



City of Ann Arbor

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

Tuesday, May 21, 2013

7:00 PM

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

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least forty-eight (48) hours in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

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).

1 CALL TO ORDER

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

2 ROLL CALL

Rampson called the roll.

Present 8 - Mahler, Woods, Westphal, Giannola, Adenekan, Clein, Derezinski, and Briere

Absent 1 - Bona

3 APPROVAL OF AGENDA

Moved by Mahler, seconded by Adenekan, to revise the agenda to move Capital Investment Rezoning to follow the discussion of the South State Street Corridor Plan. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

ROLL CALL

Present 9 - Bona, Mahler, Woods, Westphal, Giannola, Adenekan, Clein, Derezinski, and Briere

5 MINUTES OF PREVIOUS MEETING

- 5-a [13-0607](#) City Planning Commission Meeting Minutes of March 19, 2013

Bona arrived.

Moved by Mahler, seconded by Derezhinski, that the minutes of March 19, 2013 be approved as presented. On a voice vote, the Chair declared the motion carried.

- 5-b [13-0608](#) City Planning Commission Meeting Minutes of April 2, 2013

Moved by Mahler, seconded by Derezhinski, that the minutes of April 2, 2013 be approved as presented. 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 its May 13th meeting, the City Council approved the 413 E. Huron site plan. She said Council members reaffirmed that they hoped the City Planning Commission was working on the D1 review. She noted that there would be an interesting community meeting on the North Main/Huron River Corridor Vision tomorrow.

6-b **Planning Manager**

Rampson brought the Commission's attention to the revised meeting calendar; noting that next week there would be four meetings on the Washtenaw Avenue Corridor to look at improvements in the right-of-way. She noted that there would be a public meeting on Wednesday, May 29th, to discuss the proposed sign ordinance amendments.

Rampson informed the Commission that a new Commissioner, Paras Parekh, had been confirmed and will replace Commissioner Mahler, when his term ends, June 30, 2013.

6-c **Planning Commission Officers and Committees**

Bona reported that the North Huron Main Vision Task Force will have the first public meeting to react to its ideas on May 22, at 6:30 p.m. at the Community Center. She said another meeting will be held in June with recommendations forthcoming that will move on to City Council in July in a report. She referred the public to the City's website to find more information, and invited them to take the on line survey to give their input.

Westphal reported that the Environmental Commission is developing a work plan, noting that some items overlap with the City Planning Commission, such as tree planting on private lands, energy efficient homes and businesses, strengthening ties with neighborhood groups, water run off and turf grass, green streets, the HRIMP Plan, an interactive widget for car and home purchase based on transportation data.

6-d Written Communications and Petitions[13-0609](#)

Various Correspondence to the City Planning Commission

Received and Filed

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

AJ Pepo, representing Forest Hills Cooperative, said she wants to make clear that services provided in the southeast area are inadequate. She clarified that there is only one community center in their area – Bryant Community Center, and none of the housing developments in the area have their own community centers. She said they hope to have a community center to fulfill all their needs, adding that while Bryant is wonderful, it is not enough to take care of the area. She said they are in the process of designing a survey to determine specific area needs and hope to come back with good information, but in the meantime they are asking for a moratorium on further zoning changes and high density housing projects in area.

Claudia Mieske, manager for Forest Hills Cooperative, noted that people in the area have formed a task force to address issues such as the master plan. She said from Platt Road to Stone School Road, along Ellsworth there are 1300 units of dense housing, and within a five mile radius of Forest Hills there are 4000 units of multi-family housing. She said travelling north on Stone School, the area is also very dense, and west to State Street you have a light industrial area with large open spaces, where only the businesses get to take advantage of the large open areas. With no real open space, other than the toxic former landfill, she asked the Commission to consider giving attention to the Ellsworth Road corridor.

Barbara Tucker said she wanted to reinforce the thought for which Sabra Briere was quoted in the Sunday paper regarding affordable housing and high end housing. She said there may be people in their 50's and 60's that would like to move closer to downtown. She said because of the economics of new construction, they say it is not feasible to create affordable housing, such as condos in the range of \$250,000 to \$300,000.

Flo Heppala said she lives in the southeast area, where density is a big issue. She said it takes forever to get down Ellsworth and she would like the City to consider widening the road. She asked that no further building be done until plans are reviewed and revised. She said many households in the area have 2 3 children and reiterated the request for a building moratorium to be considered.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**9 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.)

- 9-a [13-0610](#) Master Plan Review - The Planning Commission is seeking comments about elements that should be studied for possible change or new elements that should be added to the master plan. This information is important to the Planning Commission in setting its work program for the upcoming fiscal year. The adopted plan elements can be found on the City's website, www.a2gov.org/planning <<http://www.a2gov.org/planning>> Staff Recommendation: Postponement

Rampson provided background regarding the master plan review.

PUBLIC HEARING:

Jeff Hayner, 407 Pontiac Trail, resident of Lower Town since the 1980's. He stated that some of the items in the master plan don't fit with his experiences and understanding of the Lower Town. He said the PUDs in the area have not worked out so well. The Broadway Village proposal opened the door for University investment and proposed multi-story parking garages. He said he doesn't necessarily agree with the vision in the plan, and has concerns about the potential envelope being created in the area. He said low rise is described as 2-4 story, mid rise is 5-8 stories, and that might not be appropriate for this area, and just because the UM is doing it, doesn't mean the city should do it. He would like to see heights throughout the city brought down and for petitioners to have to come before the Commission and ask for more. He said people like the field where the Kroger store used to be, and it is not a friendly view to see tall buildings all along the river.

Ethel Potts, 1014 Elder Boulevard, said that she was looking at the Resource Documents listed, such as the Connecting William plan that was recently added, but noted that the Calthorpe report was missing. She said she would like to hear a discussion on what standards are used to call a document a resource. She said the Commission has been asked to look at the D1 zoning and supposes that could include re-mapping and rewriting the code. She strongly recommended that aspects important be included in the ordinance, not just fluffy words. She said the overlay districts are not enforceable; the descriptive material is not enforceable. She spoke to the need to include the public in discussions, saying that if the public does not know the location and time of a meeting, it is not a public meeting. She asked for notification on meetings whenever the D1 zoning and design guidelines would be discussed.

Kathy Griswald, 2nd Ward, read a vision statement from the Non-motorized Plan.

She said we need sidewalks for our children to walk to school. She said vegetation often grows to the edge of the street, and we need to educate and enforce Chapter 40, which deals with visibility. She stated that we need to revise Chapter 40 to be consistent with platinum level bike-friendly cities, where 30 inches is the maximum vegetation height in order to safely see pedestrians and bicyclists. She said we need to trim vegetation at least three feet back from the curb, in order to allow pedestrians to step out of the roadway when a vehicle is approaching.

Alan Haber, 531 Third Street, said he advocates for a central park or civic area on the Library Lot. He stressed that planning of a town should not be density everywhere, but rather have a civic center where energy gathers that is made for and by the people of the town. Haber said a park is an important element of that, adding that it might be a civic auditorium, museum, or public art, where you leave space that is not built, but that is created from accumulated energy. He explained his desire for the creation of a place in the downtown, for peace and non violence for people of the world, with high activity, not passive, yet friendly to children and older people. He asked for such a place to be incorporated in the master plan.

Kathy Borys, 1727 Charlton, stated that she would like to see the old Barnard Plating factory on Huron Street zoned as single family, rather than the current multi family zoning. She said without specific evidence that more multi-family is needed in this area, there is no need to tip the scale towards multi-family in her neighborhood.

Barbara Lucas, 1211 Wright Street, said she just learned about the public input opportunity on the master plan. She explained that they moved to Ann Arbor so they would not need a car, but have found that it is not safe to walk down by the Canoe Liveries at night, with multiple armed robberies of the Broadway party-store. She asked for the Commission to consider anything that would increase residential use in the area. She said it is difficult to get groceries down there so they need more residents in the area, whom would support a grocery store. She noted it is difficult to afford the taxes in Ann Arbor, and the need for affordable housing in their area in order to provide housing for people who work at the hospital. She said the traffic needs to be slowed down around the bridge, since people don't stop at the crosswalk because they can't see that there is an upcoming pedestrian crossing ahead, due to slope.

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

Moved by Giannola, seconded by Bona:

RESOLVED, That the Ann Arbor City Planning Commission hereby approves the "City of Ann Arbor Master Plan Resolution" and the "City of Ann Arbor Resource Information In Support Of The City Master Plan Resolution," dated May 21, 2013.

COMMISSION DISCUSSION:

Bona said what she finds most fascinating about planning is the interconnectedness of what they do.

Bona encouraged the public speakers to attend the public meeting on the North Main/Huron River Corridor Vision, adding that the large vacant DTE site is a part of that area and is adjacent to Lower Town. She noted that there are many exciting possibilities for this area.

Woods followed up on the question about the Calthorpe report, and if the Commission should have it as part of their discussions and deliberations, since they

do refer to it.

Bona said her interpretation why the report was not included in the list was because it was the pre-report and lead into the Downtown Plan. She pointed out there were several other reports that came after.

Rampson agreed, explaining that the Calthorpe report was woven into the Downtown Plan, but that it could be added to the list if the Commission wanted.

Woods said that she would like to have it added, and asked about the process involved in making that happen.

Rampson said that when the item returns to the Commission, after further discussion on the Work Program, staff will include this in a reconstituted motion.

Briere said the correct title is Downtown Development Strategies Project Report. She noted that the Calthorpe report is still in everyone's lexicon, and could be useful. She expressed the need for staff to evaluate whether the rest of the listed documents are currently useful or whether staff feels they need to be updated.

Giannola said she likes the sense of history presented, and while it is not bad to have the Calthorpe report listed, she felt it was important that people understood that this came before other reports.

Clein said that the Calthorpe report should be included as a resource document, as long as they realize that some information included might be in conflict with the current master plan. He felt the Commission should consider the addition for future motion.

Mahler said that it is important to realize that the Calthorpe report is not an official City document, and contains conflicting information. He stressed that he wouldn't want to put information that was in the Calthorpe report, and conflicts with the Downtown Plan, and that didn't make it into the Downtown Plan, as a resource document.

Woods said in looking through the plan summaries, she views the Calthorpe report as a resource they can use, and doesn't feel they are wed to it. She said the City Attorney could tell them if there is a problem with adding it.

Bona said what she finds important with the Calthorpe report is the culmination of public input that fills the gaps in the master plan, and thereby may justify its addition because it captured extensive public input. She said another document that might be considered is the Allen Creek Greenway Task Force report.

Giannola said she looks at the Calthorpe report for historical background.

Briere said she also likes to see the evolution of thought, which helps us understand where we are today. She said Council never approved the Connecting William Plan, but rather simply accepts reports. She felt that the Resource Documents don't need to include just Council approved reports. She mentioned that none of the HRIMP report is included in this list, yet is used on a constant basis for various activities. She stated that you don't need to have an approved plan in order to have the community bring something valuable to the table.

Giannola asked for clarification about the authorship of these documents and whether they are City documents or come from private or non-profit groups.

Rampson explained that the documents on the list are City documents.

Westphal said the resolution states that the documents shall be used by the Planning Commission and staff, and is comfortable with that. He said he is looking forward to hearing more staff feedback about the HRIMP plan, the Calthorpe Report, the Library Lot plan and any other plan that might be subsumed by some eminent planning efforts. He noted it would be nice to clean it up, but is less concerned about spending time on parsing out whether it makes the list or not, adding that he would rather be more inclusive than less.

Briere said that it surprised her that the neighborhood email list picked up on the idea of the Master Plan discussion tonight, because it was the first time some of the people came out and showed interest in planning. She noted that she had received quite a few emails today from people who live between the curve of the river, between Barton and Lower Town, who felt very strongly that the City should go back and reconsider the planning for the area adjacent to the Wall Street/Maiden Lane properties that the University owns. She said there is a lot of concern about the appropriate type of encouragement for business and residential as well as voiced concern that the current master plan elements suggest that taller than ten story buildings would be appropriate in that area. She said the Northeast Area Plan and particularly the land-use element plan should be reviewed in light of the increased interest in this part of town.

Clein agreed with Briere and noted that it is appropriate to look at this area when it is not under speculation for development. He thanked the citizens that came out tonight to share their comment, adding that it is helpful to see the connection between their lives and what the Commission does.

Westphal agreed, saying that all feedback is welcome. He reiterated comments brought by the public, that they need to continue to strive to work on ways to publicize meetings, noting that it might be helpful to reorient people on ways to sign up for GovDelivery on different topics, specifically items that are not in the master plan, but in other ordinances, such as the right-of way and how they relate to the Non-motorized Plan. He said they should find ways on how to route these enquiries to the correct staff.

Derezinski stated that before they reconsider this item, they should not forget to look at the legal framework of the effect of having Calthorpe in there when, perhaps, they have moved beyond Calthorpe. He said it often tends to be that everyone is quoting it for their own reasons, and does that quoting assist the evolution of thought, or does it bring them back to where they started.

Rampson explained that the list was compiled with the intent to not lose the richness of the public input and to help the Commission and staff understand the past. She said the list has not been used to contradict the Master Plan and what State law says the Planning Commission and City Council should bless. She suggested that a legal opinion was not necessary.

Giannola said she felt it was okay as long as future planning commissioners understood the difference between the two, and how one was adopted and the other was the public opinion that led to what was adopted.

Moved by Mahler, seconded by Adenekan, to postpone action on the Master Plan resolution until the June 18, 2013, City Planning Commission meeting. On a voice vote, the Chair declared the motion carried and the item postponed until June 18, 2013.

9-b [13-0611](#)

Master Plan Amendment: South State Street Corridor Plan - A proposal to update land use and transportation recommendations for the South State Street Corridor from Stimson Street to Ellsworth Road. The draft plan includes goals, actions and recommendations to improve land use and transportation systems. Once approved by City Council, the plan will be incorporated as part of the City of Ann Arbor Master Plan: Land Use Element.

Kahan presented the staff report.

PUBLIC HEARING:

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

Moved by Woods, seconded by Clein, that the Ann Arbor City Planning Commission hereby adopts the South State Street Corridor Plan as an amendment to the City of Ann Arbor Master Plan: Land Use Element;

and further,

that the Ann Arbor City Planning Commission hereby recommends that the City Council adopt the South State Street Corridor Plan as an amendment to the City of Ann Arbor Master Plan: Land Use Element.

COMMISSION DISCUSSION:

Bona said she is proud to have participated in this planning effort, noting that it is a beautiful document that captures what is unique and challenging about South State Street. She pointed out that when the Connector Study is completed, they may need to revisit this plan.

Kahan said the plan includes summaries of transportation-related issues, including the Connector Feasibility Study, which was initiated a year ago to provide high capacity mass transit along the Plymouth Road corridor through the campus/downtown to State Street or Ann Arbor Saline corridor. He said the first phase is now complete and the City's transportation manager, Eli Cooper, is now getting ready to gear up for the second phase, which would include identifying a particular south leg of that corridor, which could include the South State Street corridor.

Bona asked when such a transportation node may affect this plan.

Kahan said if the South State Street corridor was chosen as a leg, they have included language in the plan that would have them revisit some of the land use recommendations to dovetail with the Connector. He said if premier transit systems are provided along this corridor, then the Commission should rethink what the land use recommendations are so that they work well with those future transit improvements.

Clein thanked staff for pulling the plan together with public input as well as Commission input. He said it is interesting to realize that this is the first plan that is utilizing the Sustainability Framework as a method of incorporating sustainability into our planning and makes this a special document in that regard. He said there was a lot of work done to integrate that framework, which resulted in a fantastic document with lots of interesting things. He said he understands the document has received

support from property owners as well as businesses along the corridor.

Derezinski echoed Clein and commended the work of staff. He said it has been long in coming, and is the second of four potential corridors. He said they are collaborating with Pittsfield Township with what is happening on their side, noting that there are businesses that look forward to certainty in terms of what they can do. He congratulated the Commission and reiterated that the document is well thought-out, and being able to walk the corridor added to the feel of what they were doing. He said hopefully they will do the same thing for the North Main corridor.

Briere said she sometimes hears that public input does not matter, but wanted to point out that even though they only got eight comments as a result of the on-line survey, there were 86 whom read the topic. She said that 'Open City Hall' is a tool for getting feedback and the feedback is something that the staff reads and the people whom are interested in the topic read. She said she is grateful to staff for coming up with this approach and hopes the tool is used constantly.

Westphal said 'Open City Hall' is a new tool that is good, and he would encourage people to check it out, adding that this document was put together as a result of staff's hard work and through other forms of input from citizens and businesses along the corridor. He added his thanks to staff that have since moved on as well as those remaining, noting that the process really stretched the sustainability framework. He said the plan has improved since the last draft, pointing out that it would be helpful if the map of transportation improvements showed which are potential and which are imminent. He thanked the public who gave their comment on the plan.

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

Approved 9-0

Yeas: 9 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

9-c [13-0615](#)

Capital Investments Rezoning for City Council Approval - A request to rezone this 2.24 acre parcel located at 2271 South State Street from M1 (Limited Industrial District) to M1A (Limited Light Industrial District) to allow for an automobile sales use. The petitioner has requested a waiver of the area plan requirement because no new construction is proposed. Ward 4. Staff Recommendation: Rezoning - Denial, Waiver of Area Plan - Approval.

Kahan gave the staff report.

PUBLIC HEARING:

Scott Munzel, 101 N. Main Street, Suite 575, Ann Arbor, representing the petitioner, said Capital Investment would like to renovate the existing warehouse to repair auctioned cars and sell some of the autos they repair on the State Street frontage. He said this is a fairly narrow site with a significant grade that drops off from State Street. He said these issues are important since they impact the potential uses of the site. He explained that the most cars that would fit in the front of the site would be 16 cars, which is much different from the dealerships to south of this site. To the east is the bus storage facility, west is the U of M Tennis facility, and north and south are

commercial and office type businesses. Munzel said there are no residential uses near this site, and they believe their rezoning request is consistent with the Master Plan, which calls for industrial uses, since M1A is another industrial use. He said there are a number of other M1A zoned sites in the vicinity of this site. He stressed that there is no way that this site would be turned into a conventional dealership site given the practical issues.

Munzel said other issues not included in the Master Plan are economic development, employment opportunities, and activating the South State Street frontage. He said the lighting issue raised can be raised in the site plan process and they don't believe that to be an issue. He said they believe the rezoning is consistent with the existing Master Plan. He said while the discussion of the South State Street Plan was interesting it would be unfair to measure this proposal against a draft plan that has not been approved by City Council. He said in planning in real life we need to strive to try to optimize the outcomes that they seek. Financial issues, market demand issues, and logistical issues of this site won't allow this site to be developed according to the draft plan, at least for some time. He said his client does not object to the plan because in the long run they want to use the site for the highest and best use, and they believe they can use it better now that will preserve better ways in the future.

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

Moved by Bona, seconded by Briere, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Capital Investments rezoning from M1 (Limited Industrial District) to M1A (Limited Light Industrial District).

COMMISSION DISCUSSION:

Bona said this is very simple from a site plan perspective, and from a policy perspective it has been a challenge. She said she was appreciative of the explanation that staff provided regarding appropriateness of change for this site. She said in looking at the new South State Street Plan she sees new mid block crossings. She said she also appreciates the comments from Mr. Munzel about this plan taking a long time, and she realized that while there is great expectation for the Connector she also realizes that there are no guarantees, when and if this will take place. She noted that this parcel, particularly, has been highly underutilized for a very long time, and she is leaning towards approving the request, because she would rather see this project happen now and have activity on the site. She said she would have a harder time with the request if there were major site improvements proposed. She was pretty sure that when the connector comes in, this site will become valuable enough for a higher use and this use won't last.

Mahler said he is leaning toward approving it also, since it is better to have activity than none. He said moving from M1 to M1A zoning isn't that much of a difference, even if the Master Plan doesn't call for it for this parcel. He agreed with the petitioner's representative that the chance of this site becoming a full fledged dealership is slim. He said in light that the Commission just adopted the plan and that the request is a fairly reasonable step up for the owner to start a business, he wishes him success, adding that whomever owns this site will have to deal with the unique features of the parcel.

Clein said he understood other Commissioner's comments, but had concerns since the request was not within the scope of what they were trying to achieve for this area, as well as setting precedence for rezoning parcels in the area. He said he is not aware of any M1A zoned parcels creating problems, but the uncertainty of not

knowing what other types of businesses could come on this site, might not be in the best interest of the City.

Kahan said once the zoning is changed, it stays with the land, and while the owners may have a short term plan for the dealership, it could develop considerable value and has the risk of becoming a long term use. He said this corridor should be valued for activating uses, such as pedestrian traffic, or possibly more residents living in the area. He said they need to defer to the master plan for answers and the master plan doesn't support this use.

Clein asked if a site plan would be required for this use.

Kahan said not for the re-zoning but it would for any site improvement.

Rampson explained that the tricky part for this site is that they started a site plan and building but never completed it. She said the current owners are interested in using the existing buildings on the parcel for their dealership. She said that in allowing the site to be used for M1A uses on a temporary basis, you remove the possibility for the site to be zoned to what the master plan calls for. She pointed out that the land use recommendation changed from research and industrial to a recommendation for office and residential.

Giannola asked about the difference between M1 and M1A zoning classification uses.

Kahan answered that the difference is that the M1A allows for auto sales on the parcel.

Clein asked if that would allow for outdoor auto sales only or any indoor/outdoor sales on the parcel.

Kahan said the language of code does not differentiate.

Briere asked if the petitioner could repair vehicles at the site and load them onto a truck to be sold at some other location, but he could not line them up on the site and put for-sale signs on them.

Rampson clarified that the State of Michigan requires a sign-off from the City for zoning compliance in order for that dealer license to be issued.

Derezinski said the site has been empty for awhile, and needs a lot of work. He said from the comments given he understands that the owners are flexible, and willing to change to a higher use in the future, which would comport with the neighborhood requirements. He asked if going to M1A is retrograding, or could there be other uses that the site could utilize right now. He expressed his concern for the site, adding that he would love to see it used now, and if they are willing to put money into the site to get it into reasonable shape, could it be used for something else. He said if the petitioner is willing to work with the City on this temporary use, to provide a tax base and improve the site, how about right now.

Clein said at this stage, in the process, he does not get a sense of commitment from the owner to clean up the site, but rather to do minimal improvements that would allow for auto sales on the site.

Woods said in reading the submitted letter from the petitioner, her impression was that they are currently not proposing any specific improvements to the "unloved" site,

but seem to be asking the City to trust them and if their business is successful then they will improve the site. She said she didn't know if the City was in a position to do that. She commented that from the citizen participation meeting, the adjoining property owner, while in support of the proposed use, raised the issue about the need for putting a water detention on her property. Woods stressed that it could be dangerous to put off dealing with environmental issues, and she was not in favor of supporting the request.

Westphal echoed the excitement over the interest in investing in this corridor but felt the Commission had counter balanced that by looking at the corridor holistically. He said that rezoning this site would be contrary to the master plan and contrary to all the feedback about aesthetics for the area, and he is concerned about setting a precedent for rezoning in the area which would be a move in the wrong direction.

Bona agreed with all comments, and said she would join her fellow Commissioners in putting pressure for the property to comply with the newly established South State Street Corridor Plan, and hoped that they would get something better for this site.

Munzel said this is a difficult site to develop and this owner is not like the person who bought the 413 E. Huron site. He is cautious about dealing with the City and wants to do this step by step, as the process requires. He explained that he has been reluctant to spend money on the site up to this point, because he wants to take it step by step. He noted that some of the improvements would benefit the site for future use, such as the need to put in a drainage system. He reiterated that this site will be harder to develop than other sites along the corridor, and if the owner is able to use the site and able to carry it, he may be able to wait for a much better use, such as residential. If he is not able to do that, it might be a later, less desirable use.

In viewing the picture of the vegetation on the site, Woods asked Munzel how long the petitioner had owned the property, pointing out the 'eyesore' of the site.

Munzel said the petitioner has owned the site since 2010, and explained that the picture was showing the foundation of the unfinished building that Rampson had earlier explained was part of a previous site plan. He said that foundation would need to come out in the future.

On a roll call, the vote was as follows with the Chair declaring the motion failed, which is a denial recommendation to City Council.

Yeas: 1 - Eric A. Mahler

Nays: 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Moved by Briere, seconded by Clein, that the Ann Arbor City Planning Commission hereby waives the Area Plan requirement, as no new construction is proposed for this site and a survey of the existing improvements on the site has been provided.

Rampson clarified that the code requires an Area Plan to accompany a rezoning request, but since the petitioner was not proposing any new building on the site at this time, staff felt a waiver request from the requirement was appropriate.

Westphal asked if this request had an impact on the rezoning of the parcel, when it moved on to Council.

Rampson said no, it dealt with site improvements and buildings or lack thereof on the site.

Woods asked what would happen with the rezoning request if the Commission denied the Area Plan waiver.

Rampson explained that per code, the rezoning request and the Area Plan needed to go together; that the petitioner would need to come back to the Commission with an Area Plan to accompany the rezoning request if the petitioner wanted to continue with his request and move it on to Council.

Clein asked if the owner would still need a site plan to make improvements on the lot.

Rampson explained that there was a previously approved site plan for this site, which was partially completed, and staff would have to clarify what outstanding issues need to be addressed and if they can be addressed with or without an administrative amendment. She said a new site plan was not required to occupy the buildings on the site.

Westphal said he would not be inclined to approve the Area Plan waiver request.

Clein said he is okay with approving the waiver as long as there is a valid site plan that needs to be completed for the site.

Briere said that she feels the question comes down to asking the petitioner to spend more money and time in preparing an Area Plan, if the Commission denies the waiver request, while yet not knowing in which direction the Council will move. She said she would prefer to waive the requirement and leave it in the petitioner's hand, while recognizing the weight of denial at the Planning Commission weighs pretty strong on Council.

Bona asked when the South State Street Plan goes to City Council and if they will see the plan before this rezoning request.

Kahan said that he anticipates the plan will move on to Council within the next 4-6 weeks.

Bona said that was unfortunate that they wouldn't see the plan before this rezoning request. She asked why the current site plan would be honored if it was older than 3 years.

Rampson explained that the site plan fulfillment was started but never finished, and it isn't clear how much of the approved site plan work was installed.

Rampson clarified that if the petitioner decided to move forward to Council, this rezoning would go before Council for first reading at the same time that the South State Street Corridor Plan went before Council for adoption.

Westphal said, given the interesting timing, this could send mixed message both to Council and the petitioner if the Commission waives the Area Plan requirement on a rezoning request for a site that they have recommended for other uses outlined in the South State Street Corridor Plan. He expressed concern that a Planning Commission approval may confuse their intentions on the site.

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

Yeas: 7 - Bonnie Bona, Eric A. Mahler, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 2 - Wendy Woods, and Kirk Westphal

9-d [13-0613](#)

401-403 North Fourth Rezoning and Site Plan for City Council Approval - A proposal to rezone this 0.18 acre site from PUD (Planned Unit Development) to D2 (Downtown Interface) /Kerrytown Character and construct a three-story, two-unit residential building with 24 parking spaces, 4 of which will be in garages under the building. A modification from the parking lot interior landscaping requirement is being requested. Ward 1. Staff Recommendation: Approval

DiLeo presented the staff report.

PUBLIC HEARING:

Thomas Fitzsimmons, Huron Development & Associates, LLC, 423 West Liberty Street, Ann Arbor, petitioner, introduced his team. He said he is excited to move forward, noting the challenging site due to the parking easement. He said they spent a lot of time trying to figure out how to fit a quality residential project within the site, given the constraints and D2 zoning. He said he personally met with neighbors and businesses, and the feedback they have received has been universally positive. He said there were comments received from the Design Review Board, which he said they have been able to address all three issues, which dealt with materials, sight line issues and how the buildings interacted with the alley, and the driveway onto Fourth Avenue. He said they have been able to improve the massing of the building, which has made the project a better project. He hoped that the City Planning Commission liked the project and could approve it.

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

Moved by Mahler, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 414 Main and 401 N. Fourth Avenue Rezoning to D2 Downtown Interface base district and Secondary Street building frontage designation;

and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Chapter 62 Landscape Modification Petition associated with the 414 Main and 401 N. Fourth Avenue Site Plans to allow interior landscape islands outside of the perimeter of the vehicular use area;

and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 414 Main and 401 N. Fourth Avenue Site Plans and Development Agreement.

COMMISSION DISCUSSION:

Derezinski said it is great to see this development being proposed for this site. He noted that the Planning Commission recently co-sponsored a symposium on the affects of aging which shows that this project fits the need of the empty nester demographic, which is growing. He asked if the parking easement is permanent.

Fitzsimmons said yes, it runs with the land and can never be removed.

Derezinski thanked Fitzsimmons and his team for their effort and their work.

Mahler asked the location of the nearest bus stop to the proposed project. He said he felt it was an overall great project and he would be giving it his support.

DiLeo pointed out the location, noting it to be at Fourth Avenue and Catherine.

Adenekan said she too would be giving the great project her support, pointing out that her only concern is for the parking on the site on market days.

Fitzsimmons said that McKinley will still be using the parking, and historically they have allowed Huron High School to use the parking on market days, and he did not know if McKinley will continue to do that or not. He pointed out one of the benefits to the community is the public walkway they will be installing from Main Street to Fourth Avenue.

Briere said one of the concerns she has heard is whether the alley will be kept open during construction, since the alley provides access to the parking on Braun Court.

Fitzsimmons said they haven't started construction planning, and he was not sure they even had the ability to close off a public alley. He explained that given the tight site, they plan to use stick frame construction, and be able to contain the construction to the site without having to block areas surrounding the site.

Clein complimented Fitzsimmons on the scale of the project and its connection to Farmer's Market, noting the alignment with market stalls. He said he is supportive of the landscape buffer and felt that it is more positive than having it scattered throughout the parking lot. He said the one sticking point is the garages on Fourth Avenue, and the driveway angle was concerning for safety reasons, since it will be hard to keep an eye on people when having to back out. He asked how they planned on managing the recycling and waste.

Chet Hill, landscape architect for the petitioner, explained that on the Fourth Avenue building the residents will wheel their trash containers out of their garages, and on the Main Street site there will be a dumpster located on the northeast corner that will be accessed off the alley.

Clein asked regarding the turning radius on the ramp down to the garage.

Hill said dimensions are configured similar to a parking lot, so there is adequate room.

Clein asked about the market rate and price of the units.

Fitzsimmons said they have units ranging from 1400 to 2400 square feet, and will be mid- to mid-high in price. He said they tried to design mostly single floor living, since that seems to be the market demand, and they are getting a lot of calls on them, so they are very excited.

Bona asked about the secondary street frontage request and the landscape modification.

Rampson said the current front yard frontage requirement is 15 feet, so the request is to go to a secondary street frontage with a setback of 0 to 10 feet.

Bona asked if there was a rear yard setback requirement.

DiLeo said no.

DiLeo showed the requested landscape modification to be a 4 foot continuous strip that would also serve some storm water functions, with bio swales and planting area. She said the petitioner is not asking for a reduction in the number of trees or square footage they are providing, rather the shape of the landscaping.

Bona said given that pedestrians will be walking along the trees, it will probably be more beneficial than having the trees in the parking lot. She said that it is really good to have something developed on this site, pointing out that the surface parking lot is unfortunate. Bona asked if the developer could explain why the Commission should give them a modification on the street frontage and compromise on a zoning that was recently written.

Fitzsimmons said due to the turning radius required in the courtyard in between the buildings and given the neighboring buildings are set closer to the street.

Bona said they just rezoned the parcel to be 15 feet, and compromising to allow a vehicular turning radius was not a high enough priority given the work that went into the zoning discussions for this parcel.

Hill said as a secondary street, the setbacks would be allowed, and while the surface parking situation is unfortunate, there is no other way to accommodate the parking in any other fashion than what is proposed. Hill added that the proposed landscape adds to the desirability of the project that they are asking to be done, noting that they are exceeding quite substantially the landscape requirements.

Bona asked about the comparison chart and the proposed project.

Rampson said there was an error in the chart, that it should show a minimum of 15 feet required for the front yard. She pointed out the current setbacks on the aerial photo, and said the intent was not to alter the existing conditions substantially. She said currently the parking lot goes almost all the way up to the sidewalk on Fourth Avenue as well as on Main Street, pointing out that the front yard designation might have been a bit too optimistic. She said if you look at the old Greek Orthodox Church that is now gone, it was setback a bit and had a more residential character. She said the two residential buildings are less than 15 feet setback, probably within the 7-10 foot setback range, and given the established street frontage, she is not sure why they decided on the 15 foot setback, unless it was intended to mirror the west side of the street. She said if you were to push these buildings further back on Main Street, you would still have the McKinley Building at 0 feet and the corner houses that are at the 7-10 foot setback. She said it would not necessarily provide for that hope for continuity in the frontage and that is why staff felt it was appropriate to change to the secondary frontage to be consistent with those building frontages.

Bona said it is harder to accept compromises when she has a 55 car parking lot sitting next to her, and she is giving up front yard for more asphalt; she is just not as happy and it is harder to support.

Woods said she hopes that the buildings will look the way the elevations show them, because they will really enhance that part of Main Street. She said it is obvious that they have put a lot of thought into the project and thanked the developer for not asking for D1. She said the developer was taking into consideration what was happening in Kerrytown and at the Market and the surrounding neighborhoods, and

thought it was a great project.

Adenekan echoed Woods.

Westphal asked about the proposed public walkway and the legal arrangement.

DiLeo said the walkway will not be dedicated right of way, but there will be some sort of easement that allows public use, with the ownership and maintenance done by the condominium association, similar to Ashley Mews.

Westphal asked if this would ensure proper maintenance.

DiLeo said yes.

Westphal asked if this helps perpetuate the use of this lot as parking lot.

DiLeo said it would stay unless the holder of easement would vacate.

Hill said storm water detention for the proposed buildings is under the parking that must be retained as apart of the new project.

DiLeo said this parking area is part of the total lot area, which contributes towards the Floor Area Ratio.

Westphal asked if this could make it more difficult to develop in the future.

DiLeo said she didn't believe it would, since whomever owns the site has to reserve 57 spaces for the adjacent property owner to use.

Briere explained that a few years ago, the City and the Washtenaw County Treasurer reviewed this parcel and came to realize that the parking lot easement created hardships for development and she was glad to see that they had found a compromise that would allow for this proposed development on this site.

Rampson clarified that given the existing floor area ratio, the parking lot could still be developed if a future arrangement was worked out with the property owners.

Westphal asked if there was any other possibility of entry than having the garage doors facing Fourth Avenue.

Fitzsimmons said from a design standpoint, they feel that they need to provide two parking spaces for each unit, while allowing adequate landscaping, and the neighbors felt it was a good idea.

Clein asked for clarification on the parking.

Fitzsimmons explained the design, noting it will allow the tenants more flexibility.

Westphal said the walkway was a huge benefit and he concurred with the Design Review Board regarding the materials.

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

Yeas: 9 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

- 9-e [13-0614](#) 414 North Main Rezoning and Site Plan for City Council Approval - A proposal to rezone this 0.57 site from PUD to D2 (Downtown Interface)/Kerrytown Character and from "Front Yard" frontage to "Secondary" frontage and construct a four-story, 16 unit residential building with 56 parking spaces, 19 of which will be in a basement garage. An interior landscaping modification from the parking lot requirement is being requested. Ward 1. Staff Recommendation: Approval

See action on 401-401 North Fourth Rezoning and Site Plan (Item 13-0613)

- 9-f [13-0616](#) July 2013 - June 2014 City Planning Commission Meeting Schedule

The Commission accepted the FY13-14 City Planning Commission Meeting Schedule as presented.

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

None

12 **COMMISSION PROPOSED BUSINESS**

Derezinski pointed out a letter to the City Planning Commission from Pittsfield Township about the State Street corridor improvement authority project. He said he felt they need more background information to properly assess their request, adding that it is unfortunate that they cannot make a judgment with the timeline. He asked staff to look into the request and get back to the Commission at their next meeting.

13 **ADJOURNMENT**

Moved by Clein, seconded by Giannola, that the meeting be Adjourned at 10:30 p.m. On a voice vote, the Chair declared the motion carried.

Kirk Westphal, Chair
mg

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