



City of Ann Arbor
Formal Minutes
Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
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Tuesday, July 12, 2016

7:00 PM

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

Rescheduled from 7/5/2016

10-b 16-1012

Woodbury Club Planned Project Site Plan, Zoning, and Wetland Use Permit for City Council Approval - A proposal to construct 282 apartment units in 4 buildings and a clubhouse on the western portion of the site, located at 3380 Nixon Road. A Wetland Use Permit has been submitted to allow filling and mitigation of 2,550 square feet of wetland and on-site mitigation. (Ward 2) Staff Recommendation: Approval

Jeff Kahan presented the staff report.

The Chair read the public hearing notice as published.

PUBLIC HEARING:

David Friedrichs, Miller Road, Ann Arbor, thanked the Commission for considering two items this evening of significant public interest. He said this proposal is back before the Commission because the public wasn't there last time due to deficiencies in public notice. He said he has served as the Senior Leasing Agent for Barclay Park for the past ten years. He stated that he has had a variety of developer roles since he came to Ann Arbor for business in 1971. Friedrichs explained that he and his community feel there is a serious location problem with this proposal and the negatives vastly outweigh the positives. He said they want and support positive development in Ann Arbor but this is not the location. He said this developer has developed well in the past; they were responsible for Woodbury Gardens on Stadium and South Industrial, a place he managed in the 1970s. He stated that in this area, however, there are already 500 units coming in with the Nixon project and Barclay Park has close to 300 units. He said there is a lot of information in the packet and extensive expertise included in the comments. He stated that they have brought an architect that they hired to show what could be done on the site instead; presenting an alternative that meets the goals of development but in a less closed, institutionalized manner. Friedrichs introduced the hired architect, Sahba Laal, who he describes as creative, sensible, and progressive.

Sahba Laal, architect hired by Barclay Park Condominium Association, Ann Arbor, said he was asked to look at this project in a different way focusing on three goals: lowering the impact to wetlands, creating a sense of community, and integrating the buildings and parking into the landscape as much as possible. He showed the existing site plan for Woodbury Club and stated that the current buildings are clinched and close together. He then showed his reimagining of the development, which had three buildings instead of four, and extended less into the wetlands. He said he lifted the building up and put parking on the first level, instead of surface parking. Laal indicated a plaza in between the two main buildings. He said there would be stormwater detention underneath the parking surface. He explained that in his design the imperviousness is reduced by 1.3 acres and the area per apartment remains almost the same.

William Quinn, 3001 Barclay Way, Ann Arbor, stated that he is the President of the Barclay Park Condominium Association. He said that in their packets, Commissioners have comments from environmental experts, who are very familiar with Barclay Park and the surrounding neighborhoods, which confirm the fears of the BPCA: that this development will negatively impact Barclay Park and the residents of northeast Ann Arbor. He asked the Commission to deny approval of this planned project and to withhold any change in zoning pending information on environmental impact. He said they ask for the following: a new wetlands delineation of both parcels of the Woodbury Club site to confirm or deny apparent changes since 2012 and clear up discrepancies between the official delineation and the one produced by a consultant BPCA has hired; no disturbance by the new development to wetlands shared with Barclay Park; a redesign of the architectural footprints and placements of the buildings to lessen their impact on their neighbors; green roofs, permeable pavements, and underground parking with stormwater detention; that the easternmost parcel never be zoned for residential uses due to its 100 percent wetland delineation; and a requirement that the developer adhere to current County Water Resource rules for water management.

Usha Jindal, 3219 Kilburn Park Circle, Ann Arbor, Arbor Hills Condominium Association President, stated that they have many concerns about the Woodbury Club site plan, zoning, and wetland permit. She said Arbor Hills has been in the Northeast Area for over twenty years; they are 200 detached units. She stated that they are concerned about inappropriate use of the wetland, traffic, and over capacity of schools for

their children, which could burden them for a long time. Jindal asked for an assurance in writing that the wetlands surrounding Arbor Hills on the west side will not be removed, thereby creating flooding. She asked them to conduct a new wetland study before granting development rights to the developer.

James D'Amour, 2771 Maplewood Avenue, Ann Arbor, stated that he is speaking as the Vice Chair of the Sierra Club, Huron Valley Group, and former member of the Planning Commission. He said the Sierra Club of Huron Valley is a 2,300 member organization comprised of individuals from Washtenaw, Monroe, and Lenawee Counties, dedicated to practicing and promoting responsible use of the Earth's ecosystems and resources and educating and enlisting humanity to protect and restore the quality of the natural and human environment. He stated that they have been appearing before the Commission for quite some time now expressing their concerns about the development of the former Nixon properties. D'Amour said that in their judgment, there has been insufficient analysis given to wetland delineation on this property. He added that despite numerous conversations with neighbors and other stakeholders, the petitioner has made no changes to the project since 2014. He said he is aware that some Commissioners have taken an aggressive stance toward development both downtown and in the outskirts, but they have overlooked and underestimated the interconnectivity and scale of the natural systems that are affected by said development. He explained that the headwaters of Traver Creek will be affected by this project. He stated that flooding of existing neighborhoods with each new development have been underreported or dismissed. D'Amour said he is surprised that these issues, as well as those relating to transportation, have not been revised by the developer after numerous meetings with the public. He stated that Planning & Development Services need to do better. He said his organization asks for the following changes: a revised wetland delineation study, as the original was conducted in the very dry summer of 2012 and a lower density recommendation for the site and revision of the northeast area portion of the Master Plan. He urged the Commission to not listen dismissively to residents that are voicing concern about flooding, endangered species, and other issues.

Steven Turner, 3355 Elsinore Court, Ann Arbor, stated that he lives in Arbor Hills and is concerned about flooding due to wetland removal. He said when he walks to the back of his condominium association; he can see water flow in from M-14. He stated that he would like the wetland delineation study to be done again to ensure that there is no flooding threat to his home or the homes of his neighbors. He added that current

construction on Devon Road is sending wildlife into his neighborhood; he has lived there for ten years and never seen so many animals. He said if this project passes it will further push animals into his neighborhood. He said it would be nice to have escrow for wildlife removal. Turner said they keep hearing about a sale of land to the City of Ann Arbor; he would like to have that agreement before development starts. He stated that in the public meeting held two weeks ago, the petitioner was very disrespectful. He expressed displeasure that the meeting was held on private property where the petitioner was in control of the run of the meeting.

Amy Seetoo, 3111 Cedarbrook Road, Ann Arbor, stated that she has been a resident of Ann Arbor since 1980. She said she is a board member of the Orchard Hills-Maplewood Homeowners Association, as well as a board member for the Nixon Area Alliance. She noted that the public meeting referenced by the previous public speaker ended in a shouting match. Seetoo lives south of Windemere Apartments, across from the wetlands. She said when she moved into her home in 1995, she did not know her house would be victim to bad planning from the past. She stated that her home was built upon a wetland and a few years ago she had to pay thousands of dollars to deal with water in her backyard. Seetoo said more development in the wetland area will create more flooding for existing neighbors. She added that public transit is another concern; adding more people to the area requires community access, and thinking about pedestrian and bicyclist safety concerns, as well as automotive traffic concerns. She stated that Thurston Elementary School is already overcrowded at 108 percent and is expected to grow to 125 percent capacity. She said legally protected Trumpeter Swans, Great White Herons, and other species have been seen on site and are threatened by further development. Seetoo said rising water levels are a threat to the site and neighbors from poor site design and reduced water storage from impacts to the wetlands. She stated that worldwide, more flooding is occurring.

Jill Lada, 3825 Nixon Road, Ann Arbor, stated that she owns land that borders the development to the north, on the other side of M-14/US-23. She said the wetland on the north side of the highway overflows onto her land and last year they had twice the average rainfall in June and had more than five acres underwater that is typically not, and they lost a third of the crops they planted. She expressed concern that the water in this area is all connected, the soil is very heavy and does not drain, so building on this site and reducing the wetland would impact her land. She added that there are many endangered species in her neighborhood; they are doing a lot of wetland restoration on her property and had a

University of Michigan botanist come out and they found endangered sedge on her property. She has noticed many endangered birds as well. Lada said she does not think the scale of the development is suitable for the area and infrastructure such as roads and schools are not ready for the additional residents. She stated that it makes sense to develop here, as it is a part of the City's Master Plan, but the scale of this project is inappropriate and does not justify the wetland disturbance. She added that she has not heard anything about what will be done to mitigate this disturbance, and as a landowner she feels disappointed and unsure about this. She challenged the Commission to drive north on Nixon Road from Plymouth Road anytime between 4 and 6 p.m. and one will probably wait over an hour at that four-way stop. She said she doesn't know how the new development will further impact congestion.

Jane Klingsten, 3347 Elsinore Court, Ann Arbor, President of the Nixon Area Alliance, stated that she will be speaking on behalf of the Nixon Area Alliance and other concerned neighbors. She explained that the Nixon Area Alliance is a 501c3 nonprofit organization of local neighborhood stakeholders dedicated to preserving the community, environmental, and recreational quality of life in Ann Arbor, focused on the northeast. She stated that they support responsible development, but this project is not in the interest of the public's welfare, health, and safety. She said they cannot support the project as proposed. She said the site design is very poor, the buildings are massive, each about the size of the Michigan Theater, and all four are connected by a paved impervious surface. Klingsten stated that they have been told by Jerry Hancock, Stormwater and Floodplain Program Coordinator for the City of Ann Arbor, that the development will impact the area, regardless of what Planning Staff states. She stated that they hired experts of their own to do a survey of the wetland, and were told that the wetland delineation study being used by the developer has gross and flagrant errors. Klingsten noted that they had retained Huron Ecologic to conduct a preliminary report and it shows that all of the wetlands in the area are connected. She said the use of detention is considered outdated; it creates opportunities for invasive species to situate themselves, and has been replaced as a best practice by bio retention. She stated that although the developer insists otherwise, pervious pavers and vegetated surfaces can be integrated without significant cost. She explained that the State's laws on wetland protection have been around for over 40 years and it is crucial that the City incorporates wetland protection into their code. She said it is the developer's responsibility to provide an updated and accurate wetland study, it is the City's responsibility to verify it, and should this fail, the citizens have a clear right to protect the public's interest, a right that they

are not afraid to exercise, as they are currently doing for the North Oaks development, formerly known as Nixon Farms. Klingsten said City staff has said a wetland delineation study is not needed for this site, but it is clear under City ordinance, Chapter 62, Section 5:203 that it is because the study is more than one-year old. She added that the wetland connection is verified by ground penetrating radar and visible in aerial photos. She said there are legally protected species on the site and work needs to be done to the Migratory Birds Act to protect these further. Klingsten said they have spent a lot of time looking at this project and site extensively and it is clear that the petitioner is proposing something that would be detrimental to the public.

Scott Betzoldt, Midwestern Consulting, development team, stated that he is the civil engineer that worked on the site design of the project. He stated that Kahan did a great job summarizing the history and characteristics of the project. He noted that the project before the Commission tonight is virtually identical to the one approved by the Commission in 2014, with the only change being six fewer units in order to make the west parcel consistent with zoning requirements for density. He stated that the Commission should have received a memo discussing the validity of the wetland verification flagging as well as stormwater management. Betzoldt explained that with regards to flooding in the Arbor Hills neighborhood, this site is not hydrologically connected to that site whatsoever; Arbor Hills and the site of the proposed development are in two different watersheds. He said he believes this proposal has significant merits; they have worked with staff to condense the proposal almost entirely onto the existing tilled land and to maintain the existing woodland and wetlands. He explained that there are several hundreds of square feet of wetland disturbance on site, totaling the space of a few parking spaces. He said the density is what the Master Plan calls for, supporting mass transit and efficiency of use, the parkland dedication is second to none, the open space is larger than what is required, and the developer has agreed to contribute to the traffic solution for the Nixon-Dhu Varren intersection. Betzoldt stated that they are still very happy with the project, happy to be back before the Commission two years later and available to answer any questions.

Dawn Bizzell, 1614 Longshore Drive, Ann Arbor, stated that she is a Ward 1 resident and wanted to talk about how much water Barclay pumps out due to storm events. She stated that Barclay Park has to pump water into a retention pond after storm events to prevent flooding and water damage. She said the water is all connected.

Nate Lada, 3825 Nixon Road, Ann Arbor, said his farm is adjacent to the proposed development so he is keenly aware of the hydrological and environmental impacts of developments like this. He stated that his farm is in the land preservation program, so he is also aware of the open space impacts of developments like this. He said is a big supporter of open land preservation and so developments like these don't feel good in that regard, but he can understand the City boundaries and the need for additional housing. He stated that there are County drains connecting across the highway between sites and when he has called the County Road Commission about drainage issues on his farm that connects to the land north of this development, he was told there were no records publically available documenting those drains. He said he would be interested to see maps that show those drains, because he has seen them in person and they show to him that these sites are connected.

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

Moved by Mills, seconded by Gibb-Randall, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Woodbury Club Apartments R4A Zoning, Planned Project Site Plan, and Development Agreement; and

That the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Woodbury Club Apartments Wetland Use Permit to allow filling and mitigation of 2,550 square feet of wetland and on-site mitigation.

COMMISSION DISCUSSION:

Peters asked how the current site would fare under the new 2014 Washtenaw County Water Resource Office standards and apologized if that question had been asked at a previous meeting he was unable to attend.

Betzoldt responded that the stormwater management system under the current standards requires that one investigates to see if infiltration is possible. He said they did eight soil borings on the site and took a total of 42 samples from those borings. He explained that 37 of those samples were classified as CL by the Unified Soil Classification System, which is the most impervious type of clay one can get; the rest were sandy clays and clay loams. He said these results show that they can't really get any infiltration on site so under the County standards they have to increase their detention tanks by 20 percent as a penalty; however, the allowable

level or rate of discharge does not change. He explained that the rate of discharge is determined by the total drainage area that is going into the detention pond; in this case they are collecting from about 17 acres. Betzoldt explained that if the allowable rate of discharge is 1 cubic foot per second per acre, they would be allowed to discharge 17 cubic feet per second; that rate has not changed under the new rules. He said they are discharging exactly the same thing as they would be as under the previous 2012 rules. He stated that the only difference is that the tub you are collecting it in is bigger.

Peters asked why the bigger basin is now being required.

Betzoldt responded that he honestly did not know, as the allowable discharge is the same. He said one would have to ask the authors of the new rules.

Peters asked if there has been a wildlife protected species analysis done on the parcel. He said it seems that there are pictures and mentions of Trumpeter Swans on the site, which could bring up issues with the Migratory Birds Act. He said he understands that it is out of their purview, legally, but wanted to know if an analysis had been done.

Kahan said the analysis was provided initially and is required by Chapter 57 of City code, which looks at natural features preservation. He said they ask developers to determine whether any threatened or endangered species are on the site. He stated that at the time of the initial analysis, none were found. He said it was brought to his attention this afternoon that there had been sighting of Trumpeter Swans in the wetland. Kahan stated that he relayed that information to Kerry Gray, who regulates natural features for the City, and she said Trumpeter Swans are a threatened species and regulated by the Michigan Department of Environmental Quality, but there is no proposed impact to their habitat, which is wet. He said the only impact to the wetland being made by this proposal is in a highly degraded section where no active water is shown.

Briere asked Kahan to indicate where that is.

Kahan showed where the wetland and buffer were encroached upon by the development, in the southwest corner of the site, a space of 2,550 square feet. He said the developer is proposing mitigation of that wetland in the northern section of the site in an excess of 5,700 square feet, essentially expanding and enhancing that wetland. He said it is his understanding that the habitat of the Trumpeter Swan is not something that the City

regulates and that these swans are known to move on and off sites throughout the region.

Peters said it was helpful to know that the matter of the swans was discussed among City staff in other departments.

Clein said there is a map provided as part of the packet from the Barclay Park Condominium Association showing where the Trumpeter Swans have their nests and where they have been sighted. He stated that according to the map, a nest is located on the Barclay Park site, not on the site in question. He said there were a number of statements made tonight about the wetland delineation being erroneous or out of date but in a memo from City staff dated July 8, 2016, including comments from Jerry Hancock, Cresson Sloten, and Kerry Gray, it says that MDEQ went to the site to determine whether wetlands two and three were hydrologically connected and did not find evidence of that based on wetland characteristics and the presence of flora and fauna. He asked staff if this was accurate.

Kahan responded yes.

Clein asked if the City's and MDEQ's estimation that the wetland delineation is correct is sufficient.

Kahan said yes.

Clein stated that he understands that wetland delineation is not an exact science, it ebbs and flows from year to year. He asked with regards to the Water Resource Commissioner's requirements for stormwater, whether this project has received an extension until November of this year.

Kahan responded yes that is his understanding.

Clein asked if that means they need to pull their permits prior to that date.

Kahan said yes.

Gibb-Randall asked Betzoldt to describe the flow of the stormwater on site.

Kahan showed the Landscape Plan – South, and indicated the two large detention areas.

Betzoldt explained that essentially there is a ridge against the border of Arbor Hills and the vacant site in between. He explained that water flows to the east and to the west from that ridge; the ridge is about 12 feet to 22 feet in its highest point. He said from the drive in Barclay Park, most of the water flows into the wetland that this site shares with Barclay Park. He said all the stormwater that hits the development will flow into the shared wetland as well. Betzoldt stated that the wetland outlets to the north, under the expressway. He said they have two detention ponds.

Gibb-Randall asked if there is stormwater management before the water goes into the wetland.

Betzoldt said yes, they have two detention ponds that stormwater will go through first, and those discharge into the wetland. He said the wetland drains under the expressway in a 54-inch culver, it goes north to a wetland, continues over to the west, crosses back under the expressway, then connects to the wetland in the northwest corner of the site. He said that wetland is connected to a drain that crosses underneath Nixon Road and traverses through the Nixon Farms development and then touches the Southeast border of Foxfire at which point when it crosses Dhu Varren Road it becomes a legally established County drain that is Traver Creek.

Gibb-Randall clarified that it seems that a ridge separates the water in the area from Arbor Hills, and Barclay is sort of part of the watershed.

Betzoldt said yes and handed her a picture of the Fleming Creek Watershed delineated by the Huron River Watershed Council showing the separation.

Briere said she is beginning to get a sense of the geography, which is very hard when looking only at pictures. She asked about the wetlands to the south of Barclay, adjacent to Whisperwood and Windwood and how they are connected to the wetlands on site.

Betzoldt said there is a culvert crossing under the road into Barclay Park in the event that the large wetland to the north were to rise so that it could drain into the wetland to the south of Barclay Park. He said this would be unlikely.

Briere asked in the event that the wetland on the site we are discussing were to flood, would the flooding be more likely to impact the property of the people who farm to the north or the people in Barclay Park.

Betzoldt said it would be more likely to impact the people to the north because that is the way the water drains currently; there is no water force to the south. He stated that in 95 percent of all instances, the water will go to the north; this is the headwaters of the Traver Creek.

Briere clarified the directions of the route of the water flow from the wetland to the Traver Creek.

Kahan indicated the direction of the stormwater on site, referring to the aerial map. He explained that in a situation where there is an epic storm, where the lake level rises a foot and a half or more, there is an overflow to the southeast of the wetland that would bring water down to Barclay Park and into their wetland to the south. He said in no instance would the homes of Barclay Park be affected because they are substantially higher up than the wetland system.

Briere asked where the wetlands to the south of Barclay Park drain under normal circumstances.

Kahan said to his understanding they drain under Green Road and eventually to Millers Creek.

Betzoldt stated that he believes that Kahan is correct.

Kahan said he knows that at the corner of Plymouth and Green is one of the headwaters of Miller Creek. He offered to pass around a map showing all nine of the creek-sheds in Ann Arbor.

Briere asked if the ridge that separates the proposed development from Arbor Hills separates two watersheds.

Betzoldt said yes.

Briere asked which watersheds.

Kahan interjected, correcting his previous statement, noting that the wetland to the south of Barclay Park drain into Traver Creek.

Betzoldt responded that the ridge separates the Fleming Creek watershed to the east and the Traver Creek watershed to the west.

Briere thanked him for that clarification.

Betzoldt said stormwater from Arbor Hills goes toward the expressway and that proceeds toward Dominos Farm and down eventually to cross Plymouth Road.

Briere said whether or not it is possible to put pervious pavement on the site, there has been constant concern about how close the southern building is to Barclay Park. She stated that there has also been consistent concern about the amount of paving. She said this is the same plan that this body recommended for approval nearly two years ago, and in that time, a lot of questions have been raised. She stated that while some of them relating to stormwater have been addressed, they haven't really addressed the design of the site given the concerns the adjacent neighbors have about proximity. She said these concerns are louder now than they were two years ago. Briere asked whether there is a better design that could be brought before the Commission that would still meet the developer's desires but also be more considerate of the impact on the adjacent property owners. She said she understands the concerns about traffic, but does not think it is a problem they will magically solve in this city or in this location. She added that she also understands the concerns about stormwater but that those already exist and the goal in this project is just to not make them any worse. However, she said it is within the control of the developer to change the design and location of the buildings and those have not been addressed. She asked if they had considered alternative designs to make the footprint smaller, given the repeated concerns of the neighbors, voiced at numerous meetings.

Betzoldt responded that they did consider alternate building designs. He said it is not possible to have high density and wide open spaces on the same site. He stated that they are encroaching upon the property line, but they are further away from Barclay Park than the closest Barclay Park units are to one another. He noted that Barclay Park has a line of buildings right up against the property line, while in the Woodbury Club design only two points of one building are against the property line. He said they can't accomplish everything at once. He stated that the City wanted the density; they wanted to have the development compressed onto the least valuable land, from a natural features standpoint, and the developer did that. He said there had to be a requisite number of parking spaces for residents and guests, so yes it may look dense, but asked if it would it look better stretched out across the entire site. Betzoldt said Barclay Park was constructed that way and with very similar unit counts and they have twice as much impervious surface as the Woodbury Club design. He said Barclay Park's stormwater discharge is 3.77 cubic feet per second in a 100-year event, while Woodbury Club's is 1.9 cubic feet

per second, almost half as much.

Briere said she wasn't trying to get them to stretch out the development, but compress it further.

Betzoldt said compressing it more would mean building higher.

Briere said yes but they are already going for a planned project.

Betzoldt said yes, they are asking for an increase of about four feet.

Briere responded yes, but a planned project is a planned project. She said she had two other statements to make. For the resident that asked why they would zone the eastern portion of this lot before buying the land, the answer is that if the site were not zoned R4, then the density that this project entails would not be legally attainable. She said the developer is using the entire site to calculate density, and then will sell part of the land to the City. She stated that City Council has already approved the sales agreement; they are waiting on the developer to agree to sell the land, which is unlikely to happen before the City rezones and approves their site plan. She said as for public access and buses, she knows AAATA will be running more buses in this area and will be putting new bus stops in. She stated that they do not know where and when, that will be a part of the Nixon Corridor study outcomes. She said they will either need bus pull-outs on Nixon so they can turn around, or do something else to be determined. Briere stated that she would be delighted if the Commission had more creativity to look at and her biggest concern is that there are two big developments in an area where there are linked stormwater systems and there are already existing problems. She said she does not think anyone, including staff, can predict whether there will be problems resultant from this project, so all will be watching carefully as this moves forward to see how stormwater issues can be addressed.

Alex Milshteyn asked if the revised development agreement is available and whether the terms of the sale of the land that is going to the City could be explained.

Kahan said yes and he believes Milshteyn is referring to the sale of the eastern portion of the parcel. He stated that the developer approached the City asking if they would be interested in acquiring property, the City said yes and went through an appraisal process to come up with a price. He said there was back and forth discussion between Parks Department staff and the petitioner and they came to an agreement on the price; City

Council then took action approving the acquisition of the parcel.

Milshteyn said he is feeling really uneasy about this development because of the scale of proximate projects to the site; North Farms with nearly 500 units across the street and the North Sky development off of Pontiac Trail. He stated that a lot of development is happening really quickly in this area and they are not able to see the effects of it. He said he is not opposed to this site plan, but he is concerned about the scale and speed of all the development occurring in the area. Milshteyn stated that he wishes they could table the discussion but knows that they can't, and is unsure about where he stands with the project.

Mills said many public speakers tonight have discussed the flooding that currently happens in Barclay Park. She asked why Barclay is experiencing flooding if based upon previous assertions, there is a system in place to deal with large storm events.

Kahan responded that currently there is a wetland in Barclay Park that has required pumps to be installed to pump water to the north to the larger wetland that the Woodbury Club would be proximate to. He explained that in the past water has risen to the point where it gets close to the units in Barclay Park that front the small wetland. He said the City has communicated with Friedrichs to discuss creating an outlet pipe that would go from the small wetland to the east and outlet into the wetland to the south, onto City parkland. He said the small wetland is at a higher elevation than the one to the south, so a gravity pipe could be installed. Kahan explained that to install this outlet pipe, Barclay Park would need to amend their site plan and obtain an MDEQ permit.

Mills said that explains flooding south of Barclay Way. She asked whether there has been any flooding to the north of Barclay Way.

Kahan said to his understanding, the major flooding has been occurring south of Barclay Way. He stated that he has not heard about flooding for residents who live north of Barclay Way.

Chair Woods asked Friedrichs to come to the podium.

Friedrichs said they share the wetlands at the north border with the proposed development. He stated it is those shared wetlands that will be affected, and the mitigation will occur at the wetland to the north that borders M-14. He noted that Kahan called him last month and explained that if Barclay submits a new site plan and goes to the MDEQ, they will

approve the gravity drain. He said they attempted to do so five years ago and were denied. Friedrichs said in order not to endanger this entire area, they need green roof and integration of parking; he said it is not necessary to have 500 or 600 parking spaces in this wetlands area. He implored the Commission to understand the danger.

Mills said when Briere brought up parking, she checked the comparison chart and saw that the initial proposal called for 564 parking spaces, which is the minimum required by code. She asked whether the number of parking spaces being proposed has changed.

Kahan said no, not to his knowledge.

Mills asked whether the wetland mitigation required on site is to accommodate parking spaces.

Kahan said yes, on the southern side of the parking lot, there is a portion that extends into the wetland buffer.

Mills asked whether the parking requirements had changed because the number of units had been reduced in the revised plan to keep with the ten units per acre requirement.

Kahan said yes, the parking requirements are two parking spaces per unit.

Mills said based on her calculations, that would be 554 parking spaces, ten less than what was originally proposed. She asked if the petitioner would consider reducing the number of parking spaces by ten in the area that extends into the wetland buffer.

Betzoldt said he can't guarantee that removing those spots in that area would alleviate the need for infill in that area. He said it would reduce it however. He explained that if his client is okay with doing so, he does not believe it would be a detriment to the project.

Mills agreed that it would not eliminate the need for wetland mitigation entirely, but reducing ten parking spots could alleviate some of the flooding concerns.

Betzoldt said they could make that amendment prior to proceeding to City Council. He stated that there would still be some fill from the building and sidewalk that lead to the west but he thinks removing those parking

spaces would half the impact.

Mills stated that from her perspective she discourages going beyond code minimums for parking, so if they could make that change, she would be pleased.

Betzoldt responded that they could make that change to the site plan before going to Council.

Clein said he believes that reduction is a move in the right direction. He said like others here, in an ideal world, he would like to see no surface parking on sites like this, but that is not the proposal they have before them tonight. He stated that architecturally these buildings are different than their neighbors, they are taller with pitched roofs, and there are positives and negatives associated with that. He noted that greater density reduces the amount of impervious surfaces on the site and brings a different character than surrounding neighbors. Clein said this is the density that the Master Plan calls for on this site and the Commission's charge is to make sure the project meets those requirements as well as zoning requirements. He stated that it does, apart from the four-foot height variance necessitating the planned project status, but has not heard critique of this from anyone tonight. He said he might wish in a perfect world for a different designed project, but he feels obligated in a sense to approve the project due to its meeting of requirements. Clein expressed the hope that they could vote soon.

Chair Woods agreed, and stated they are reaching the hour where they will have to vote to continue to run the meeting.

Gibb-Randall said another important big feature of this project is that half of the site is for sale and going to the City; the petitioner could be developing the entire thing and they are not. She said that is a huge positive. She stated that she understands that there are impacts, but the development is occurring in the previously tilled area. She said just because Barclay Park built right up to their property line twenty years ago does not mean that Woodbury Club can't do the same, it is within their right. Gibb-Randall said she understands that they have had a view at Barclay Park for some years but unless they own the neighboring land, there is nothing that can be done to preserve that view. She stated that because there will be easements to allow the public to access this land and the benefit of the added park, she supports this project. She said she has some hesitations about the long-term effects on stormwater due to the scale of development occurring and the quality of the soil, similar to

Milshteyn, but believes this project is utilizing the space well here overall.

Woods added that because this project first came before the Commission two years ago, it was actually likely one of the first to try to develop in that area of the city. She said it is perhaps unfortunate that the petitioner now finds themselves at the tail end, subject to some of these critical conversations. She said it is important as the Commission looks at the northeast area to note that there is a lot of development happening and they can look to City Council to determine how to work with neighbors' concerns; some matters are beyond the purview of the Commission.

Scott Trudeau said he hopes that the same mitigation to the northern wetland on site would occur despite reducing the mitigation requirement through reducing the number of parking spaces.

Betzoldt agreed not to change the enhancement to the northern wetland.

Carlisle stated that if it is the request of the Planning Commission, the motion should include the reduction of the parking spaces as a condition on the motion.

AMENDMENT TO FIRST MOTION:

Moved by Clein, seconded by Mills, to amend first motion, recommending Planned Project Site Plan approval subject to the removal of ten parking spaces to the east of Building 1 and to maintain any wetland encroachment mitigation as currently shown on the site plan.

VOTE ON AMENDMENT TO FIRST MAIN MOTION:

On a voice vote, the Chair declared the amendment carried. Vote: 8-0

Yeas: 8 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Scott Trudeau

Nays: 0

Absent: 1 - Julie Weatherbee

VOTE ON FIRST MAIN MOTION:

On a voice vote, the vote was as follows with the Chair declaring the

first motion carried. Vote: 7-1

Yeas: 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, Shannan Gibb-Randall, and Scott Trudeau

Nays: 1 - Alex Milshteyn

Absent: 1 - Julie Weatherbee

AMENDMENT TO SECOND MOTION:

Moved by Clein, seconded by Peters, to amend second motion, adding the words “up to” before “2,550 square feet of wetland and on-site mitigation.”

VOTE ON AMENDMENT TO SECOND MAIN MOTION:

On a voice vote, the Chair declared the amendment carried. Vote: 8-0

Yeas: 8 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Scott Trudeau

Nays: 0

Absent: 1 - Julie Weatherbee

VOTE ON SECOND MAIN MOTION:

On a voice vote, the vote was as follows with the Chair declaring the second motion carried. Vote: 7-1

Yeas: 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Jeremy Peters, Sarah Mills, Shannan Gibb-Randall, and Scott Trudeau

Nays: 1 - Alex Milshteyn

Absent: 1 - Julie Weatherbee