



# 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, May 20, 2014

7:00 PM

City Hall, 301 E. Huron Street, 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. 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](mailto: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 two (2) business 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 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)).

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

*Chair Westphal called the meeting to order at 7:10 pm.*

#### 2 **ROLL CALL**

**Present** 7 - Woods, Westphal, Giannola, Adenekan, Clein, Parekh, and Peters

**Absent** 2 - Bona, and Briere

#### 3 **INTRODUCTIONS**

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

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

#### 5 **MINUTES OF PREVIOUS MEETING**

[14-0799](#) City Planning Commission Meeting Minutes of April 1, 2014

*Approved*

**Moved by Peters, seconded by Giannola, that the minutes be approved by the Commission and forwarded to the City Council. 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**

**6-b Planning Manager**

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

*Woods reported that the Ordinance Revisions Committee [ORC] is looking for a time to meet.*

*Rampson added that the ORC is looking to meet to discuss the next steps in the Downtown zoning amendments for East Huron. She said once they have established a time when everyone on the committee is available they will post the meeting information on the website.*

**6-d Written Communications and Petitions**

[14-0798](#) Various Correspondences to the City Planning Commission

**Received and Filed**

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

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

[14-0805](#) Public Hearings Scheduled for the June 3, 2014 City Planning Commission Meeting

*Chair Westphal read the public hearing notice as published.*

**9 UNFINISHED BUSINESS**

**10 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item**

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website ([www.a2gov.org](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.)

**ROLLCALL**

**Present** 8 - Woods, Westphal, Giannola, Adenekan, Clein, Briere, Parekh, and Peters

**Absent** 1 - Bona

**10-a 14-0800**

Phantom Fireworks Special Exception Use - A request to erect a fire retardant 40 x 40 foot tent and an 8 x 40 foot storage container in the parking lot of this 24-acres commercial shopping center site located at 205 N. Maple Road for temporary outdoor sales of fireworks. The sales location will be in operation for 10 days associated with the July 4th holiday. (Ward 5) Staff Recommendation: Approval

*DiLeo presented the staff report.*

*PUBLIC HEARING:*

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

**Moved by Clein, seconded by Parekh, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and hereby approves the Phantom Fireworks Special Exception Use for the temporary outdoor sales of Class C**

**fireworks and seasonal items, subject to receiving a permit and inspection from the Fire Marshal each time the tent is erected.**

*COMMISSION DISCUSSION:*

*Adenekan asked about the hours of operation and if there would be adequate lighting and staff available.*

*DiLeo said there is parking lot lighting currently available.*

*Richard Tapper, 7376 Refield Lane, West Bloomfield, MI, Regional Manager for Phantom Fireworks, said they have operated at Colonial lanes for the past two seasons and they are now hoping to move over to Maple Village. He said they always have a minimum of 2 people on site, with 3 people at night. He explained that the tent is lit up with 2000 watts of lighting at night with a generator.*

*Adenekan asked where the products are stored during the operation.*

*Tapper said the fireworks are stored in a fireproof storage unit on site during the night and unpacked each morning for display and sales in the tent.*

*Adenekan asked whether products are split up and sold.*

*Tapper said all products are sold in original packaging, adding that the State of Michigan has already approved their sales location.*

*Clein asked if someone will be there the entire time, or just when they are open for business.*

*Tapper said fully trained staff will be there when they are open for business with the storage unit being locked up overnight.*

*Peters asked about the 10 day limit for operations.*

*Tapper said the 10 days is what they feel is appropriate, giving them time to set up the tent and do a little advertising and with 80 percent of the sales occurring during the last 3 days.*

*Woods asked about the Special Exception Use and if it would remain in effect each year, pending tent approval permits.*

*DiLeo said yes.*

*Woods asked if citizen comment can affect the Special Exception Use permanent arrangement.*

*DiLeo said it would be a violation of their approval if something different was sold and the approval would be voided if the use discontinued for 3 years. She said she did not believe there could be a recall if there was a change of heart for the Special Exception Use.*

*Rampson said if the Commission had concerns they should add conditions on the Special Exception use approval.*

*Woods asked if the operation would only be between June and July or if they could also operate during Memorial Day week-end.*

*Rampson said she believed the intent was only for the July 4th holiday.*

*Tapper said they are only interested in operating for the July 4th holiday.*

*Briere arrived at 7:35 pm.*

*Woods said the reference to sales of 'seasonal items' and 'Michigan paraphernalia' brought concern to her.*

**Woods moved to strike the wording 'and seasonal items' from the motion, Peters seconded. On a voice vote, the Chair declared the motion carried.**

**COMMISSION DISCUSSION:**

*Woods asked if the Commission would consider setting a limit to the amount of days.*

*Adenekan asked if the proposed firework products are sold in the nearby mall.*

*DiLeo said she believed the sparklers might be sold in the nearby Kmart, but not Class C fireworks.*

*Clein said he can support the amendment, and with a time frame it gives him confidence that they would not be having fireworks for Thanksgiving.*

**Peters moved, seconded by Woods to amend the motion to add, 'for a period of up to 15 days total in the months of June and July'. On a voice vote, the Chair declared the motion carried.**

**COMMISSION DISCUSSION ON MAIN MOTION:**

*Westphal asked if the approval could be transferred.*

*DiLeo said, yes, the approval of the Special Exception Use could be*

*transferred to another Class C fireworks vendor.*

*Westphal asked if there had been complaints lodged about firework tent sales.*

*DiLeo said not to her recollection.*

*Woods said she felt confident that the added conditions may help resolve any future complaints given the location of the sales being directly across the street from a park and a new skatepark opening up.*

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

**Yeas:** 8 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

**Nays:** 0

**Absent:** 1 - Bonnie Bona

**10-b**    [14-0801](#)

Patriot Fireworks Special Exception Use - A request to erect an 8 x 40 foot sales stand in the parking lot of this 1.66 acre commercial shopping center site located at 2750 Jackson Avenue for the temporary outdoor sales of fireworks. The sales location will be in operation from Memorial Day through the July 4th holiday. (Ward 5) Staff Recommendation: Approval

*DiLeo presented the staff report.*

**PUBLIC HEARING:**

*Robert Horvath, 2531 Jackson Avenue, Suite 176, Ann Arbor, Petitioner, explained that their company, Patriot Fireworks, has approximately 40 locations, and he has been involved in fireworks on a business level as well as a legal level, given that he is a fireworks attorney. He was available to respond to the Commission's enquiries.*

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

**Moved by Adenekan, seconded by Giannola, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and hereby approves the Patriot Fireworks Special Exception Use for the temporary outdoor sales of Class C fireworks and seasonal items, subject to receiving a permit and inspection from the Fire Marshal each time the tent is erected.**

*COMMISSION DISCUSSION:*

*Clein asked about proposed signage.*

*DiLeo said the Sign Ordinance does not distinguish between temporary and permanent, and allows for 2 square feet of signage for every foot of frontage. She said this tent would be allowed to have a total of 40 square feet of signage and they would need to obtain a separate sign permit. She noted that additional flashing, waving or blown-up figures intended for advertising are not permitted under the sign ordinance.*

*Adenekan noted operation hours would be from 12-7 pm weekdays and 10-11 pm on weekends. She asked how many people would be working during those hours.*

*Horvath said between Memorial Day and leading up to the July 4th holiday there would be 1 employee and during the busy 4th of July holiday week-end there would be 2-3 employees. He said they would be using the stand as a modified store; with doors and lighting and a more controlled situation than a tent. He said the area is only 320 square feet and the tent is used only as a canopy as protection from the elements. They have approximately 300 products. He noted their source of power would either come directly from a light pole outlet (separate permit required) or from a generator.*

*Peters asked if their plan is just to sell fireworks.*

*Horvath said, yes.*

*Westphal asked the petitioner about the proposed time of operation.*

*Horvath said they have requested operating from Memorial Day weekend through the July 4th weekend, given their seasonal product and smaller size of operation they need a longer period. He explained that their operation is more contained with full video surveillance security.*

*Westphal confirmed that 15 days would not be adequate.*

*Horvath said if it were possible to squeeze in the Memorial Day holiday up to and including the July 4th weekend that would be good, since the bulk of their annual business is between Memorial Day and July 4th.*

*Woods asked if setting the approved dated of operation from May 25th through July 7th would work for the petitioner.*

*Horvath said that it's difficult to set the dates since Memorial Day always falls on different dates each year.*

**Woods moved, seconded by Adenekan, to remove the words 'and seasonal items' from the motion. On a voice vote, the Chair declared the motion carried.**

*COMMISSION DISCUSSION:*

*Clein asked the petitioner what he meant by Memorial Day weekend; starting on the Saturday or earlier.*

*Horvath said it takes a day or two to unwrap and set up the operation, so they need a few extra days before the weekend begins. He said the Thursday before the week-end would give them enough time to set-up.*

**Moved by Peters, seconded by Clein, ...'for a period from 3 days in advance of Memorial Day holiday to 3 days after the July 4th holiday'...**

**Friendly Amendment offered by Briere, accepted by Peters,...'for a period from 3 days in advance of Memorial Day holiday to July 7th'.**

**Friendly amendment offered by Giannola, accepted by Peters,...'for a period beginning 4 days before the Memorial Day holiday and ending 4 days after the 4th of July holiday'.**

**Friendly amendment offered by Paras, accepted by Peters,...'for a period beginning the Thursday preceding Memorial Day holiday to July 7th'.**

**On a voice vote, the Chair declared the motion carried.**

*COMMISSION DISCUSSION:*

*Parekh asked for clarification about the previously approved Special Exception Use project.*

*Westphal clarified that was a separate project with the motions for allowable uses going with each project as noted.*

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

**Yeas:** 8 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

**Nays:** 0



**Absent:** 1 - Bonnie Bona

**10-c** [14-0802](#)

Bank of Ann Arbor Headquarters Addition Site Plan and Special Exception Use - A proposal to construct a new two-story corner entrance on this 0.57 acres site located at 125 South Fifth Avenue and Washington Street and add a third story addition over the rear portion of the bank headquarters building, totaling 9440 square feet. The existing drive-thru window is proposed to remain as currently configured. (Ward 1) Staff Recommendation: Approval

*DiLeo presented the staff report.*

**PUBLIC HEARING:**

*Scott Bowers, 2400 Huron Parkway, Ann Arbor, Architect, introduced the design team and showed a rendering of the proposed project. He pointed out that they have brought the entrance to the street corner with a tower element and open glassed lobby. The first floor will remain a bank branch with the existing drive thru as is. He concurred with the need to move the island to the east, out of the stormwater detention and providing the island with a tree.*

*The primary materials will be brick with a cast stone band with stone accents at the tower, new glass and framing in the windows and metal coping at the top of the building. He added that they believe these changes will really change the look of this building.*

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

**Moved by Peters, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Bank of Ann Arbor Headquarters Addition Site Plan.**

**COMMISSION DISCUSSION ON THE SITE PLAN:**

*Briere asked the petitioner if there was any way they could create a different type of barrier that would allow pedestrians access to the sidewalks along their project during construction, adding that City residents are complaining about sidewalks throughout the City being blocked during construction.*

*Bowers said that they will be stripping the building, which would require them to be working close to the building and that the bank will remain open during the construction. He said he did not believe they could have the sidewalks open during heavy construction, but possibly during lighter construction.*

*Briere said while it is not a requirement she would appreciate the petitioner looking into the possibility noting that confronting sidewalk blockage in the downtown is a problem.*

*Clein asked the petitioner whether they had considered infiltration of stormwater for the site.*

*Bowers said they do have an infiltration system; a water charging system with the retention system mainly for detention.*

*Clein asked about the lobby windows and if they would be tinted.*

*Bowers said they will have some protection tinting, but are designed for people to look in.*

*Clein encourages the use of light tinting.*

*Westphal asked if the re-bricking is full depth.*

*Bowers said, yes that they will be stripping off the old brick and putting on new and it will not be a thin brick.*

*Woods said this site is part of the Midtown Character District and it is interesting to see how these character districts play a role.*

*DiLeo described the Midtown Character District as to be defined and having a government-utility feel and can be seen as a civic corridor and often used as a passage way between Main Street and State Street. The suggestions for future development in the district call for establishing an identity for the Midtown area and increasing its vitality and expanding its offerings to pedestrians.*

*Peters asked whether operating hours will be extended after the project is complete.*

*Bowers said not at this time, but that they will have active displays in the new lobby, like at their other branches.*

*Clein asked about the location of mechanicals.*

*Bowers said the new air handlers will go on the new addition's rooftop in the middle, with added metal screening around them.*

**VOTE ON SITE PLAN:**

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

**Yeas:** 8 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

**Nays:** 0

**Absent:** 1 - Bonnie Bona

**Moved by Giannola, seconded by Clein, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and hereby approves the special exception use petition for a drive-thru facility at the Bank of Ann Arbor Headquarters, 125 South Fifth Avenue.**

*COMMISSION DISCUSSION ON THE SPECIAL EXCEPTION USE:*

*Giannola asked for clarification why the existing drive-thru window was coming before the Commission.*

*DiLeo said drive thrus in the downtown became Special Exception Uses in 2009 as part of the downtown zoning amendments. She said existing drive-thrus can continue to be used as a legal non-conforming use until a site plan is proposed. She further explained that it was legally established from the beginning and has remained legal until today.*

*Woods asked for clarification about the proposed drive-thru location requirements.*

*DiLeo said there is a text amendment currently on its way to Council that would prohibit the location of drive-thrus to be between the side of the building and the street. She noted that this drive-thru is placed properly.*

*Woods asked if that would make this drive-thru non-conforming.*

*DiLeo said the placement is currently conforming, and the use would be made conforming if approved by the Commission this evening.*

*Westphal asked for clarification on the staff report; standard #2.*

*Clein said he was encouraged that the petitioner is not proposing to add a canopy over the drive-thru or add multiple lanes as that would make it feel more suburban. He had concerns about operating hours given the amount of traffic in the area.*

*Hans Maier, Bank of Ann Arbor, said the drive-thru is open during*

*normal banking hours during the week and on Saturdays from 9 till noon.*

*Clein said his concern was about possible night time use.*

*Westphal said drive-thrus are not necessarily a use to be encouraged in the downtown core, so he too shared concerns about evening operating hours. He asked if the drive-thru operating hours are ever destined to expand.*

*Maier said no, not to his knowledge.*

*Westphal asked for verification that the Special Exception use is linked to the property and the use. He asked if a different tenant could use it.*

*DiLeo says yes.*

*Westphal asked if it had to be a bank.*

*DiLeo said the specific language is drive-thru facility, so it could transfer to a different use other than a bank, unless specific conditions were added for time and use [office or banking] restrictions.*

*Westphal asked if a limit could be set on the number of patrons using the drive-thru in a day.*

*DiLeo said they could but it would be very difficult to enforce, both for the petitioner as well as the City.*

*Westphal said he supports the current configuration of the drive-thru and it meets the current use, but he would not be comfortable for it to be used for different uses and during night hours.*

*Briere said she would support a motion putting use limitations on the drive thru since she didn't want a pharmacy or food distribution business being able to use it.*

**Briere made an amendment to the motion to add the following condition, 'facility "for the use of a financial institution" at the Bank of Ann Arbor'; with the motion to read:**

**That the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and hereby approves the special exception use petition for a drive-thru facility, for the use of a financial institution, at the Bank of Ann Arbor Headquarters, 125 South Fifth Avenue.**

**DISCUSSION ON AMENDMENT:**

*Briere asked the petitioner if 7 pm is a reasonable limit for drive thru operations.*

*Maier said while it seems reasonable now to him, the banking industry may change in the future.*

*Briere said "from 8 am to 7 pm daily" seems reasonable to her, since customers could always use a machine attached to the building.*

*Westphal asked if the petitioner could come back to revise their approval.*

*DiLeo said yes.*

*Peters asked if Briere would be willing to separate the conditions.*

*Briere agreed.*

**VOTE ON AMENDMENT REGARDING USE:**

**On a roll call vote, the Chair declared the motion carried.**

**Vote on Amendment regarding Use: 6-2**

**Yeas:** 6 - Kirk Westphal, Diane Giannola, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

**Nays:** 2 - Wendy Woods, and Eleanore Adenekan

**Absent:** 1 - Bonnie Bona

**Briere moved to add the hours "from 8 am to 7 pm daily" as a condition. Seconded by Clein.**

**DISCUSSION ON AMENDMENT REGARDING HOURS:**

*Parekh asked if the condition of limiting hours would be for an attended or unattended drive-thru.*

*Briere said her biggest concern is exiting during dark.*

*Peters asked if there is an ATM placed in the drive thru, the proposed condition would force the petitioner to turn off the ATM; thereby putting constraints on them and legislating their hours of business, which he was hesitant to do.*

*Westphal asked if the petitioner would still have an ATM.*

*Maier said yes, they would continue to use the current ATM. He asked why they would have limited banking hours when their competitors across the street can operate 24/7 without limit.*

*DiLeo said a drive thru facility is defined as a structure where the transaction with a person seated in their vehicle transpires, so a walk-up ATM or unmanned facility would count if it were placed and designed so that the transaction was through the vehicle. She said a walk-up ATM would not be considered a drive-thru facility.*

*Westphal said a use becomes non-conforming when the public decides it is not a desirable use in the core of downtown.*

*Giannola asked if a drive up ATM is considered a drive thru facility.*

*DiLeo said yes; she clarified that the Bank of Ann Arbor has a walk up ATM.*

*Giannola said she felt it would be overkill to put restrictions on the hours since customers are still using the same existing driveway.*

*Adenekan said she agreed with Giannola that they should not put restrictions on their operating hours, noting that the petitioner's competitors have much longer operating hours.*

*Westphal said his concern was with cross traffic of pedestrians and vehicles after certain hours along with the non-conforming use, which would be his concern throughout the City so he did not want anyone to feel that they were picking on the petitioner.*

*Clein agreed with his colleagues that legislating hours may have unintended consequences, and he was comfortable adding the condition of 'financial institution' because such a use would have much fewer related issues than other drive thru uses.*

*Woods said she would vote against the amendment of adding the condition of restricted hours for the same reasons she voted against the amendment on the added use restriction since she felt it might be quite convenient for those living in Midtown to have a drive-thru pharmacy.*

*Peters asked for clarity on the motion and what the outcome would mean.*

**Briere offered to withdraw the motion adding that she was disinclined to vote in favor of the motion herself. Clein agreed.**

*Adenekan asked about the drive thru configuration.*

*DiLeo reviewed the drive-thru configuration on the site plan.*

*Westphal said that in anticipating pedestrian and bike movements, he would have preferred adding hour limitations.*

**VOTE ON SPECIAL EXCEPTION USE:**

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

**VOTE ON MAIN MOTION: 8-0**

**Yeas:** 8 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

**Nays:** 0

**Absent:** 1 - Bonnie Bona

*COMMISSION BREAK*

**10-d**    [14-0803](#)

116-120 West Huron Site Plan - A proposal to demolish the two buildings on this 0.48 acre site and construct a 88,570 square foot, 6-story hotel with retail space along the West Huron frontage. The new building will retain the façade of the Greyhound Bus Depot. (Ward 1)  
Staff Recommendation: Approval

*DiLeo presented the staff report.*

**PUBLIC HEARING:**

*Cheng Mi , Ann Arbor citizen, thanked the Commission for holding the meeting and said he is impressed with the contribution of First Martin to the community. He said the building will be very beautiful and Ann Arbor is expanding so he wants to show his appreciation and thanks for the risk taking. As Ann Arbor ages, maybe more baby-boomers will make similar economic contributions, since the community has to think about contributing. He said the first group facing the challenge of developing dynamics will be those sitting over there. He said, as a civil engineer, before he came to this country he said he sees a lot of problems, and much bigger challenges they are facing. He said combining the 'haves and have nots' with volunteers in Liberty Square and combined businesses, considering the risk-taking and asking how to maintain the dynamic will make this hotel the best hotel in Ann Arbor and the world.*

*Todd Sachse, representing 101 N. Main, said they think this hotel will be*

*a great contribution to the downtown Ann Arbor. He said one significant feature will have an affect on One North Main is that about one half of the windows on the west side of their building will get closed in. He said they have been speaking with the petitioner and have proposed slightly shifting the proposed hotel building 12-15 feet to the west off of their building, leaving an alley and extending their building to the north. He provided a drawing showing modifications that could be taken to free up space, noting that such modifications would require expeditious cooperation from the City and felt it would be a win-win situation for all.*

*Stephen Ranzini, resident of 101 N. Main, thanked First Martin for bringing forward a hotel use for this site adding that the building over-all is a very good building. He said you need to make sure development does not damage adjacent property values as well as the need to be careful about noise generated from the equipment on top of the buildings. He said it's important to have excellent baffling systems of air conditioning units and elevator shafts, noting that they greatly enjoy the outdoor balconies from their top two penthouse floors. He said if noise from the top of the building would affect them it would be very damaging. He said for years the city has ignored very loud noises coming from the Key Bank building, which has affected other units in their building. He said this is an example of bad planning leading to persistent bad results. Another concern he had was that of egress from their underground basement parking area, noting that it was very valuable to have parking under your building. His concerns were with delivery trucks and other vehicles blocking their egress, adding that they have had real problems with people needing to get out with ambulances in the past. He said thought needs to be given to the ingress and egress issues of the neighboring building to preserve the values of the existing investments while adding a new investment. He asked them to also consider the working of the signage directing people for ingress and egress given the existing City parking structure nearby.*

*Richard Broder, representing One North Main Condominium Association, had several concerns. He said he was very excited about the new hotel development and felt it was perfect for the downtown and the community. He said there is a win/win/win possibility for the hotel, the City and One North Main with this development. Some of the concerns involve the rooftop noise, loading in the back alley, ingress and egress, and the separation of the buildings to keep the value of the buildings for all and equal consideration of the constituents. He would like the Commission to consider these issues as well as those mentioned by his predecessors.*

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

**Moved by Briere, seconded by Giannola, that the Ann Arbor City**



**Planning Commission hereby recommends that the Mayor and City Council approve the 116-120 West Huron Street Site Plan and Development Agreement including bicycle parking within the public right-of-way adjacent to the site and the Ann Ashley Parking Structure.**

and

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 116-120 West Huron Street proposal to install required bicycle parking within the N. Ashley Street and W. Huron rights-of-way and the Ann Ashley Parking Structure.**

*COMMISSION DISCUSSION:*

*Briere asked for the petitioner to come forward.*

*Mike Martin, representing First Martin, the petitioner, introduced his team.*

*Briere noted the concerns expressed about access to One North Main and asked the petitioner what they have done in the design phases to address those concerns.*

*Martin said they have met with representatives of both the residential and commercial condo associations and discussed the specific issue of parking. He said prior to bringing the petition he worked with the City to making the access and egress off Ann Street two way because accessing the alleyway is important and there should be multiple ways to get back there. He said First Martin worked with the Downtown Development Authority [DDA] to compile a list of enforcement contact people who could be notified regarding dumpsters left in the alley, unattended service vehicles, such as FedEx vehicles and others who block the alley access. Martin said they have discussed with their neighbors the possibility of creating designated 'delivery spaces only' and once the project gets up and running they will share the same concerns of having a functional alleyway and improving the circulation. He said they are also creating some bumpouts on Ashley Street which can help with deliveries in that area. Martin said they see the current issues as enforcement issues that can be resolved, and they will do their best to help create good parking behaviors.*

*Briere asked about noise issues raised during the public hearing, and asked the petitioner what they have done to baffle sound of the mechanicals and noise pollution.*

*Darren McKinnon, Project Engineer, said they spoke to Mr. Ranzini at the Citizen Participation Meeting in February and to deal with the sound they have brought an acoustic consultant on board as part of their design team. The mechanicals will be on the roof with visual as well as sound screening. He said they are looking into coconut hulk products that aid with mitigating sound and they are doing everything possible to limit the additional noise caused by any HVAC equipment.*

*Martin added that given the nature of their building they will have much less equipment sitting on the roof and each room will be designed with V-tack units that will be seen when looking horizontally up at the building.*

*Briere noted difficulty of using the alleyway; she referenced a citizen communication that mentioned converting two metered spaces into delivery parking and asked if the City has looked into this matter.*

*DiLeo said not yet, but the issue can be brought up with the City's Public Services Department.*

*Briere asked if the City has looked at repainting to delineate parking areas from traffic flow.*

*DiLeo said not specifically, but that the petitioner has agreed to work on the northern side of their site. She believed they could expand the discussion to include the City and the DDA and look at the entire alleyway and what it will look like once the construction is completed.*

*Martin said they have just contributed a camera to be used back there, which will be monitored by Republic Parking in their control center.*

*Briere said she felt they were moving in the right direction. She expressed concern with the moving pieces that need to be taken into consideration whenever there is a new building. She hoped that staff would keep a checklist of concerns that might be used for other future projects as they move forward.*

*Westphal asked staff about noise from mechanical, building separation and air rights.*

*DiLeo explained that One North Main building was approved as a Planned Unit Development [PUD], which received a variance from the Building Board of Appeals [BBA] to allow windows on its west façade at the property line, where windows would otherwise not be permitted. She explained that windows are normally prohibited or greatly reduced in size*

*due to possible neighboring buildings being built on the property line as well as fire penetration. She believed that the stipulation on the variance stated that they could enjoy their windows until a neighboring building was built, at which time they would have to be covered.*

*DiLeo said the City's noise ordinance does not fully address the downtown noise issues with residents living in the downtown. She said the City works with petitioners to help minimize noise that helps neighboring residents as well as their own.*

*Giannola asked about roof equipment.*

*McKinnon said they have a decentralized mechanical plan; there are no roof compressors, which are the loudest piece of equipment; each room will have their own self-contained vertical terminal air-conditioning unit. He said the make-up air units for the common space and corridors will be on the roof along with vents for the common areas, and there will not be exhaust fans.*

*Martin said there is also two floors of vertical separation before the residential units begin.*

*Giannola asked about the room units and if they make noise.*

*McKinnon said yes, when they [110 total units] would be in use they would produce a low hum like your refrigerator, and since they are not all in the same place the noise is decentralized.*

*Clein pointed to Paragraph 11 of the Development Agreement provisions regarding noise.*

*Clein asked about the blade sign and if it would be replaced.*

*Martin said yes, since they recently spent a lot of money restoring the sign they don't want to see it get damaged during the new construction.*

*Clein asked about the passage way along One North Main and if there were any plans on making the area more pedestrian friendly.*

*Martin said they hope their project will excite the area and make it feel more pedestrian friendly, as well as the use of the Ann-Ashley parking structure after dark through the pedestrian easement coming out to Main Street. He said they are looking at additional lighting and buffering landscaping that will soften the look making it look less industrial; they will also be having their eye on the alley to try to bring more light into it and make it feel more friendly.*

*Clein asked about the space behind the bus depot facade.*

*Martin said currently they are proposing retail space for that area.*

*Clein asked if the main entrance would be at the turret at the corner. He encouraged the petitioner to make that corner as lively as possible as it would be to their benefit as well as the City's.*

*Martin said the intent is to have the main entrance at the corner, but they have some elevation issues they are looking through.*

*Woods asked about the proposed car sharing service and if it would be for the residents of the hotel.*

*Martin said it would be for anyone who signs up for a car, and that they are currently working with ZipCar. He said they feel it would be convenient for someone who is flying in to Metro Airport to take the AirRide to Ann Arbor and if they need a car for the time they are in Ann Arbor, they would have it right there in the back of the hotel.*

*Woods clarified that ZipCar would park on their site.*

*Martin said yes.*

*Briere said in the draft Development Agreement there is reference to footing drain disconnects. She asked if the petitioner was working on an alternative to footing drain disconnects.*

*McKinnon said he has met with City staff and has made proposals that will need to make their way through the review process to see if they can participate.*

*Martin said they would like some flexibility on the language in the development agreement in the case that their proposal is accepted.*

*Briere said there are two different programs; residential footing drain disconnect program and the other is the developer offset program. She asked if the task force is taking up both.*

*McKinnon said there are two distinct citizen advisory committee groups; Sanitary Sewer Wet Weather Evaluation Project CAC and the other being the Footing Drain Disconnect CAC. They will be having a joint meeting on June 18th for a collective group discussion.*

*Woods acknowledged the Commission had received an suggested*

*alternative plan from a member of the audience. She suggested the best way to proceed would be for the audience member to provide the plan to the petitioner if they had not already done so.*

*Westphal said the Citizen Participation Ordinance is intended to get early and effective input to help shape the design to help make it a better environment for all the neighbors concerned. He asked Martin if he could speak to the neighbors input at the Citizen Participation Meeting.*

*Martin said their neighbors were present but did not voice their concerns at that meeting; however, they had been having some off-line communication regarding a similar proposal as the neighbors presented to the Commission. He said they evaluated their proposal and came up with a number of reasons why it would not work for their project and responded such to their neighbors. He said shifting the building to the north would require easements from the City, which would be uncertain and leave unknowns, specifically how long it might take. Another option was to go higher, which would trigger a high rise code issue. He stated that they went on record and made it clear to their neighbors that their proposal was not something that they would be willing to, or could pursue. He said while they appreciate their neighbors bringing their proposal to the meeting, the petitioner's position has not changed.*

*Westphal asked about proposed uses on the ground floor.*

*Martin said he is very confident that they will have restaurant and/or retail on the ground floor. They have a brokerage firm doing a worldwide search for prospective tenants and early indications are positive, but he believes that until they see activity on the site it is hard to get people to sign up.*

*Westphal asked if they would be willing to put the wording 'restaurant and/or retail uses' into the development agreement.*

*Martin said they are confident that it will be extremely active and with a hotel, there will be people coming into that building all the time so the use itself is built in activity. He said he would like to have the flexibility as there are still many unknowns but he believes restaurant or retail will be on the ground floor. He asked if Westphal wanted him to commit to office use.*

*Westphal clarified no office or financial institution uses.*

*Martin said their business partner in the hotel venture wants the use to be very active.*

*Briere asked where people will be arriving to the hotel.*

*Martin showed the Ashley Street entrance with drop off.*

*Westphal said it was helpful that the petitioner has created a list for alerting on ordinance violation. He asked if there was someone they could contact regarding construction hours and noise.*

*DiLeo said the Building Official or the Police Department's Community Standards Division could be contacted.*

*Clein said the design changes are positive, since the Downtown Development Authority meeting. He asked which Design Review Board recommendations were followed.*

*Martin said they clarified that the Bus Depot is Art Moderne, not Art Deco, and keeping the definition of a City lot width from front to back and they tried to carry the rhythm of the Art Moderne into the front of the building and wrap it around the building to Ashley Street. He said there were some horizontal element that were removed that they felt made the building look better.*

*Clein said he felt their changes were an improvement and he likes that the design does not compete with the bus depot. He said while the Commission does not have purview over design he suggested they explore some lighter color and material alterations since he felt the top floor felt heavy.*

*Clein asked staff about the facade of the bus depot. He agreed that protecting it, in place, is preferable to dismantling and replacement but asked where they draw the extent of preservation for qualifying for historic preservation premiums.*

*DiLeo said premiums are awarded when one is preserving something that is eligible to be on the National Register, which this site is.*

*Clein asked if it requires Historic District Commission [HDC] review.*

*DiLeo said the premium question does not require HDC review, further than a review and confirmation by the Historic Preservation Coordinator.*

*Peters asked about the proposed bump outs on Ashley Street and asked if the hotel tenant is planning for valet service to move traffic to the right place.*

*Martin said yes, he is in discussion with Republic Parking and the intent*

*is to provide valet service.*

*Woods commented that she agrees with Clein's concern about historic designation and premiums and felt it was something that they needed to look at in the future. She said this corner site might be an opportunity for Ray Detter to install a Downtown Historic Street exhibit.*

*Woods asked about the transfer of Greyhound bus service to the Blake Transit Center.*

*DiLeo said that the transfer had not been finalized yet, and AAATA and First Martin are working on the freight component of Greyhounds business.*

*Rampson said the latest news is that the Downtown Development Authority is working with Greyhound to find a staging location along the Fourth and William Parking Structure that could work for storage of freight until AAATA gets their new center fully functioning.*

*Woods asked when Greyhound would no longer be operating out of the Depot site.*

*Martin said they believe Greyhound would likely move in the middle of June.*

*Woods said as someone who works with students who use the Greyhound buses to come to campus she hoped it would be widely known to students before they come back to school in August.*

*Martin said the Blake Transit Center will be a more convenient location for them.*

*Giannola asked why the petitioner had chosen an extended stay hotel; rather than a traditional hotel.*

*Martin said they did a market study and felt that the community was missing the element of having a larger room and flexibility of staying beyond a night. He said they felt an extended-stay would be fitting to meet the needs of families coming to visit the hospitals and having a larger room would appeal to a wider audience.*

*Giannola asked about the differences in amenities.*

*Martin said they will be providing small kitchenettes in each unit as well as breakfasts but they are not planning on room-service at this time unless a ground floor tenant is a restaurant who would provide it.*

*Westpahl asked about similar rates of premiums for LEED and historic.*

*DiLeo said yes, they offer both LEED SILVER and historic preservation premiums a 50% floor area bonus, so this project could have taken advantage of a 100% floor area bonus. She said the Development Agreement will be revised to reflect this.*

*Westphal asked to explain the materials "GFRC".*

*Clein said it stands for Glass Fiber Reinforced Cement.*

*Clein commented that he is empathetic with the neighbors and hopefully First Martin will be proactive in responding to their concerns. He supported the project and felt it would be a great addition to the downtown.*

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

**Yeas:** 8 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

**Nays:** 0

**Absent:** 1 - Bonnie Bona

**10-e**    [14-0804](#)

The Mark Condominiums Site Plan - A proposal to demolish the existing carwash building on this 0.25 acre site and construct a 11,910 square foot, four-story, 7-unit residential building with garages below. The property is located in the Old West Side Historic District and received a Certificate of Appropriateness for the proposal on March 13, 2014. (Ward 5). Staff Recommendation: Postponement

*DiLeo presented the staff report.*

**PUBLIC HEARING:**

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

**Moved by Briere, seconded by Peters, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Mark Condominiums Site Plan.**

**COMMISSION DISCUSSION:**

*Parekh asked about the water capacity issue.*



*Rampson explained that as part of the project reviews, the City's Systems Planning Department does modeling for sewer and water and when this particular area of the downtown was developed it was primarily residential, so the water main is a 6-inch main. She said the new development must provide a fire protection system which would require upsizing to an 8-inch main. She noted that in cases of upsizing, the City would need to move to a 12-inch from First Street to Third Street, so the petitioner can either take on the added expense or wait to have the City include the project in the City's Capital Improvement Plan.*

*Peters asked the petitioners if they had information about the process that they would like to add.*

*Alex De Parry, Ann Arbor Builders Inc., 202 E. Madison Street, Ann Arbor, said they have only known about the issue for two days and they are analyzing to see if they can possibly change the construction methods.*

*Steve Rojeck, Perimeter Engineering LLC, 11245 Boyce Road, Chelsea, said they are also looking at the costs involved for doing the work, which could affect the project.*

*Briere asked if there were any streetscape improvement expectations from the Downtown Development Authority.*

*De Parry said they are working with the owner next door and adding trees.*

*Briere asked if they had looked into working with the DDA's streetscape improvements study and if there might be any possibility of making trade-offs as was arranged with the 618 S. Main project that also had water main issues. She said she hoped that the issue could be resolved to everyone's satisfaction.*

*De Parry said, yes, especially since Liberty was just repaved.*

*Rampson read from the DDA project review comments, noting there were no streetscape improvements proposed.*

*Westphal noted that the project is using only half of the allowable density; he asked how the Floor Area Ratio was working for the petitioner.*

*De Parry said the Historic District limited the height and setbacks. Originally they had proposed 8 units, but they lost 1 unit with the down scaling and are now at 7 units. He said it would be too expensive to*

*spend half a million dollars for the upsizing of the water main for only 7 units, so they are currently looking at a construction alternative.*

*Rampson explained that the Historic District Commission determines scale and the petitioner had been before the HDC twice.*

*Westphal asked staff if the project could move forward with stipulations.*

*DiLeo said yes, since she did not believe the footprint of the building would change and the dimensional sheet would be the same.*

*Westphal asked if staff felt this project could move forward to save Commission and staff time.*

*Rampson said it would be up to the Commission's discretion, and typically a large issue such as this is resolved before moving the project on since it might require changes to the Development Agreement such as cost sharing, etc.*

*Woods said she was in favor of postponing the item, with hopes that staff would bring the item back before them quickly.*

*Peters agreed with Woods, adding that it was in the City's best interest in reviewing the details of the Development Agreement.*

*Clein said he appreciated the design work that went into the project, but believed there was enough reason to postpone, since changes may affect materials in addressing costs.*

*Briere said she agreed with postponement so that when it moves on to Council it will be in a timely fashion. She recalled situations where delays occurred between Planning Commission review and Council as issues were worked out and she felt it created a false sense of expected timeliness.*

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

**Yeas:** 8 - Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Paras Parekh, and Jeremy Peters

**Nays:** 0

**Absent:** 1 - Bonnie Bona

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

*Stephen Ranzini, resident of 101 N. Main for 14 years, said that he had some observations that the Commission were clearly not aware of. He said development agreements are important documents that need to be carefully reviewed, but the problem is that after a Development Agreement is approved by the Commission and then City Council, the City staff can and has often changed it radically at will after Council approval. He has suggested to the Mayor and City Attorney that any changes that are substantial should require the document to go back before the Commission because it is giving City staff way too much authority to change things. He said in the Ashley Terrace building, a whole bunch of two bedroom units became one bedroom units and parking went out of the plan. He said staff wants to make projects work and they will make changes when the developer cries poverty or economics they downsize and dumb down projects. He said there are many projects in the City that look awful because they were dumbed down for economics by the staff after the approval of City Council and this body. He said his second issue is enforcement of existing regulations. He noted that if one were to worry about decibel levels and speaking from experience on calls made to the City Police and the response time. He says construction starts repeatedly at 5:00 am when the law requires a 6:00 am start; police response time - never. Rug cleaning at 1:00 am or 2:00 am with 120 decibels crossing my windows; police response time – never. Chopter installing HVAC equipment on an adjacent building without a permit at 5:00 am on a Sunday; 200 decibels coming into his building, so loud he was afraid his teeth would come out of his mouth. He said he has never heard loud noise like this, not even if you were under a 747 you would never experience; the police response time to this blatant violation of the law - never. Bagpipes, 150 decibels - never, City garbage trucks backing up at 5:00 am with signals, 120 decibels – response time - never. Parking, blocking, response time by police – never.*

## **12      COMMISSION PROPOSED BUSINESS**

*Woods said that remarks from Mr. Ranzini give Planning Commission a lot of concern and since he lives in Ward 1 and his Council person is present and heard his concerns, she encouraged him and other citizens to make use of Council representatives, since as a Planning Commissioner, there are limited things she can do. Regarding city staff, it has not been her experience, and with the Planning Manager available to hear his concerns she encouraged him to continue working with staff, and hoped that his concerns were the exception and not the rule as her experience has been that of working with a very dedicated staff in the Planning and the Police Department.*

## **13      ADJOURNMENT**

*Adjourned at 10:50 pm.*

**Moved by Peters, seconded by Parekh, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.**

Kirk Westphal  
Chairperson of the City Planning Commission

Mia Gale  
Recording Secretary

*The complete record of this meeting is available in video format at [www.a2gov.org/ctn](http://www.a2gov.org/ctn), on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794-6150.*