



# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

## Action Minutes City Planning Commission

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Thursday, February 18, 2010

7:00 PM

G. C. Larcom, Jr. Municipal Bldg. 2nd Flr.

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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. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 794-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available on the Planning page of the City's website ([www.a2gov.org](http://www.a2gov.org)) or on the 6th 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](http://www.a2gov.org)).

### CALL TO ORDER

*Secretary Westphal called the meeting to order at 7:10 in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.*

### 1 ROLL CALL

**Present** 5 - Pratt, Carlberg, Briggs, Westphal, and Giannola

**Absent** 4 - Bona, Mahler, Woods, and Derezinski

Members Arriving: Derezinski  
Staff Present: Bahl, Kahan, Kowalski, Rampson

### 2 INTRODUCTIONS

*Westphal introduced Sumedh Bahl, the Interim Community Service Area Administrator.*

### 3 MINUTES OF PREVIOUS MEETING

3-1 10-0152 Planning Commission Revised Minutes of June 2, 2009.

*Rampson explained that the June 2, 2009 minutes had been revised, due to the fact that there were words missing and typographical errors found when preparing the Council submittal for the Retail Plaza Rezoning. She said staff believed the words that were missing were substantive and therefore the minutes needed to be reapproved.*

**A motion was made by Carlberg, seconded by Pratt, that the Minutes be Approved by the Commission with changes and forwarded to the City Council.**

**A vote on the motion showed:**

**Yeas:** 5 - Evan Pratt, Jean Carlberg, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Absent:** 4 - Bonnie Bona, Eric A. Mahler, Wendy Woods, and Tony Derezinski

**Motion carried.**

#### **4 APPROVAL OF AGENDA**

**A motion was made by Giannola, seconded by Briggs, that the Agenda be Approved.**

**Yeas:** 5 - Evan Pratt, Jean Carlberg, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Absent:** 4 - Bonnie Bona, Eric A. Mahler, Wendy Woods, and Tony Derezinski

**Motion carried.**

#### **5 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING AND DEVELOPMENT SERVICES MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS**

##### **a City Administration**

##### **b City Council**

*Derezinski reported on the February 1 and February 16, 2009 City Council meetings. He said the main topic was the City's Budget.*

##### **c Planning and Development Services Manager**

*Rampson stated that the restructuring of the Planning Department was now in place. She noted that the Planning and Development Service Manager position is vacant*

*and would not be filled, but in its place there would be three managers coordinating together to run the three major functions of The Planning and Development Department. She announced that she would be in the Planning Manager position. She stated that Connie Pulcifer had moved to the System Planning Unit and would be working on a variety of projects including most immediately the Fuller Road Station project. In the rental housing area, a relatively new employee, Lisha Turner-Tolbert who was originally hired temporarily, would now supervise the rental housing function, she said. She also announced that Ralph Walton, a new employee, started on Tuesday. She stated that Ralph would be the Building Official and would be overseeing the construction functions as well. She said she was very pleased to be working with the Planning Commission on a permanent basis.*

*She spoke about the City's budget and the issues that City Council and City Administrator had been working on. She noted that their discussions included a reduction in tax revenue and State revenue sharing. She stated that staff would be following two separate tracks for the upcoming fiscal year 2011 budget. For the first track, the departments had been asked to identify cuts of 7.5 percent in expenditures, which would be on top of the 3 percent cut that was already in place for the fiscal year 2011 budget, she said. Concurrent with that, she said, the City Administrator is speaking with City Council with regards to the big picture issues. She said the City would be looking very closely at the services we provide as a city and the City's expenditures. She said the City would use the information to determine if it would be more beneficial to make a cut across the board at a certain level, or if there are areas where spending needed to stop or how the City could acquire revenue in different areas. She said there was a memo created by Jayne Miller outlining potential changes in the Planning and Development Department. She stated that she had drafted a budget that showed no layoffs of planning staff, but did show a layoff of a Management Assistant that supports the Planning Commission's preparation of minutes and other administrative functions. She added that the budget draft could change in any direction. She announced that the budget discussions would be posted on the City's website a2gov.org in the "Our Town" section.*

*She noted that another item on the website is the Open Data Project, which went live this week. She said the project was modeled after a number of places throughout the country that had put municipal data on the Web as an open government approach, which could be very helpful to the public. She finished by stating that she would like to discuss the retreat since it had been postponed to determine the date it could be held and a topic.*

*Rampson said there was a Design Guidelines Task Force Committee appointed by the Mayor and City Council and Commissioner Westphal is on the committee. She said there would be a meeting scheduled for the taskforce sometime within the next three weeks.*

#### **d Planning Commission Officers and Committees**

*Briggs reported as the Planning Commission representative for the Parks, Recreation and Open Space Committee that the Committee would have monthly meeting, and a meeting had been scheduled for next week.*

*Carlberg stated that she attended the Downtown Development Authority Partnership Committee meeting in Commissioner Bona's stead, and the committee requested that the Planning Commission conduct a study of the open sites between Fourth and Fifth Avenue and William and Liberty. She said the purpose of the study was to determine how the section could be developed into a comprehensively planned area in the future. She finished by stated the committee suggested that it might be possible for the Planning Commission and Planning Staff to take on the study without*

*any outside cost.*

**e Written Communications and Petitions**

- e-1 10-0153 (1) Email from Germantown Neighborhood Association regarding Heritage Row Proposal.

**6 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.)**

*Brad Mikus, resident who lives on Stone School Road, believed the neighbors did not receive any benefits from Planned Unit Developments. He believed that the impact the projects would have on the neighbors should receive more consideration during the evaluation process.*

**7 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

- 7-1 10-0154 Public Hearings Scheduled for Next Meeting

*Westphal announced the public hearing scheduled for the meeting of Tuesday, March 2, 2010.*

**8 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.)**

- 8-1 10-0155 a. Public Hearing and Action on Plymouth Green Crossings Amended PUD Site Plan, 8.9 acres, northwest corner of Plymouth and Green Roads. A proposal to revise the approved site plan to add a phase line and temporary parking, adding 26 parking spaces, in the location of the proposed restaurant building (postponed at 10/20/09 meeting) - Staff Recommendation: Approval

*Kahan explained the proposal and showed slides of the site.*

*David Kwan, representing Plymouth Green Crossing, stated that he was available for any questions in regard to the proposal.*

*Ethel Potts asked if the proposal would be setting a new precedent regarding how the City handled these types of situations or would this be used only for particular cases.*

*Brad Mikus asked if the petitioner would have to use the Planned Unit Development guidelines for the proposed project. He believed the payment in lieu component was unfair and compared it to an interest free loan. He finished by stating problems with the affordable housing element.*

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

**Moved by Carlberg, seconded by Pratt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Plymouth Green Crossings Amended PUD (Planned Unit Development) Site Plan, an amendment to the PUD Site Plan dated January 23, 2006, subject to execution of the revised development agreement dated February 1, 2010.**

*Westphal asked staff to address the concerns made during the public hearing.*

*Kahan said the site was designed to accommodate the storm water from the Phase 2 restaurant portion and it would handle the storm water, in the same manner, regardless of whether it was a restaurant or temporary parking lot.*

*Westphal asked staff to address the concern about this affordable housing payment arrangement setting a precedent for a possible change of policy for future Planned Unit Developments.*

*Kahan said there was not a change of policy, but the PUD section of Chapter 55 zoning included the ability to either provide the affordable units or provide a payment in lieu. He said the decision would ultimately be made by City Council. He added that when the petition originally came in, the petitioner requested that the payment in lieu of providing affordable units be added as part of the proposal and Council accepted. He noted that since that time the petitioner had contributed \$60,000 towards the City's Affordable Housing Trust Fund and had indicated that, due to the extraordinary current economic conditions in southeast Michigan, they are not in a position to provide the additional payments required and would like an adjustment to the payment schedule. He added that the petitioner originally intended for the residential units to be condominiums, which would have allowed them to have cash up front. He said the petitioner planned to use a portion of the money received for the purchased condominiums to make payments to the Affordable Housing Trust Fund. He stated that the change in the market, including demand for units at this location, prompted the petitioner to begin leasing those units, but leasing takes a much longer period of time to recapture the expenses. He said the City's attorneys worked directly with the petitioner to provide language that would require additional payments over the next three years. He finished by confirming that this would not be a change of policy.*

*Carlberg asked the petitioner if the proposed parking were replaced with a restaurant, would the site become short of parking.*

*Kwan said his priority since Pfizer had closed, along with the economic issues that staff had spoken about, was to stabilize the building from a mechanical standpoint. Currently most of the site's activity was to the south, he said. The restaurant would bring the*

central activity center of the site to the north and help with some of the parking problems, he said. He stated that right now the parking is always full adjacent to the bank drive-through. They have a shared agreement with Cooley Law School to use the parking at the northern part of the site, he said. He added that the agreement allowed Plymouth Green Crossings to use the parking at night and Cooley Law School used the parking during the day. He believed the restaurant would also bring a pedestrian activity center to the site.

Carlberg understood the reasoning behind using a phase system, since the petitioner was not able to build the rest of the buildings. She said the arrangements for the affordable housing component was usually worked out with the Community Development office, adding that she was comfortable enough with that considering the difficult economic times.

Briggs stated that while she respected staff's recommendation, she did not feel comfortable with the proposal. She was unsure if Phase 2 would ever be built and questioned whether the current proposal would have been approved if presented in the form before the Commission now. She believed the City was sending mixed messages to the community. She stated that in some retail and restaurant proposals the City was requiring less parking, which would require the community to walk further. She noted that the petitioner said parking was available on site, but presenting the perception of more parking would bring more customers and business to the site. She did not believe that the City wanted to send the message that downtown people would have to park in a structure and walk further, but outside in the periphery there is a wealth of parking.

Giannola asked if Phase 2A and 2B were part of the original plan and if the Commission discussed parking at that time.

Kahan said originally there was only one phase and all buildings were shown in the first phase.

Giannola asked if people were expected to park in the parking lot to the north if the entire project was built at one time.

Kahan said originally the plan was to build the restaurant and the mixed use building at the same time. He said something to recognize upon planning the site that there would be a large demand for surface parking because of the retail component. He said there is a bank located at southernmost part of the site that brings with it daytime demand for parking spaces. He said parking was evaluated with the original plan and staff believed the petitioner was providing adequate parking. He stated that the peak demand for parking varied depending on the use. He noted that the bank had a peak demand of parking on Fridays between 3 p.m. and 5 p.m. the bank closes by 5:30 p.m. and had no evening demand. He said the retailers would have their peaks on the weekend during the daytime hours, with limited demand throughout the week. He added that the restaurants would have their peak demand after 6 p.m. with more demand on Friday and Saturday nights. He said one of the advantages the various uses create for the site was different peak demand periods. He noted that each residential unit had their own assigned space, either a one or two car garage. He finished by saying the belief was that shared demand would allow a certain flexibility of the entire site, including the shared use to the north, and that parking could be reasonably accommodated.

Giannola believed that, whether the restaurant was built or not, it seemed more efficient to use the space in some way until the economy recovers.

Pratt said the petitioner had said the original plan did not work out as expected and was asking the Commission to help them out. He agreed with Commissioner Briggs in regards of how this would all play out in the end. He believed this would be applying a band-aid and saying we have reason to believe that the configuration would not be a problem in the future. He asked how much of the square footage had been built out.

Kahan believed that two-thirds of the mixed use buildings have been constructed as well as the bank and all the parking, excluding the purposed temporary lot. He believed that approximately 70-75 percent of the buildable areas had been constructed.

Pratt stated it was hard to determine if some of the shared parking lot was taken by Cooley students, but assumed that in the evenings it would probably be the students more than people using the center since there was a space between Olga's and the rest of the site. He asked if there was reason to revisit the entire site. He did not believe the people currently parking would change their behaviors and park in a different location due to the availability of the temporary parking. He asked staff if there had been discussion with the petitioner of their long term plans.

Kahan replied yes. He said it was very difficult to envision what would be taking place at the site a year, five years or ten years from now. He added that the market conditions would have an effect on when or what would be constructed on the site.

Pratt said he realized that there was a security issue, but there are other locations where people could be parking. He asked if the petitioner had considered using the empty residential garages as employee parking. He finished by stated that in regards to efficiency the current proposal did not add up.

Rampson stated that the site had been part of the old NSF International large open area, and the Commission had included extensive objectives in the Master Plan for how the site should be developed. The Millers Creek headwaters occupied the larger more prominent piece of the site, she said, which occupied the corner, where retail could do the best. Originally, when the project came in as part of the Master Plan the City persuaded the petitioner to do mixed uses, to be compact and reduce parking by using shared parking, and to pull the project away from the corner. She added that the requirements were potentially risky in the old market and the petitioner had found out that it continues to be risky to have mixed uses in this market. She stated at the beginning it was the best guess on how the project would work, but now that project had begun the petitioner would like some tweaking to the plan to make it successful. She said the petitioner was hoping to continue with the adjoining mixed use building, which would allow more residential and retail on the site. She added that if the parking was displaced, then people would go to the most closely available parking, which would be to the north. She said there was parking to the north and at different times of the day. She stated that the plan could be revisited, but the PUD represented all the components the Commission was trying to accomplish in the Master Plan. She believed that the changes would allow the project to move forward, which could potentially permit the petitioner to construct more residential. She noted that there was a demand for the rental units, but the Certificates of Occupancy were being held until the affordable housing issue had been resolved. She added that the occupancy of the retail was more of a challenge than the residential, but believed that the site was functioning given the perimeters that were put in place, to the extent that it can in this economy. She believed the proposed changes would assist the site in becoming successful and moving forward to the next step.

Pratt stated that he did not want the City to be locked into this exact layout, but would

*like the petitioner to consider alternatives to the proposed plan.*

*Carlberg did not believe that it was the Commission's place to say to the petitioner to redesign their site once it had been approved. She noted that she was not a better economic prognosticator than any other Commissioner and could not predict what was likely to happen any more than the petitioner was able to in this situation. She believed it was inappropriate for the Commission to demand that the petitioner provide a redesign of the site or for the Commission to redesign it for the petitioner. She said if the petitioner provided a different proposal after finding that the project was not working, then the Commission would have the opportunity to deal with changes then, adding that the petitioner was far more aware of the difficulties his development was facing than the Commission. She asked the petitioner if no one was using the garages.*

*Kwan said of the 23 units, 21 have been occupied. He stated that all of the garages had been built, including the garages for Phase 2B. He said several of the garages are currently being used for temporary storage and could not be used for parking.*

*Carlberg stated that when she was at the site she could not see the parking in the rear. Visually this is a problem for people looking for parking relatively close the first two buildings, she said. She said if the proposed parking would bring a tenant, it would be beneficial to the petitioner as well as the community to have the site fully built out. The site was graded to be a building and the storm water system was built to handle the impervious surface, and she did not believe there would be any jeopardy to the site or the eventual construction, she said. She said the site was on the outskirts of the city and there were no alternative places to park. The expectation was people from businesses would be walking to the restaurant and if it was open at lunchtime that would be true, she said. She did not believe the changes to the plan would be detrimental to the City's overall goal.*

*Pratt asked if there was any discussion regarding any minor additional vegetative screening. He stated that he noticed while visiting the site that the vegetation that had been planted was doing very well, but it did not cover the sheet pile wall from the top.*

*Kahan said screening had been discussed and Commissioner Woods suggestion was conveyed to the petitioner.*

*Kwan stated that the screening would be revisited with the landscape consultants regarding what can be used to fill in the space from the top down.*

*Pratt said the screen did not have to be totally comprehensive, but would like the appearance of the sheet pile softened. He realized that it would take some time for the vegetation to grow, but believed if planted now in three years the wall would be improved.*

*Rampson asked if the vegetation was a suggestion.*

*Pratt said if it was acceptable to the petitioner he would like the vegetation added.*

*Kwan said he would discuss adding vegetation with his partners and they would make it a priority this spring.*

*Pratt asked if what the petitioner stated was enough for staff to follow up.*

*Rampson replied yes.*



*Briggs asked what materials the petitioner planned to use for the parking lot and if it would be porous.*

*Kwan said it would be standard imperious surface. He said they received economic value once the space in the mixed use buildings is rented and hoped they would get some value once the restaurant was constructed. He believed that the parking would be an intermediate short term solution to help them stabilize the rental of the vacant space which is currently half of the retail space.*

*Briggs asked if the employee parking was at the far end of the site.*

*Kwan said most of the employees follow the rules and park as far away from the building as they are comfortable. He said the shared parking is vacant now because Cooley is in start up phase and is only adding 80 students every few months. He said there were 10 or 12 employees that would use the shared parking lot on the weekend, which include Fifth Third bank employees. He said other employees park near the north entrance on the shared driveway. He stated that he has lost approximately four good business prospects because of the parking situation. The businesses are not as enlightened as the businesses in Ann Arbor, and their perspective was that their clientele would not walk the building, he said. He believed that once the businesses are on location, with numbers that prove their success, parking would not be as much of an issue.*

*Briggs asked if the materials used for parking lot pavement were with the City, or were they determined by the developer.*

*Kahan said it was becoming an increasingly common topic of conversation. He noted that it was important to look at the durability of the surface particularly in Michigan's climate. He stated that a retail parking lot would likely get a great amount of activity opposed to an office site where a vehicle might be parked for nine hours. Retail parking lots tend to get a lot of abuse, he said. He added that pervious surfaces are still in a testing stage, but staff had found some degree of success with some pervious surfaces. He said staff had asked some petitioners to explore using pervious materials for sites when their parking space was unlikely to receive a lot of turnover.*

*Kwan stated that virtually all the storm water from Green Road and the old NSF building heads through the Millers Creek Watershed. He said one of the community benefits of the project was adding about a million gallons of retention to the wetland area.*

*Briggs said she would be supporting the project based on staff's recommendation, but she would like to have a discussion at a working session regarding parking in the outskirts versus at the City's core. She added that the amount of parking provided in different spaces was sending a message to the community at large as to where it is easy for them to shop and what they should expect at the periphery. She believed that over time the City could change the perception of what was necessary in our community in regards of parking and walking a little further.*

*Carlberg said on the subject of porous pavement, one must either have extremely porous subsurface or prepare the surface four feet down, which would be an expensive undertaking for a temporary parking lot. She said the petitioner would not want the subsurface under the building in the next phase. We speak about it a lot, but we frequently run into clay soil or the tremendous expense of the preparation underneath, she said.*

*Westphal said he was not on the Planning Commission when the project was originally approved, but the Commission could send a lot of time guessing whether this PUD would have been approved with the current proposed layout. He added that the current parking configuration may not have been constructed that way had we known what the market condition would be like today. He stated that he was fairly confident that a built project would be more profitable than unused parking. He believed the petitioner understood the needs of the tenants. He did not believe that the temporary parking would change a whole lot in the future if the project turned out to be more profitable to complete the PUD as originally envisioned. He also believed the current mixed used project was successful and he would like to support anything that needed to be done to support those businesses.*

**A vote on the motion showed:**

**Yeas:** 5 - Evan Pratt, Jean Carlberg, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Absent:** 4 - Bonnie Bona, Eric A. Mahler, Wendy Woods, and Tony Derezinski

**Motion failed due to a lack of six affirmative votes.**

8-2 10-0159

b. Public Hearing and Action on Heritage Row PUD Zoning District and PUD Site Plan, 1.23 acres, 407-437 South Fifth Avenue. A request to rezone this site from R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District) and a proposal to renovate the existing seven houses (total of 26,873 square feet and 38 units), and to construct three new buildings (total of 44,738 square feet and 44 units) and a total of 62 parking spaces below the new buildings - Staff Recommendation: Postpone

*Kowalski explained the proposal and showed photographs of the property.*

*Tom Luczak, 438 South Fifth Avenue, spoke in opposition stating that the project was incompatible with the existing neighborhood. He said the project would be a lot better if the buildings in the back were of a lesser mass. He stated that the neighborhood group suggested the maximum height should be no more than 30 feet. He asked the Planning Commission to be cognizant of the study being performed by the Historic District Study Committee regarding the possibility of the project area becoming a City historic district.*

*Andrew Broderick, 903 West Liberty Street, spoke in support of the project. He believed that the project was an attractive urban solution for the future of Ann Arbor. He added that the project married historic preservation with the rise in density and would improve the housing quality in the area.*

*Alex de Parry, developer of Heritage Row, noted that 18 percent of the total units met the criteria for affordable housing. He said relative to affordable housing, they designed the project to incorporate a variety of housing unit styles from efficiencies to three bedroom units, and he believed that Heritage Row would attract nice diversity of residents. He believed the project might be considered a model for urban infill development due to the way we mixed historic preservation and new development. He thanked the neighbors for their input that helped them to refine the project. Redeveloping this entire parcel as one development would effectively and efficiently allow them to manage storm water as a whole, he said, and this is a rare opportunity*

to make a significant positive impact on storm water in this area. He believed the project would be an example of how to create infill development while preserving the historical streetscape and restoring the existing houses. He stated that was important for them to include significant tangible energy, and environmental designed elements, which they would be doing by building to energy star standards and use many of the criteria from the U.S. Green Building Council and their LEED program. He highlighted the open space being provided within the development. He said it was important to provide on-site parking for future residents not only for their convenience, but also to minimize the burden of on-street parking to the neighbors. He added that by providing the underground parking they were able to create useable public open space in excess of what was required by the City. He made himself available for questions regarding the rehabilitation of the existing houses and his architect, Brad Moore, would present the architectural aspect of the project.

Beverly Strassman, 545 South Fifth Avenue, spoke in opposition of the project. She said the project had improved, but there was still work to be done for it to become a win-win situation for the developer and the neighborhood. She did not believe that the refurbished houses would protect the streetscape because you would be able to see the massive brick buildings behind the houses. She questioned the reason the project was before the Planning Commission at this time when there was a historic district study underway. She said she was concerned about traffic safety, stating there had been deaths at this Fifth Avenue and Packard intersection.

Ethel Potts, 1014 Elder Boulevard, spoke in opposition of the proposal and did not believe that the project met the Secretary of Interior's standards, which are the standards that the Historic District Commission would use. She added that the proposed project was going against the R4C standards in a major way. She said Planned Unit Developments should not produce detrimental effects, but should provide public benefits.

Claudis Viscennes, 545 South Fifth Avenue, spoke in opposition of the project. He thought the restoration of the houses was good, but did not feel the building that would be constructed behind the houses would fit aesthetically or as far as scale. He believed the project should be viewed as being in a R4C district because it did not provide an overwhelming public benefit.

Brad Moore, architect for the project, said the original proposal used a dark red brick with dark treatment accents in furtherance of creating a background building that left the restored homes as the focus. He said subsequent to discussions with staff, they came up with a couple of alternate color schemes with lighter tone of brick, trim and accent panels. The windows on the east side of the proposed background building were added as an amenity to the bedrooms on that side of the building and are not necessary to project two feet into the rear setback. and could be removed if the Planning Commission found them objectionable. He asked the Commission to take note that there was a 45 and 50 foot building-to-building distance between the homes on Hamilton Street and the proposed new buildings. He also noted that currently there was not a yard in the back of the proposed building, but there is parking that goes all the way to the property line. He believed the proposal would be an improvement to the parking lot that exists currently. He said people that would be living in the building would be urban dwellers not suburban dwellers and would not have to rely on individual use of cars. The Blake Transit Center would only be a half block away, Zip Cars are a block away and the project provided an excess amount of bicycle parking to help encourage non-motorized transportation. He asked the Commission to refer to the handout he presented and said the buildings in the rear did not dominate the houses in the front.

Scott Munzell, 121 West Washington Street, urged the Planning Commission to recommend approval of the project. He said the project met other City policies other than the Master Plan, including the Downtown Residential Task Force policy that encourages housing and increased density in the downtown area. He said the policy not only included the Downtown Development Authority (DDA) boundaries, but one quarter mile outside the DDA boundaries in recognition that increased urban density is good for downtown as well as the City.

Martha Luczak, 438 South Fifth Avenue, spoke in opposition of the project and asked the Planning Commission to explain how the project was moving through the system with relation to the Historic District study.

Noting no further speakers, Westphal declared the public hearing closed, unless the item was postponed to a later date.

Enter Derezinski.

**Present** 6 - Pratt, Carlberg, Derezinski, Briggs, Westphal, and Giannola

**Absent** 3 - Bona, Mahler, and Woods

**10-0159**

b. Public Hearing and Action on Heritage Row PUD Zoning District and PUD Site Plan, 1.23 acres, 407-437 South Fifth Avenue. A request to rezone this site from R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District) and a proposal to renovate the existing seven houses (total of 26,873 square feet and 38 units), and to construct three new buildings (total of 44,738 square feet and 44 units) and a total of 62 parking spaces below the new buildings - Staff

Recommendation: Postpone

Carlberg asked the petitioner what the buffer would consist of between the proposed site and the property of Hamilton Place.

Moore said currently there are some trees that straddle the property lines, which cannot be removed because they are technically on the Hamilton Place property. He added that the petitioner proposed a retaining wall of approximately 2 ½ feet where the grade change happens between the rear yards of Hamilton and the parking lot.

Carlberg stated that the retaining wall would not do anything to confer privacy to the properties on Hamilton Place.

Moore stated that the retaining wall was not designed for privacy.

Carlberg asked the petitioner if he considered a buffer that would be substantial.

Moore said there are Basswood trees that would be planted.

Carlberg asked if the trees were deciduous.

Moore replied yes.

Carlberg asked the petitioner to provide a buffer at the lot line for the proposed building and protection for the residents on Hamilton Place. She had concerns with the lack of feedback from the property owners on Hamilton Place. She noted that she did not see any of the property owners listed as attendees at Citizen Participation meetings.

de Parry stated that the distance between the back of the existing Fifth Avenue new buildings and the houses on Hamilton is approximately 50 feet . He added that he had 10 feet of separation on the existing houses of windows facing each other. The people on Hamilton were not worried about the proximity of the building, he said.

Carlberg asked if he had spoken to the neighbors on Hamilton Place.

de Parry replied that he had spoken with the neighbors, but they did not participate at any of the meetings.

Carlberg said it would have been helpful if that information was available to the Planning Commission in writing.

de Parry stated that they have more feet of separation in the back of the building to Hamilton than between houses have existing on Fifth Avenue.

Carlberg said in the staff report there was a description that some of the houses on Hamilton Place are taller than the proposed building and asked the petitioner if the information was correct.

Moore stated that it was a combination of the fact that the homes on Hamilton are at a higher elevation and the purposed building would be pushed down into the ground after you go down to the retaining wall. If you measure the peaks of the roofs on Hamilton and line those up with the parapet of the proposed building, they would be either equal or the new building would be slightly lower, he said.

Carlberg stated that the building would not be looming over Hamilton Place.

Moore said that was correct.

Carlberg stated that she did not want to see the houses on Fifth Avenue removed, but would prefer that they be restored to mint condition and shore up their foundations. She added that replacing the original material of the homes with appropriate materials would be a benefit to the houses, community and this beautiful street. She stated that she was not bothered by a building that would be one story higher than the buildings next to it as this happens throughout Ann Arbor; the community learns to live with it and rarely notices it for the most part. She was interested in the perspectives that showed the restored houses in the front and tried to visualize whether she would notice the buildings in the back. She believed that only when looking through the houses would one notice the buildings behind the houses and added that she did not find that to be distasteful. It would be the restored houses that would stand out from the street. She said there was a situation that small number of bedrooms creates greater number of units, which makes it appear as though the density is out of control. Community groups are very insistent that six bedrooms units should not be allowed and request a variety of units so that a variety of family units can live in the building, but when the petitioner starts providing the one bedroom or efficiencies that young adults say they want, then there would be a mushrooming number of units, she said. She said she would look at the number of bedrooms when determining the density. She did not believe that greater density would pose any difficulties for the neighborhood, because the cars would be underground and residents would be walking to save money for parking at the hospital or downtown.

*She stated that the neighbors might feel a greater amount of the building, but said that would not necessarily be a negative. She said the proximity of the building would make the project an ideal location for greater density as long as it could fit well in the neighborhood. She believed the proposed build was a modest 3 ½ story building which is some way to increase the density, exactly what the Downtown Residential Task Force was looking for. She finished by stating that she believed it was odd that this area, which is being studied for a Historic District, could have a proposal for a project, but she believed that the decision made by the Commission would not be acted upon until the Historic District study was complete.*

*Pratt suggested that the Commission get the opinion of the City Attorney's office in regard to any language that should be used or whether it is or is not appropriate to take action on the proposal.*

*Rampson stated that the Attorney's office had been asked about the Historic District study and had provided some input to City Council. She said currently there is an emergency building moratorium in this area, so no building permits or construction work can be approved in this area. She added that there was no prohibition with regards to the planning process, which can continue as long as the developer understands that, even if there is an approval of their plan, if the site is designated as an historic district than any construction permits would require going before the Historic District Commission for review to determine consistency with the Secretary of Interior Standards. She noted that in this case timing was difficult, but the petitioner was aware of the standards they would have to meet if the site is designated a historic district.*

*Pratt said it sounded like there was a good understanding of the situation and ramifications, which would be covered whether the area was determined to be a historic district or not. He stated that he had some of the same comments as Commissioner Carlberg and asked in what areas the bedrooms are varying to a substantial degree and what would be the benefits. He added that the rear lot line was the last big issue for him as with any of the prior iterations, particularly in relation to the height, in closing the gap and changing the setback a lot. He wanted to know if there would be screening with the windows protruding 2 feet given the distance to Hamilton Place. He believed screening would be more of a benefit to the adjacent neighbors than bumping the windows back 2 feet. He said it would be helpful when the proposal is in front of the Planning Commission again to get a sense of the heights of the homes.*

*Briggs was concerned with the screening between Hamilton Place and the proposed site. She believed that it would be appropriate to have a wall at the property line, especially from the perspective of the residents that would be using the back yard. She stated that she was torn with regards to the project. She said the project had come along way with the rehabilitation of the houses, which is a great benefit to the neighborhood. She believed the building in the background would be logical and a good use of space, but she also believed that the comments that the building in the back cannot be seen is because no one wanted to. She said the building architecturally had no detail, was not inspiring, did not keep with the current character of the neighbor and actually distracts from the neighborhood. She said she would not have a problem with a building in the back of the restored homes as long as it added to the character of the neighborhood, which this proposed building did not. She stated that she would like to see substantial changes to the background building to bring it in line with the character of the neighborhood. She was also concerned with the height of the building and how much light the existing homes and the new buildings would receive.*

*Giannola asked the petitioner to provide photographs depicting the height of the properties on Hamilton. She also asked for photographs that would depict the current property on Hamilton without the proposed building in them. She asked if the four houses were moving closer to the street and if they planned to move them sideways at all.*

*Moore said it would be a forward shift, but there may be a foot or two shifting from right to left to construct other things like the ramp to the lower level.*

*Giannola asked if the shifting did not occur would the project become unbuildable or just not ideal.*

*Moore said not shifting the homes would create a number of logistical problems with getting utilities back from the street to the buildings in the rear, problems with side access for vehicular entrance to the lower level garage and other ramifications.*

*Giannola asked if it would be easier to get rid of one house versus shift the other houses.*

*Moore did not believe eliminating one of the houses changed anything based on where the houses are located on the site.*

*Westphal asked staff to show the photos of the east elevations, which showed the back of the new buildings behind the restored houses. He asked what part of the building would protrude from the back of the windows.*

*Kowalski replied the lighter colored bays.*

*Westphal asked staff to comment on the landmark trees that would be removed.*

*Kowalski said the trees that would be removed are not street trees. He said some of the trees would be removed, but none of them are landmark trees.*

*Westphal asked staff to comment on the exterior materials such as the brick color.*

*Kowalski said the petitioner had asked staff to give them feedback regarding the color of the brick, as the architect had pointed out; initially the petitioner started with a much darker brick, but staff would like to get the direction of the Planning Commission as well.*

*Westphal asked if the current brick color would be traditional medium.*

*Kowalski believed the medium was the more traditional color.*

*Westphal asked staff to comment on detracting and attributing to architectural features and the goal of the background building.*

*Kowalski said staff had the Historic District consultant look at the building and she provided the feedback that the first version with the darker brick would be a little more prominent than a background building with a lighter color would be. Also, the consultant believed that some of the architectural features on the building were more detailed than a background building should be, he said. He said other than the consultant's feedback he did not have much to add, but he wanted to receive feedback from the Planning Commission.*

*Commissioner Pratt, Commissioner Carlberg and Commissioner Westphal said they*

*preferred the medium-colored brick.*

*Giannola preferred the light-colored brick and believed it helped with the background building's ability to blend into the background. She added that she liked the differences of heights in the building more than a square building. She also liked the protrusion of the windows and thought these changes gave the building more character.*

*Briggs said she would probably support any of the brick colors if there was greater emphasis on the quality of the overall building, but she would prefer medium or light.*

*Derezinski preferred the light-colored brick.*

*de Parry said the color rendering were not very accurate. He stated that he received input from numerous immediate neighbors and the brick that received the most votes was the "Washtenaw", which also matched very closely to building at 445 South Fifth Avenue.*

*Westphal asked if the "Washtenaw" would be categorized as the medium-colored brick.*

*de Parry replied yes. He said all of the other choices were variations of the pinkish/red color; the proposal had brick called "Old Detroit". He said there was another option that was tan, which would appear to fade away. He said the photographs that staff showed tonight were meant to represent a lighter tan. He said he was open to any of the options and told the Planning Commission they could pick the color.*

*Giannola believed that it mattered which colors the houses were painted and if the brick color would be compatible.*

*Westphal asked staff if they received enough input with regard to the color of the exterior materials.*

*Kowalski replied yes. He said it seemed like the Commission was leaning towards the medium brick.*

*Westphal said that was correct. He believed the Commissioners preferred a solid screening as opposed to a vegetative screening. He asked if the petitioner would be willing to agree to the Secretary of Interior guidelines for restoration of the homes.*

*de Parry said the agreement to the guidelines was in the Development Agreement.*

*Westphal asked staff to point to the agreement in the staff report.*

*Kowalski said it did not mention the Secretary of Interior guidelines per se, but did reference the preservation of restoration of the features on the house.*

*Carlberg stated the information was on page 3 section P-15.*

*Westphal asked if there was a material difference between the language in the Development Agreement and the Secretary of Interior standards.*

*Kowalski replied yes.*

*Westphal asked the petitioner if he would be willing to commit to Secretary of Interior*



*standard in the Development Agreement as expressed in the email received by the Planning Commission.*

*de Parry replied yes.*

*Westphal said that he was very encouraged with the proposal and believed the petitioner had done extensive work with the neighborhood. He believed there was a great benefit to the underground parking and agreed with the storm water retention benefits spoken about previously. He asked if the size of the windows was something staff needed more clarity on or would the windows be as proposed.*

*Kowalski said that was correct, the plan was the proposal the petitioner was currently putting forward, unless Planning Commission had other ideas in mind.*

*Westphal said in terms of natural light and taking advantage of solar heat he preferred that it was continued as is.*

*Briggs said she was surprised with the level of discussion the proposal had received. She did not believe the proposal had received a big discussion on whether this particular project met the PUD requirements. She stated that each Commission member had alluded to their own opinions on density and rehabilitation of houses, but she believed the project warranted more discussion about its individual merits if the project exactly met the requirements. She believed the issue of height deserved more discussion.*

*Giannola said she was not uncomfortable with the height of the buildings; she said the buildings would be within a foot of the height of the building on Hamilton.*

*Briggs said the building was 9 feet higher than the shortest house.*

*Giannola said, but only 1 foot higher than the tallest house.*

*Westphal stated that he believed some additional perspective to the houses behind the restored houses would be beneficial. He said the benefits of Energy Star, were notable, and the restoration of the houses tipped the scale for him.*

*Carlberg said she noted on some of the building a very detailed brickwork as some of the older houses have and asked if that was actually part of the design. She also wanted to be sure that the window would not look like the windows on the Washington/State Street Lofts.*

*Moore said the windows would be typical residential Anderson Marvin windows made of clear glass with a low-E coating, with a white or beige clad frame.*

*Carlberg commented that the windows would be inset.*

*de Parry commented on the question of height, stating the Commissioner's question was really in reference to Hamilton and he said he would provide the Hamilton perspective because the buildings on Hamilton are taller than the west elevation of the rear building. He said the existing buildings on Fifth Avenue had an average height of 38.875 feet; if the proposed buildings dropped the 1 foot parapet then the building would be shorter than 427 South Fifth Avenue. He said 407, 411, 419 South Fifth Avenue are the tallest houses. He said the proposed building would not be more than a foot taller than the surrounding buildings.*

*Briggs said her concern was the lack of architectural distinction. She said the*

*petitioner seemed to be putting the majority of the effort into rehabilitating the new houses, but said she was surprised to see the new buildings lacked character.*

*de Parry said they had a previous background building version made of clad board, and they were told that was too close to the existing homes. He said he was told that if he was trying to meet the Secretary of Interior standards the materials need to look different from what exists. He said then he received input from preservation architects and each one had a different opinion. He said the background buildings were supposed to be a backdrop. He said he was willing to do whatever would keep everyone happy.*

**Moved by Pratt, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Heritage Row PUD (Planned Unit Development District) Zoning, Supplemental Regulations, PUD Site Plan (conditioned on City Council approval of the PUD Zoning), and Development Agreement.**

**A motion was made by Carlberg, seconded by Pratt, to postpone action on the main motion.**

**A vote on the motion showed.**

**Yeas:** 6 - Evan Pratt, Jean Carlberg, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Absent:** 3 - Bonnie Bona, Eric A. Mahler, and Wendy Woods

**Motion to postpone carried.**

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

*Beverly Strassman, 545 South Fifth Avenue, said the proposal was premature due to the fact that there was a pending decision regarding the historic district. She reiterated that density belonged downtown, and if the City allowed all the outlining areas to be built up, the City would not achieve density downtown.*

**10 COMMISSION PROPOSED BUSINESS**

*None.*

**11 ADJOURNMENT**

*Bona declared the meeting adjourned at 10:10 p.m.*

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**Wendy L. Rampson, Planning Manager**  
**Planning and Development Services**

\_\_\_\_\_  
**Kirk Westphal, Secretary**

**Prepared by Carol King**  
**Management Assistant**  
**Planning and Development Services**