



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

301 E. Huron St.  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

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Tuesday, July 15, 2014

7:00 PM

City Hall, 301 E. Huron St., 2nd Fl.

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#### **1** **CALL TO ORDER**

*Chair Westphal called the meeting to order at 7:15 p.m.*

#### **2** **ROLL CALL**

*Rampson called the roll.*

**Present** 5 - Woods, Westphal, Giannola, Adenekan, and Clein

**Absent** 3 - Bona, Briere, and Peters

#### **3** **APPROVAL OF AGENDA**

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

#### **4** **INTRODUCTIONS**

**Resolution of Appreciation - Paras Parekh**

*Deferred.*

#### **5** **14-1136** ORGANIZATION OF COMMISSION

**Received and Filed**

**Election of Officers (Article V of Bylaws)**

## 5-a (1) Chair

**Clein nominated Wendy Woods to be Chair of the City Planning Commission, seconded by Giannola. Noting no further nominations, Westphal declared the nominations closed.**

**On a voice vote, the motion carried and Wendy Woods was elected Chair.**

*Kirk Westphal stepped down as Chairperson and Wendy Woods assumed the position.*

## 5-b (2) Vice Chair

**Westphal nominated Kenneth Clein to be Vice Chair of the City Planning Commission, seconded by Giannola. Noting no further nominations, Woods declared the nominations closed.**

**On a voice vote, the motion carried and Kenneth Clein was elected Vice Chair.**

## 5-c (3) Secretary

**Westphal nominated Jeremy Peters for Secretary of the City Planning Commission, seconded by Clein. Noting no further nominations, Woods declared the nominations closed.**

**On a voice vote, the motion carried and Jeremy Peters was elected as Secretary.**

5-d **Review of Bylaws (Article XIV of Bylaws)**

*Rampson gave a brief overview of the process required for making changes to the Bylaws, noting that proposed amendments have to be presented at a meeting prior to Commission taking action on such amendments. She brought their attention to the proposed amendments to the Public Hearings section of the bylaws.*

*Westphal asked about the process moving forward.*

*Rampson reviewed the process with the Commission.*

**Presented**

**5-e Public Notice and Input Overview**

**Presented**

**6 MINUTES OF PREVIOUS MEETING**

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

**7-a City Council**

*Rampson noted that there would be a City Council meeting held the following Monday.*

**7-b Planning Manager**

*Rampson reviewed the updated July 2014 Calendar with the Commission.*

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

*Clein reported on the Streetscape Framework Planning Committee, noting they had held a meeting on July 8 when they met with the consultant. He said there will be additional meetings in August, as well as a public meeting in September, with the timeframe for the entire effort to be completed in this calendar year. He said it was exciting to see how these efforts can help them create a better, more vibrant downtown.*

*Westphal reported that the Ordinance Revisions Committee had just met to look at parcels along East Huron Street. He said based on their workplan and feedback from Council, they are looking at changing height maximums as well as looking at ways of addressing building shape. He said these changes will be seen at upcoming City Planning Commission meetings.*

**7-d Written Communications and Petitions**

**14-1137**

Various Correspondences to the Planning Commission

**Received and Filed****8 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)**

*None.*

**9 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING****10 UNFINISHED BUSINESS**

- 10-a** [14-0886](#) Master Plan Review - Once a year, the Ann Arbor City Planning Commission and Planning and Development Services review the City Master Plan. The City Master Plan is a collection of plans, or “elements,” that work together to describe a vision for the City’s future and guide decisions about its land use, transportation, infrastructure, environment, housing, and public facilities. The adopted plan elements can be found on the City’s website at [www.a2gov.org/masterplan](http://www.a2gov.org/masterplan) <<http://www.a2gov.org/masterplan>>. As part of its annual review, the Planning Commission is seeking comments about the City Master Plan, including 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. Staff Recommendation: Approval

*Rampson provided the staff report.*

***PUBLIC HEARING***

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

**Moved by Westphal, seconded by Giannola; 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 July 15, 2014.**

***COMMISSION DISCUSSION:***

*Westphal asked about the Sustainability Framework Action Plan.*

*Rampson said staff envisioned the Action Plan as a document that would organize the various Commission and staff efforts to communicate*

*how they are reaching the city's sustainability goals, but did not anticipate making it an adopted plan. She said it was currently used as a communication tool and could be added as a resource document if the Commission felt it should be.*

*Westphal said it will act like a workplan for all the Commissions.*

*Rampson agreed.*

*Clein asked about the Re-Imagine Washtenaw plan.*

*Rampson said the study that was just recently completed came up with recommended right-of-way widths to accommodate Complete Streets improvements along Washtenaw Avenue. She noted that the Commission could adopt these recommendations for a future right-of-way line. She said this would set a mark from which building setbacks could be measured. She said they need further guidance from the City Attorney's office on how such an adoption would play out, but it could be adopted into the Master Plan.*

*Westphal asked whether the right-of way study would be added to the resource documents.*

*Rampson said the study would be added to the Land Use or perhaps the Transportation elements of the Master Plan. She said this would give more weight to the future right-of-way line, instead of simply being a reference.*

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

**Yeas:** 5 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, and Kenneth Clein

**Nays:** 0

**Absent:** 4 - Bonnie Bona, Sabra Briere, Paras Parekh, and Jeremy Peters

**11     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](http://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.)

**11-a**    [14-0894](#)    Approval of City Planning Commission/Staff FY2014-2015 Work Program

*Rampson provided the staff report.*

**Moved by Westphal, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby adopts the City Planning Commission/Staff 2014-2015 Work Program.**

*COMMISSION DISCUSSION:*

*Clein said this work program represents a blueprint looking forward, but is depends on workload from incoming petitions, which take highest priority for the Commission. He reassured the petitioners that given the proposed work program, they would come first and if there weren't a lot of petitions staff had a lot of things to work on, as outlined in the 2014-2015 Work Program.*

*Westphal said he felt both staff and the Commission had been very productive on both fronts, given the busy schedules, adding that he felt good about their year.*

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

**Yeas:**    5 -    Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, and Kenneth Clein

**Nays:**    0

**Absent:**    4 -    Bonnie Bona, Sabra Briere, Paras Parekh, and Jeremy Peters

**11-b**    [14-1138](#)    Betke Residual Property Annexation & Zoning - A request to annex a 0.09 acre strip of vacant land attached to 2562 Newport Road and zone

it R1A (Single-Family Resident). This strip of land was inadvertently omitted from the Betke Annexation, approved in 2011. (Ward 1) Staff Recommendation: Approval

*Thacher presented the staff report.*

**PUBLIC HEARING:**

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

**Moved by Westphal, seconded by Clein, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Betke Residual Property Annexation and R1A (Single-Family Dwelling District) Zoning.**

*No discussion.*

**On a roll call, the vote was as follows, with the Chair declaring the motion carried, although lacking sufficient votes for an Approval recommendation to City Council. The recommendation will be considered a Technical Denial.**

**Yeas:** 5 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, and Kenneth Clein

**Nays:** 0

**Absent:** 4 - Bonnie Bona, Sabra Briere, Paras Parekh, and Jeremy Peters

**11-c**    [14-1139](#)

121 Kingsley West Rezoning and Site Plan - A proposal to rezone this 0.38 acre parcel from PUD to D2 with a Secondary Street Building Frontage; renovate an existing two-story brick building on the site; and construct two new buildings above a common parking deck. The project would result in 22 housing units, 36 covered parking spaces, and three above-grade parking spaces. The east building is proposed to be three stories above grade with a partial fourth story, and the west building is proposed to be five stories with a partial sixth story, and a maximum height of 60' above the averaged grade. (Ward 1) Staff Recommendation: Approval

*Thacher presented the staff report.*

**PUBLIC COMMENT:**

*Tom Fitzsimmons, 408 North First Street, Ann Arbor, petitioner for project, introduced his design team, along with partners. He said their previous project was mostly housing and consisted of 9 stories. He said they have done a lot of residential work in the near downtown and since the downtown zoning changes, they feel that this proposed project suits*

*very well the D2 (Downtown Interface) zoning and is a good residential project, given the transition from near neighborhoods to downtown high-rise areas.*

*Marc Rueter, Architect for the project, described the design concept. He pointed out the access, which is even at grade from Kingsley Street, noting that the cars will be totally hidden from view, under the building. He said they met with the Design Review Board and the community, who wanted more focused interest on the Kingsley side. In response they introduced more balconies and windows, changed some of the colors and materials from brick to porcelain tile or brick. He showed a cross section that illustrated the challenges of the site. He explained that coming directly off of the alley, the cars will go into an enclosed garage. The refuse containers will also be completely enclosed in the garage. He said the mechanicals will be enclosed, with the roof top concealed. He further explained that they worked hard to get a pedestrian connection through a small stairway and ramp off Kingsley Street as well as off Ashley, which leads directly to the main entrance. He said the secondary access is from the alley for delivery services.*

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

**Moved by Westphal, seconded by Giannola, that The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 121 Kingsley West Rezoning from PUD (Planned Unit Development) to D2 (Downtown Interface) and from Front Yard building frontage to Secondary Street frontage, and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 121 Kingsley West Site Plan and Development Agreement on the condition that a license agreement is executed with the City to address the existing building's encroachments.**

#### **COMMISSION DISCUSSION**

*Woods noted that if the Commission voted on the agenda item, the best outcome would be five affirmative votes, which would be a technical denial [6 affirmative votes are needed for approval] given the present Commission members; however City Council would be informed about this circumstance.*

*Giannola asked about the building that is proposed to remain on the site and if it is a historic building.*

*Thacher said it is not in a historic district and that the building was built in 1947.*

*Giannola asked if the residences would be apartments or condominiums.*

*Fitzsimmons said they plan on marketing them as condominiums for sale, and would include the existing building as a condominium as well.*

*Westphal asked about the Floor Area Ratio [FAR] and if the project was eligible for 400% FAR.*

*Thacher said yes, if they met the premium requirements. She said the petitioner is not utilizing all of their premium capacity.*

*Rampson added that if they build just residential, as this project is proposed for, they cannot get to 400% FAR.*

*Westphal noted there are 27 parking spaces in excess of what is required; he asked for the petitioner's comment on the issue.*

*Fitzsimmons said they believe they have designed a building that fits well into the scale and surrounding area, and with the basic zoning guidelines of height, setbacks, as well as keeping the existing building on site, they looked at it as a package and are not necessarily trying to max out every possible square foot that they could on this site. He said with condominiums they have to make sure they have enough parking for the units, unlike the downtown apartments, noting that designing for no cars in these types of developments is not realistic as people have cars and need parking. He said there are building code issues as well, such as elevator access. He said they used a mezzanine as the top floor so not to overwhelm the area visually. He said it is very similar to the Liberty Lofts building in the Old West Side, which also abuts a residential neighborhood on three sides; they are trying not to overwhelm the neighborhood and create something appropriate while dealing with multiple constraints.*

*Westphal said he appreciates the effort at tucking away the parking. He asked how many residential units are being proposed.*

*Fitzsimmons said 22.*

*Clein asked about the use of porcelain tile and about the other exterior materials.*

*Rueter said they originally proposed brick, but the Design Review Board suggested a different material that would allow them to keep the existing building painted that dark green color, which led them to the dark porcelain tiles. He said the other materials are a green-screen type*

*cementitious panel system, or hardiboard panel painted dark colors. He said the lighter colors [white] would be a lap siding hardiplank, and the green is a corrugated steel metal product.*

*Clein asked if there is any exposed split-faced block.*

*Rueter said, no, except for a little bit along the foundation on one side, which will be every 12 inches to give it a little more interest.*

*Clein asked about the two LEED points.*

*Thacher said it is LEED equivalent, and they have indicated on the site plan how they will meet that equivalence, and the City will review that as part the site compliance process.*

*Rampson said the petitioner will have to present the documentation from a certified LEED professional, which is third party and will be an objective evaluation showing that they meet the two LEED Energy and Atmosphere points.*

*Clein asked about stormwater, noting that it looks like it will be bankful, and retained. He asked if it will be infiltrated.*

*Thacher said yes.*

*Clein said he really likes the project and that it fits into the City's density. He asked how the project complies with the streetwall height for the D2 zoning and how that works along Ashley Street.*

*Thacher explained there is a provision in code were the streetwall offset can be averaged.*

*Rueter said the site is an extremely complex site and zoning is usually written for flat sites; however, the code does allow for averaging the grade throughout the site by taking into account all the points around the site. He said they looked at it different ways and then came up with the average grade where everything below that is counted as basement and not the story from which they are calculating the height. He showed that the average is calculated from the plinth or base at the top of the basement. He said by bringing in the ends of the building it allows them to slightly decrease the mass along the north side as well as the south side.*

*Clein said he trusts that the plinth is the average grade, noting that in looking at the windows, people will think it is more than a three story streetwall.*

*Rampson commented that given that it is a corner lot, the offset of the streetwall is applied to both Ashley and Kingsley frontages. She said the petitioners used more of the average offset along the residential side, which staff thought was more appropriate. She said the code did not take into account how offsets should be calculated on corner lots.*

*Adenekan asked about the condominium association and if they would take care of snow removal.*

*Fitzsimmons said yes.*

*Adenekan asked about unit sizes and parking.*

*Fitzsimmons said there will be a mix of unit sizes ranging from 1,100 to 2,400 square feet and parking varies from 1 to 2 spaces per unit, with several additional spaces. He said another nice thing about the site is that Ashley Street has on-street parking, so they can accommodate guests.*

*Woods asked about the east elevation, and if the garage door is an overhead door that will need to be opened when the garbage is rolled out for pick-up.*

*Fitzsimmons said yes.*

*Woods asked if they intend to use the same green color on the new buildings that is currently on the existing structure.*

*Fitzsimmons said yes.*

*Woods said she liked the color; it reminded her of California.*

*Rueter said the bright color scheme is inspired by Aubree's Sidetrack in Depot Town.*

**On a roll call, the vote was as follows, with the Chair declaring the motion carried, although lacking sufficient votes for an Approval recommendation to City Council. The recommendation will be considered a Technical Denial.**

**Yeas:** 5 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, and Kenneth Clein

**Nays:** 0

**Absent:** 4 - Bonnie Bona, Sabra Briere, Paras Parekh, and Jeremy Peters

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

*None*

**13      COMMISSION PROPOSED BUSINESS****14      ADJOURNMENT**

*8:30 pm.*

**Moved by Giannola, seconded by Adenekan, that the meeting be adjourned at 8:30 p.m. On a voice vote, the Chair declared the motion.**

Kirk Westphal/Wendy Woods,  
Chairpersons

Mia Gale  
Recording Secretary

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