Bob Parnes, 2067 Ascot, Ann Arbor, read from a prepared statement (provided to the Commission and included in the packet attachments) in opposition to the clear cutting of the parcel, the proposed retention pond, and the project as a whole.

Judy Hanway, 2059 Ascot Road, Ann Arbor, read from a prepared statement (provided to the Commission and included in the packet attachments) in opposition to any connection between the proposed project and Lansdowne neighborhood, the lack of a traffic study, and the proximity to the neighboring houses.

Betty Shelburne, 2135 Blaney Drive, Ann Arbor, spoke of drainage issues in their neighborhood, adding that she had a problem with the mention that the City has money to help install the retention pond at the proposed development site. She read from a prepared statement from a neighbor, Susan Torrible, 2075 Ascot, Street, Ann Arbor, in opposition to added traffic in the neighborhood.

Pia Bennet, 476 Village Oaks, Ann Arbor, spoke in opposition to the size

of the proposed project, and the aesthetics of the proposed building, noting that it does not fit into the existing neighborhood and looks monolithic.

Malini Prasad, 2122 Ascot Road, Ann Arbor, read from a prepared statement, saying that this developer isn't preserving any trees, and she has counted that 170 trees will be removed; and that replacing trees isn't the same as preserving mature trees and some landmark trees. She asked how many trees are being removed to create the so called pavement or access road. She asked why the woodland area is being replaced with a barren piece of land that will overlook a large slab of concrete. She asked what will prevent the owner in the future from converting the access path to a road. She asked for these issues to be addressed.

Ruth Dixon, 520 Lambeth Drive, Ann Arbor, read from a prepared statement, saying that 18 of the proposed trees to be removed are at the end of Lambeth Drive and they will be replaced by a sidewalk, hydro seeding and a useless gate that will be used by football traffic in exiting onto Ann Arbor Saline Road and spells disaster. She asked that the developer use the same time honored exiting, via Scio Church or Ann Arbor Saline Road.

Steve Donogh, 2390 Delaware, Ann Arbor, stated that he is shocked by the proposed project's size and the proposed pathway. He said as a father of three young children, and seeing the proposed 20-foot wide sidewalk, he knows that eventually it will be an amenity to these residents and they will push to have that gate opened. He said he is concerned for the safety of the children in the neighborhood with the added traffic. He stated he is against the architecture, the scale, but mostly the access via the wide sidewalk that will be used by traffic during football Saturdays.

Ken Timmer, 2112 Ascot Road, Ann Arbor, read from a prepared statement (provided to the Commission and included in the packet attachments) in opposition to any access roadway from the proposed development to Lambeth Drive.

Constance Archer Neal, 2078 Ascot Road, Ann Arbor, said she had several concerns with the proposed neighborhood; she said it seems incongruous with the other existing developments in the area nearby, in that this development is far more dense as well as its proximity to single-family homes is inappropriate. She said the 20-foot sidewalk is not necessary and having a gate seems an indication that we are not building

something that we say we are building here. She said it will be visually disturbing and people will want to use it as a cut-through which doesn't seem right.

William Pollard, 2139 Ascot, Ann Arbor, said he lives one house down from Lambeth Drive and he doesn't want to look out and see a 4-story condo building, once all the trees have been cut down. He said he is also concerned with the added traffic into the Lansdowne neighborhood since there is already more traffic in the neighborhood trying to get through. He said the existing neighborhood fits nicely together and they all get along but adding this newly proposed massive development just isn't right.

Mari Lohela, 628 Lans Way, Ann Arbor, said she lived in the house that her parents built 50 years ago. She said she is worried about the children living in the area and the opening up of Lambeth Drive to added traffic, and she is opposed to the massing of the proposed development.

Thomas Johnson, 2217 Delaware Drive, Ann Arbor, said he is a 42 year resident of Ann Arbor; he hopes that the development isn't approved, but if it is, he hopes the quality of life isn't degraded and he sympathizes with the comments of the previous speakers of the Lambeth cut-off. He brought concerns about the sewer and sanitary storm-water system in the neighborhood, noting that he has lived with a footing drain disconnect for 13 years and he believes he has post distress disorder from this whole thing and he believes any potential changes or impact by this development. He is worried about increased cost if the planned mitigation isn't carried out correctly, noting that he has already spent \$ 3,500 from his own money on sump pumps and maintaining the back-up. He said he hopes that the development can reach their requirement of meeting the required footing-drain disconnects but he is skeptical that they can, and he hopes they are based on reality footing-drain disconnects and not equivalent.

Greg Aber, 2085 Ascot Road, Ann Arbor, said this developer is a speculator, poured money into it and hopes to make a good return and he needs you elected people to do good on that speculation so his kids can make money on the backs of our kids. He said the City has a policy that they like to interconnectivity but the issue with this is that they want to connect a low density neighborhood with a high density development. He said another concern with the high density is that the City requires buffering and while you want both you will have to decide which one trumps the other. He said we have a harbor in the Lansdowne neighborhood that acts as a break-water from the traffic of the ocean, and

this developer is trying to punch a hole in the break and he wants the Commission to stop him. He said he wanted the Commission to think about the developer's kids versus their kids and to remember that his neighbors were forced to put in footing drain disconnects because of sewage flows and you are increasing sewage flow into the same line that we had to protect by force.

Tom Burke, 320 Miller, Suite 190, Ann Arbor, Attorney for the petitioner, addressed the issue of the access, stating that it is 'emergency only', has a Knox-box, and there is not going to be traffic, as is stated in the development agreement. He said if it is written into the site plan it can only be changed by City Council making a vote on it, which would require a public hearing, to his understanding. He said anything that would change that from emergency access to a roadway would require a public hearing where all of these people would address that issue before City Council. He said it would also have to be written into the Master Deed that this access would be emergency only before they can sell any condominiums and attorney Mermelstein who has submitted several things to Council contacted him about a month ago, after the previous hearing, and Burke asked him what the neighbors would accept as additional security to make sure that this never becomes a road. Burke said he has never heard anything back from him and his client is willing to consider anything to show this is not a road. He said his client heard the neighbors loud and clear last December, and yes, of course he wanted a road if he could have that, but the neighbors have said no, and he has pulled that off and tried to work to maintain what the Commissioners have described as some concerns, so that won't be a road. He said all the procedures set up won't allow this access to be a road unless the City Council would decide after a public hearing to re-make that happen after all those other things could be amended. He said it is not his client's intention but asked what he can do to negotiate with the neighbors on that issue and what proof do you need from him beyond what the site plan and development would provide.

K. Venkatesh Prasad, 2122 Ascot Road, Ann Arbor, said if you were to drive down the 20-foot sidewalk your headlights would come straight into his living-room. He said the future is the future and it is hard to say what will happen but he stated his unconditional disapproval for this project. He said 20-foot sidewalks don't give him a great amount of comfort and could be a lot less in order to preserve the woodlands there, or there could be a park there, but certainly not a 20-foot sidewalk.

Mike Manz, 2147 Ascot Road, Ann Arbor, said he had procedural

concerns, noting that the developer usually speaks last and he wanted to wait until after the developer speaks so he could have the last word. He said he is against the footing drain disconnects and the retention pond, and he has concerns about it actually doing what it is intended to do and he has concerns about it being a dry pond, most of the time, and standing water and mosquitoes and kids possibly approaching it. He said he doesn't understand how it can be fair to some neighbors when you can take away setback requirements for some neighbors and give them to other neighbors, and leave a 4-story structure that is really imposing to some neighbors. He said the access road is a road, no matter how it looks like and he doesn't understand why they want it when they don't need it. He said he believes they want to change it in the future and make it a regular road. He agreed with the traffic concerns mentioned by previous speakers.

Brad Moore, 4844 Jackson Road, Suite 150, Ann Arbor, architect for the project, reinforced what Attorney Burke had requested, stating that they have tried to find a harmonious compromise with the neighbors, since they will not have added traffic coming down their streets, and it is the Fire Marshall's recommendation that it is prudent to have a second access onto the site, so they have removed any sense of a road or driveway in favor of a sidewalk. He passed around a photo of previous examples where the City has done these, noting Oak Hills Drive that was designed as a stub-street to connect to the property at Skyline High School. He said neighbors had similar concerns with not wanting high school student traffic coming into their neighborhood so the City approved the same solution that they have suggested in their development which doesn't allow non-vehicular traffic but could support a fire vehicle or emergency vehicle if necessary. He noted that that locked gate has been there at Skyline for seven years now and he isn't aware of anyone suggesting that the access be turned into a road. He said as far as the storm-water goes, they are trying to provide a huge neighborhood benefit by providing mitigation to prevent a lot of down-stream storm water flooding. He said the issue with that is that you have to provide that where the site is low, and the site is low where there is currently a lot of invasive species. He said the City has looked at the site and determined it is not a forest or woodland; it is a thicket of invasive species, dead and dying ash trees, and other low quality trees. He said the plants that they intend to plant around the perimeter of the pond will be much higher quality over the long run than what is currently there. He added that Engineer Scott Betzoldt, from Midwestern Engineering, was available to answer questions on the pond.

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

Moved by Clein, seconded by Peters that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 2250 Ann Arbor Saline Road Site Plan and Development Agreement, subject to preliminary plan approval by the Washtenaw County Water Resources Commissioner and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 2250 Ann Arbor Saline Road Wetland Use Permit, to remove up to 1,728 square feet of wetland area, and mitigation plan, including construction of at least 2,592 square feet of new wetland, restoration and monitoring of the remaining wetland area.

Commission Break

COMMISSION DISCUSSION:

Clein asked about trees proposed to be removed on site.

Kowalski said there are 6 landmark trees that are proposed to be removed, and the developer will have to plant 29 additional trees to mitigate for those landmark trees. He said there are several other non-landmark trees that will be removed on the site.

Clein asked how many are proposed to be removed for the 'proposed sidewalk'.

Kowalski said the majority of trees are located where the basin will be going. He said he didn't have an exact inventory specifically for that location, but in reviewing the plans it looks like there are approximately 10-12 trees in the stub, with most of them being of Cottonwood and Mulberry species.

Clein asked about the overall length of the building.

Moore said they tried putting the narrowest dimension facing the street and articulate the building so it wasn't one long rectangular block, adding that the portion that is over to the Ann Arbor Saline Road is only three stories, with the only fourth story part being back in the northwest corner where the entrance to the underground garage is located, along with the slope falling off in that area which allows for the entrance.

Kowalski said the building is approximately 405 feet.

Clein said he made notes about concerns brought by public speakers, and takes them all very seriously. He asked Moore about the material of the speed bump at the sidewalk.

Moore said it is a concrete sidewalk for all intended purposes, and instead of being four inches thick, it would be eight inches thick and have a sub base capable of supporting the weight of the fire trucks. He explained that the caps that are mounted on the pillars that the gate is attached to are intended for people to be able to walk through making 90 degree turns but would not allow motorcycles to navigate through. He said there will also be landscape plantings that people won't be able to pass unless it is fire, police or emergency vehicles that have access to the Knox-box that opens the gate.

Clein asked if the sidewalk would have the resemblance of a road.

Moore said no, it will not have any resemblance at all to a road, with scoring in them, and then there are additional speed tables that will further signal that this is no place to be driving.

Clein asked about the wheel base of the fire truck that would allow them to use the sidewalk access.

Moore said he believed it would be ten feet.

Clein asked if they had considered making a smaller access that looks less like a road but would still allow the emergency vehicles access.

Moore said no, based on the conversation at the previous meeting, where they stated they did not want it to be possible for the wheels of the truck to get trapped in mud and get bogged down, so they designed it as one continuous width. He said if the Fire Marshall wants them to do the path is two strips they are happy to do that as well.

Clein asked Fire Chief Warreka Farrackand if it were possible to have two strips for driving on as long as the planting were kept low, to allow driving on.

Farrackand said it could work if the concrete supports the weight.

Briere asked the Fire Marshall how wide this access road really needs to be, noting that the Skyline access road is approximately twelve feet wide.

Farrackand said if the trucks are ten feet wide, you would want to add at least two feet on each side. She clarified that originally the Commission had asked what the code required, and that is twenty feet. She said now the question is what it needs to be and what can it go down to.

Briere asked the Fire Marshall to explain the code to the Commission, and how an access road is viewed and what is an access road.

Farrackand said an access road for a fire apparatus would be working with what the code requires, which is what she has been giving the Commission.

Clein said he was wondering if such an access could be made up on two separate panels separated by plantings instead of one solid panel, and still give the twenty foot code requirement for access.

Farrackand said it would be a creative way of making it with two walking paths.

Clein said you can't prevent people from doing things that illegal or stupid sometimes, but you can try to dissuade them and make them look like they shouldn't do it. He said, if someone does try to do it, he would hope that our Police force would ticket them and hopefully deter it.

Woods asked for clarification that the access road as stated by the Fire Marshall is if you are putting in an access road, but this project is not required to have an access road.

Farrackand said that is correct.

Mills asked which code was being addressed.

Farrackand said it is the adopted International Fire Code that was adopted by the City.

Briere asked about the wetland permit, noting that her understanding is that the design on the detention pond is intended to serve a larger area but residents don't seem to understand it is beneficial. She asked for an explanation how this will be beneficial to those living on Ascot Road and those living south of the project. She asked about the capacity of the

pond and how it is intended to work.

Kowalski responded that the location of the pond is where it is because of the natural low area and that some of the historical flooding has been from water rushing from the north directly overland flowing to the south, so the location of the pond will help slow the water down and allow it to go back into the ground and this pond is a vital piece of the overall storm water plan that the City has worked on outside of this development due to the need in the area. He said we can't sit here and guarantee that it will stop all the flooding down stream but we can say that it will undoubtedly help slow the flooding in that area after significant rains.

Kowalski further explained that maintenance would be a joint effort by the property owner as well as the City and the details are still being worked on and there is a paragraph in the draft development agreement that will be further refined if and when we get to the next step, that will solidify maintenance responsibilities. He deferred to Scott Betzoldt, Engineer with Midwestern Consulting who has been working extensively with the City's Engineers on this pond.

Betzoldt said there is a serious flooding problem in this area, particularly downstream from this property. He said on this property there occurs a confluence of water from five other properties that all come together at one point and then they funnel down to the Village Oaks development, who have received the brunt of the flooding issues, along with their neighbors in Chaucer Court and those who directly abut that area. He said this particular area of Lansdowne watershed is the contributing factor and the reasons are multiple; some deficiencies in some older detention ponds, in that they are too small to handle the volume but because of existing structures built around them they cannot be enlarged. He noted they were also built according to different standards than are used today, along with a steep slope on a vacant parcel that is contributing. He said the Lansdowne subdivision had no requirement for detention because their development predated storm water detention requirements and is also contributing in this area. He said they looked at the entire area, as if they were going to design a regional basin according to today's standards and what that would require. He said they did that calculation and subtracted the limited capacity of the existing detention facility from the liability and came up with a pond that would accommodate this whole development under today's new standards. He said that should go a long way in providing the relief downstream, to the people who are being flooded down there. He said in addition to that they will be eliminating a significant amount of run-off that goes into the storm sewer that feeds into

Malletts Creek that then backs up further to the west, so they will be lightening the load there too.

Betzoldt said they will be providing 158,000 cubic feet of storage, and the 2250 Ann Arbor-Saline site itself, only requires 45,000 cubic feet of storage, so they are providing 113,000 additional cubic feet of storage which is the sum total liability from Lansdowne, (although they don't require it, it is still water flowing there, so they can't ignore it) Country Estates, Marra Drive, vacant properties, and the assisted living facility, just north of them. He said he believes it is a very important part of this area and he has had a lot of personal involvement with residents of Village Oaks and having seen their sandbags they have around their windows, and having seen the water that envelopes the whole area down there, he doesn't know how the residents can sleep at night when there are heavy rains forecast for their area.

Briere asked what safety mechanisms for the pond, other than tall ugly fences, are available for those who haven't developed a sense of caution yet.

Betzoldt said the design parameters of this detention pond are no different than any other in Washtenaw County; its' side slopes are no greater than a five in one (5:1) slope, so it's easily navigatable, and it is designed to be a dry pond so it will drain completely. He said its' impoundment depth in a 100-year storm event, can reach up to six feet, but on an average storm event, you could expect to see two and a half feet of water in the bottom of it, for no longer than 48 hours.

Briere asked how many feet of water would be estimated in the pond after a 100-year storm event.

Betzoldt said about six feet of water. He explained there are a series of graduated holes that go up the sides of the structure and the higher the water, the more holes the water can exit out of, which allows the pond to drain within 48 hours or so.

Briere asked about the proposed sanitary connection to the sanitary sewer that runs underneath Ascot Road. She asked why we are proposing to connect 75 units to an outdated system that is already over capacity and is known to get overwhelmed by excess stormwater run-off in the area. She asked if there were newer systems they could connect to.

Kowalski said he did not know of the availability of the sanitary sewer on

Scio Church Road and since there is no sanitary sewer line in Ann Arbor-Saline Road, this connection would have to go into the Ascot Road sanitary sewer line. Kowalski noted that Troy Baughman had studied the capacity issues of the sewer line and while there are capacity restraints, with the footing drain disconnect mitigation the City's engineers feel that the capacity within the line exists.

Briere commented that the footing drain disconnects don't have to be completed within that neighborhood.

Kowalski clarified that Baughman has stipulated that the mitigation must be performed upstream of the capacity restraints of the Pittsfield trunkline, adding that the specific locations of disconnects will also be integrated into the development agreement.

Briere asked about situations where developers are unable to find agreement for disconnects to be put in, noting that this area is severely impacted by the footing drain disconnect program and the developer mitigation offset plan, which involves footing drain disconnects, may not be popular with homeowners in that area, so what is the fall-back plan.

Kowalski said he wouldn't know at this time of any fall-back plan, other than what the development agreement states, specifically that they will need 21 footing drain disconnects or the equivalent, from that district, and they will need to mitigate per City code, the equivalent, in order to modify what addresses what they are putting in.

Woods asked about the trees on the aerial photo, and what if the developer didn't own the property where the land met up with the street stub; what would the developer propose as an emergency access for a safety route.

Moore stated if they weren't contiguous to a public street, so there wasn't a way to provide an alternative access, they wouldn't have an alternative access.

Woods asked Moore is he has completed other developments in the City where there was no second alternative access, and people are safe.

Moore said he would not render a determination whether it was safe or not; he has to follow what the City's guidelines and requirements are imposed upon them. He said on other projects he can say they have met the code and if it is deemed that in meeting the code it is safe, then he

would conclude it was safe.

Woods asked Moore if he felt they wouldn't meet code if they didn't own the whole area near the stub.

Moore said they can clearly meet the code with a single access to Ann Arbor-Saline Road.

Mills asked if the dimension for the setback on the south side is based on the 400-foot façade of the building.

Kowalski said, yes, because it is all one building.

Mills asked about the dimension of building on the most south eastern side.

Moore said it is 190 feet.

Mills said the jog in the building helps break up the building and is far better than having a straight 400 feet there, but she felt that having a 190-foot façade there felt imposing, as noted by some of the neighbors on that side. Mills asked if the code allows for movement of trading of setbacks, without triggering the need for a variance.

Kowalski said, correct.

Mills said if the code allows it, there isn't anything the Commission can do about it, but she commented that she felt it is something the Commission, as a body, might want to look at; she felt it seemed particularly unfair to three neighboring properties just south of the development, while other neighbors further down are benefitting from that relief.

Mills commented that she liked the idea of a secondary access for emergency personnel and in case opinions about a full fledged connection were to change in the future. She agreed that a connection is something that the City generally encourages, but as this project is currently designed, the connection to Lambeth Drive would be taking a road through a parking lot, which doesn't seem to make sense to her and could cause more safety concerns and problems than it would alleviate. She said if it is not required by the fire code, and if people don't want it, and assuming in the future by having a full fledged road there is going to create a safety problem, she doesn't think it needs to be there.

Milshteyn said he doesn't have a problem with the size and look of the building, noting that if the developer owns the land he/she has every right to build what they chose to build on the property. He felt the regional retention basin needs to be discussed. He said he has seen photos of what happens downstream once or twice a year and for that reason he wants to see this project move forward. Milshteyn said on the other hand, the neighbors are here and they don't want to see that connection, or have anything to do with this project and he felt the Commission needs to hear them out on that. He said he will be voting in opposition to this project for that reason, but he does hopes the developer comes back with plans without the sidewalk connection access, because he would then be in total favor of the project.

Peters commented that he is glad to see there is less impervious surface on this site with the mitigated parking; however, the placement of that mitigated parking concerns him in regards to fairness of neighboring property owners directly to the southeast of the site. He felt parking could be moved closer towards Ann Arbor-Saline Road even if it meant that the building would be designed more in a straight line. Peters asked for an explanation of how fire suppression would work in a building of this design.

Moore said in a multi-family structure the building code requires the building to have a fire suppression/sprinkler system, and such a system would activate automatically when a fire temperature would be sensed an alarm goes off and calls the fire department. He said there is a connection on the exterior of the building so that the fire department could pump water through that system if there were a drop in pressure. He explained there are many redundancies to allow the fire suppression system to work in an emergency.

Peters asked if the reconfiguration saved any trees from the previous design.

Moore said the previous private drive was 26 feet; the gain was only three feet on each side with this design, so no substantial saving of the trees with this width of a path. Moore noted if the width would go down to a pedestrian path there would be the possibility of saving trees.

Peters asked if the petitioner would consider any non-road solution or not having a connection, since it is not required for a revised site plan.

Moore said if the question was would they consider having a standard pedestrian path but not a path with a width that would stand a fire truck,

and if the City imposes that requirement upon them, they would accept that requirement.

Woods asked for clarification if some sort of a path was required through the back part of the property.

Moore said they would want at least some sort of pedestrian connection.

Betzoldt said the City, who is going to maintain the detention pond, except for the mowing of it, needs to have access to the north side of the pond, so maybe 50 to 75% of what you see, has to be built big enough to handle heavy equipment, otherwise the City won't have access to it to maintain it. He said the City's Systems Planning department has requested this, noting that they will need a staging area during maintenance so not to be blocking the parking garage.

Woods said maybe the Commission needs to request System Planning staff to explain to the Commission what type of access they will need.

Kowalski said they would need access to the pond, but not necessarily to Lambeth Drive.

Woods said they wouldn't need a 'super sidewalk' to get back there.

Betzoldt said they would need something to support their equipment, but it wouldn't need to connect to Lambeth Drive.

Briere asked about landscape buffer and if there was a way to revise the plan to create a better landscape plan that provides both a visual and sound barrier to the adjacent neighborhoods.

Moore said his understanding is that what gets planted as it grows it doesn't die off, but is adequately planted for long term growth.

Briere said she sees small woody plants on the plan punctuated by an occasional tree around the perimeter.

Betzoldt said while he didn't do the landscape plan he assumes it represents the minimum that is required by code for conflicting land use buffers, for mitigation trees, and for vehicular use area screenings, but wouldn't include foundation plantings. Betzoldt noted there were many deciduous trees, however he felt he wasn't equipped or prepared to discuss the plan but could have details for the Commission at a later

time.

Briere suggested with our climate it would be beneficial if all the trees weren't deciduous since buffering is still important.

Kowalski reviewed the landscape plan with the Commission.

Mills agreed with Briere that it would take time for plantings to create a buffering wall when planted so sparse.

Betzoldt said per ordinance regulation, plantings can not be planted closer than 15 feet apart.

Mills stated that she felt the Commission should discuss having any possible cut-through formalized.

Woods asked the petitioner if he was aware of any type of cut-through on this property leading to Lambeth Drive.

Moore said he hasn't seen evidence of any well worn path.

Woods noted paragraph P6 of the Development Agreement speaks of the emergency access.

Clein said while he is appreciative of not wanting to create more traffic in the neighborhood he was not comfortable making a decision on whether it is safe to have this development without having two means of access for emergency vehicles that would be pretty typical for developments like this. He said he doesn't feel qualified to make the call on safety and there is an International Code that looks at these things and compiles statistics, looks at safety and fire fighting techniques and risk and he didn't feel qualified to supersede that based on gut instinct. He said his experience as an architect, he would always be asked to provide that kind of access for a project of this size. He said one could say the project is too large, therefore, if it were smaller it wouldn't need that – perhaps, but the Commission has decided that the R4 zoning put forth was the correct zoning. He stated he didn't feel this body should be making decisions on fire safety and imposing them upon the petitioner, and he felt that Moore's comment about doing whatever the City tells him to do means he is not going to take liability for that decision.

Woods said she wasn't sure if the Fire Marshall was saying, you need this. She asked Clein to reiterate his opinions.

Clein stated he didn't feel comfortable looking at paragraph P6 in the development agreement and saying, we don't need that. He said he's not an attorney for the City and understanding its' liability and he is not a Fire Marshall, so he is not going to second guess the Fire Marshall's knowledge and experience on this issue. He said he believes, what he has heard in the past is; it may not be a strict code requirement, but a preferred or best practice for developments of this size. He stated, I don't think, in my opinion, as a Planning body, do we want to take that responsibility on.

Woods asked the Fire Marshall if after a certain size a building needs more than one access point.

Farrackand responded 100 units require two accesses, and because this project is under 100 units it is not required.

Woods said this building has 75 units.

Peters asked if it would be amenable to the developer for the Commission to postpone, to allow the developer to submit another plan that might be more amenable to all of us and might reach closer to a solution. He said it might not be 'no access' but that would allow for some sort of access and look and feel more like real sidewalks.

Moore responded that he hoped the Commission is getting a sense that they are trying to find a workable solution, adding that they want to take every opportunity presented to them to do that, so yes, they would go back and work with the Fire Marshall on a dual drive with green space in between, or a narrower drive; noting they are willing to do that.

Milshiteyn asked if they are willing to work on 'no drive'.

Moore said, yes.

Mills said she is hearing a petitioner who is willing to work on multiple solutions but perhaps the Commission needs to agree so they don't have to do this again.

Briere added it would be helpful.

Peters said it would be helpful for the Commission to consider a postponement to allow for a secondary plan to be presented and for the

City Attorney's office to weigh-in on the liability issue, because he doesn't feel qualified to say it is or is not okay.

Woods reiterated some of the issues brought up during the discussion.

Carlisle recapped that it was essentially three issues: contemplation of determination of what the access should be, whether it should be pedestrian access or some sort of emergency vehicular access or no access, and Peters had requested the City Attorney's office to weigh-in on the liability issue, and the densification of the landscaping along the property line to provide more of a landscape buffer.

Clein asked if the Commission was comfortable with the other issues discussed.

Peters said he would want the Commission to consider requesting the petitioner to move the parking to the front area so the setback on the southeast side could be larger.

Briere asked if he wanted the building to be more of a Z shape.

Peters responded, essentially, if it is feasible, but he felt it was worth investigating the possibility.

Moore said they would certainly take a look at those issues.

Moved by Councilmember Briere, seconded by Milshteyn, to postpone action to allow applicant to address issues. On a voice vote, the Chair declared the motion carried. Vote: 6-0

Yeas: 6 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, and Alex Milshteyn

Nays: 0

Absent: 2 - Sofia Franciscus, and Bonnie Bona

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-b** **15-1117** Temporary Telecommunications Facility - Cell on Wheels (COW) for City Planning Commission Approval - A request to locate a temporary "cell on wheels" tower on this 0.1 acre parcel at 910 Greene Street from August - December to provide supplementary cellular service during the Michigan football season. The tower will be 55 feet tall and mounted on a trailer and will be powered by a generator during games only. The perimeter of the property will be fenced. (Ward 4)

Lesley Rivera gave the staff report.

PUBLIC HEARING:

Kim Kachadoorian, 204 E. Davis Street, Ann Arbor, stated she has lived here 24 years and owns her home, adding that OSHA has mentioned that these types of cell phone towers disrupt pacemakers. She said there is a neighbor 2 doors down that recently got a pacemaker and is a senior citizen. She said this will be beaming right into her bedroom and she has no idea what types of health effects that will have. She noted there are contradictory stories out there, but there has never been an independent study done on the health, safety and welfare of cell phone towers in a neighborhood. She said they are a neighborhood and they have children, and senior citizens. She said the noise from the generator will be blasting and coming right into her bedroom and the fumes from the generator will be coming right into her bedroom. She said they have not been told of the hours when it will be on or off and they have no one to complain to if they start it up before 7 am or after 10 pm, other than the Police. She said she wonders why they had to put this in a neighborhood when they had an opportunity to put it on University of Michigan property, which is where it belongs; it doesn't belong in a neighborhood. She said Sprint is the company who put up an illegal one a few years ago on Adams Street at 3 am in the morning. She said her neighbors called her to say they were

working on this at 3 am in the morning and there were no permits pulled for it. She asked why they can't take it down after the games end and not wait until December. She said their first postcard they got made it sound like this was a done deal, and the neighbors didn't think they had a say in this and the only person they could contact was the attorney for those putting up the tower, which concerned her. She said she has been accused of being a nimby [not in my backyard] before, but it's never really been in her backyard before, but now she is a nimby and it's in her backyard and in her bedroom and she doesn't want it. She said she doesn't know if she will have to go to a hotel every single game day because of this and she doesn't see this as a good thing, but as a greedy thing for somebody.

Edward Vielmetti, said the history of cell coverage for Michigan stadium has not been an illustrious one for the City. He said dating back to 2009, the Michigan Daily ran a cartoon about how bad the cell coverage was during the game and the demand for cellular coverage at football games does not go down year after year, it only goes up. He said the notion that this is only a temporary fix to a problem is probably not a reasonable one. He said the cell providers are going to be coming back year after year installing the latest equipment they can to try to put up with cellular coverage for 100,000 people. He said if this is thought of as a temporary solution, Planning Commission is probably not thinking of it in the right way; they should be thinking about permanent spots where towers could be put and putting them in residential neighborhoods is not the best or appropriate spot to do it, when there are lots with pervious surfaces and lots that the University owns and it would be relatively easy to carve out a few parking spaces and power supply and would serve the University more directly. He said the City needs better cell service on game days but he wouldn't be too happy to have a tower trucked into his neighborhood and he felt it would be better located close to the University on one of their lots. He said yes to cell towers but picking the right spot is a very big deal.

TJ Garrett, Haley Law Firm, 10059 Bergin Road, Howell, representative for Sprint, said she was before the Commission last year when Sprint put a tower at the Ann Arbor Golf Club. She said the coverage is still bad so they need something on the other side, adding that they are working on a permanent solution and they can go in residential areas abut they can actually go on roof tops , so they are looking at an apartment building on Hoover as a permanent solution. Garrett said their postcard was approved by the City. She said cell towers are put on hospitals, City properties, Police stations, and schools. She explained the times of operation were

not put in the application but the way they run it at the golf course is that they turn it on the day before and turn it off the day after. She said they have to turn it on some time before because they have to get a line of sight from a different existing building so they have to do some testing to make sure the line is good. She said this covers the home games and they take it down as soon as the games are over and haul them to other events. She said this will allow them to have coverage while they are working on a permanent solution.

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

Moved by Milshteyn, seconded by Mills, that the Ann Arbor City Planning Commission finds the petition to substantially meet the standards contained in Chapter 55 (Zoning Ordinance), Section 5:82 (Wireless Communication Facilities), and therefore approves the Temporary Telecommunications Facility – Cell On Wheels at 910 Greene Street for a monopole designed without the ability to co-locate additional antennae and with the following conditions:

- 1. The Cell on Wheels can only be operated on football home game days.**
- 2. Hours of operation (including generator) are limited to no more than 4 hours prior to game and no more than 2 hours after game.**
- 3. Temporary structure approval expires on December 1, 2015.**

COMMISSION DISCUSSION:

Peters asked if Sprint had had discussions with the University to locate the cell towers on their properties.

Garrett said the University does not allow towers to be located on their properties, noting that they have a daze system in the stadium that not every carrier is on yet, but that they are working towards. She said not every property around the stadium is zoned to allow for a tower, but this parcel is, and there is nothing permanent about the tower because it comes in on a truck.

Peters asked how many votes were needed to pass the Special Exception Use.

Carlisle said 6.

Mills asked about the noise that comes from the generator.

Garrett said there is noise coming from the generator and there are trees to block some of the noise. She said during the game you will have more noise coming from the people, the tailgaters, and the crowd, more than you will hear from this generator. She said they will take into account the vacant lot and the neighbor's home. She said she can't tell how many decibels the generator produces but most people wouldn't be able to tell what a decibel is anyway.

Mills said she can appreciate that in the stadium but if the generator is started the night before and allowed to run the night after; that is two nights. She asked if the petitioner was sure that the generator will comply with the City's noise ordinance.

Garrett said she is sure it falls within the City's guidelines and she will ask the contractor to add additional screening and not just the fence they will put up. She said personal generators that people put up are much, much louder than these and they don't want to run it unnecessarily to save fuel [diesel].

Mills asked where other cell towers might be found throughout the City. She asked if they are allowed in residential districts.

Carlisle said no; they are allowed in the district where they are being proposed, and that this is a unique cell tower because it is a travelling cell tower. He said the only other tower he is aware of is the one located at Ann Arbor Golf and Outing. He said a cell tower is a permitted use in this zoning district so they do meet the standards for a permitted cell tower but they need special approval because they don't allow for co-location.

Mills asked if this were a permanent cell tower in a C2B district, were there any regulations about the setbacks for adjoining properties.

Carlisle said they appear to meet those setback requirements.

Mills asked if they were proposing a permanent cell tower they would be bringing a site plan and they would've met all those requirements.

Carlisle said, correct, but that doesn't preclude the Planning Commission from putting reasonable conditions on this operation to mitigate some of the concerns of the neighbors in protection of public health, safety and welfare. He said sound barriers are reasonable conditions the Planning Commission can put on it, as is times of operation, these are things the

Commission can think about if they are inclined to approve this petition.

Mills asked if there was a time restraint on the approval.

Carlisle said this would be a one-season approval and they would have to come back for future approval after the expiration of this approval, noting that it would be after the football season is over.

Mills asked if they would be seeing the one located at Golf and Outing come back to them soon.

Garrett said that location was zoned agricultural, so they had to come before the Planning Commission and get their approval first, then each season they just need to obtain approval through a Zoning Compliance Permit from the City. She said she is hoping that this request will only be a one-time thing and that her permanent location will be up and running next year.

Clein asked how many decibels the generator produces.

Garrett said she doesn't have that information with her but in other City locations they have met the decibel levels.

Clein asked for a report about the generator showing what decibel levels it produces and if she could submit that to the City along with the building permit plans.

Garrett said they weren't able to meet last month's meeting deadline and they have already missed the first game and will miss Saturday's game as well, and if she has to come back to another meeting, they won't make any games. She said if the Commission wants to make that a condition of approval she will be happy to provide the specs to the City so they can review them.

Clein said he wouldn't feel comfortable approving this without knowing what the noise levels will be, considering that this is a residential neighborhood and it will be running when people are sleeping, in contrast to the other location they approved previously at the Golf and Outing that is located far from anyone. He said this request is a special exception use and unlike residents plugging in their generators when they don't need special permission to do so.

Garrett said the federal government has asked them to put in generators

at every single site they have because of the hurricanes and other emergencies.

Briere said she felt the Commission should impose limits on the hours of operation, adding that it seems to her that having this generator on overnight is unnecessary and if the employees can come and turn it on they can also come back after the game and turn it off. She said there is no reason for them to come back the following day to turn it off and it is an imposition on the people living in this area. She noted that putting a cell tower on top of a 3-4 story apartment building has a completely different impact on people's lives than literally putting it in their backyard. She said the experience of the sound generated at roof level is very different than that generated at ground level. Briere said she thought restricting the operation from 10 am to 10 pm would be enough.

Garrett asked for them to allow more time in the morning for testing.

Milshteyn said he thought turning it on 3 hours before the game and turning it off 3 hours after the game in a residential neighborhood was more than ample.

Garrett asked if they could compromise and allow them to turn it on 4 hours before and turn it off 2 hours after.

Friendly amendment by Mills to condition the use to allow the generator to be turned on 4 hours before the game and turned off 2 hours after the game. Accepted by Milshteyn.

Friendly amendment by Peters to add the condition of expiration of the special exception use to December 1, 2015. Accepted by Milshteyn.

Friendly amendment by Milshteyn to add the condition that the COW can only operate on home game days.

On a voice vote, the vote was as follows with the Chair declaring the motion carried. Vote: 6-0

Yeas: 6 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, and Alex Milshteyn

Nays: 0

Absent: 2 - Sofia Franciscus, and Bonnie Bona

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

Kim Kachadoorian, 204 E. Davis Street, Ann Arbor, said one of the things that was not addressed was the diesel fumes. She said she will have to stay in a hotel because of diesel fumes blowing into her house because if you have a generator that runs on diesel it will have fumes and it's going to come into her bedroom. She said she will have to spend 7 nights in a hotel because of the fumes. She said Garrett didn't mention anything about the illegal one they put up at 3 a.m. in the morning and she got the City to remove it. She said Garrett also didn't say anything about studies showing that these are safe and she is guessing they are not, if OSHA says that people working on these towers should not have pacemakers, that tells her everything she needs to know. She added, now that her neighbor has a new pacemaker she is going to make sure she documents any problems she has because she doesn't trust the petitioners, because it's about greed.

Kachadoorian said AT&T and Verizon are in the stadium and this was just a quick fix for them to go into our neighborhood and trump on us and she is tired of being trumped on. She said we don't have fancy attorneys we can hire, so we just get screwed a lot. She said they are talking about putting in permanent ones and then she will bring all her neighbors and neighborhood association because you are going into a neighborhood with children. She said she doesn't trust them and she plans on watching them all the time and if she hears that generator two hours past the game she is going to call the cops. She said if she can hear the noise in her bedroom and smell the fumes in her bedroom this will be a problem. She said she is very upset over this because she is the one who will suffer.

12 **COMMISSION PROPOSED BUSINESS**

13 **ADJOURNMENT**

Moved by Milshteyn, seconded by Peters that the meeting be adjourned at 10:54 p.m. Unanimously approved.

Wendy Woods, 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 Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

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.