



City of Ann Arbor

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

Action Minutes City Planning Commission

Tuesday, June 16, 2009

7:00 PM

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

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. 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) 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).

CALL TO ORDER

Chair Bona called the meeting to order at 7:05 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.

1 ROLL CALL

Present 7 - Bona, Potts, Pratt, Westphal, Mahler, Carlberg, and Woods

Absent 2 - Borum, and Derezinski

Staff Present: Foondle, King, Kowalski, Pulcifer, Rampson

2 INTRODUCTIONS

Bona introduced Carol King, new Management Assistant with the Community Services Area.

3 MINUTES OF PREVIOUS MEETING

3-1 09-0590 City Planning Commission Minutes of May 19, 2009 and June 2, 2009

Westphal asked that on page eight, the fifth line of the last paragraph be changed to read, "discrete and focused solely on the South University area, and that had all..." and that the last two words of the paragraph be changed from "recommendations from" to "participants in the."

A motion was made by Mahler, seconded by Westphal, that the May 19, 2009 Minutes be Approved by the Commission with changes and forwarded to the City Council, due back on 4/19/2010.

A vote on the motion showed:

Yeas: 7 - Bonnie Bona, Ethel Potts, Evan Pratt, Kirk Westphal, Eric A. Mahler, Jean Carlberg, and Wendy Woods

Nays: 0

Absent: 2 - Craig Borum, and Tony Derezinski

Motion carried.

09-0590

City Planning Commission Minutes of May 19, 2009 and June 2, 2009

Commission noted that the minutes incorrectly identified the date of the meeting as June 1 and asked that the date be changed to June 2.

A motion was made by Westphal, seconded by Pratt, that the June 2, 2009 Minutes be Approved by the Commission with changes and forwarded to the City Council, due back on 4/19/2010.

A vote on the motion showed:

Yeas: 7 - Bonnie Bona, Ethel Potts, Evan Pratt, Kirk Westphal, Eric A. Mahler, Jean Carlberg, and Wendy Woods

Nays: 0

Absent: 2 - Craig Borum, and Tony Derezinski

Motion carried.

4 APPROVAL OF AGENDA

A motion was made by Carlberg, seconded by Westphal, that the agenda be Approved.

A vote on the motion showed:

Yeas: 7 - Bonnie Bona, Ethel Potts, Evan Pratt, Kirk Westphal, Eric A. Mahler, Jean Carlberg, and Wendy Woods

Nays: 0

Absent: 2 - Craig Borum, 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

Rampson provided a report on the Council actions of June 15, 2009.

b City Council

c Planning and Development Services Manager

Pulcifer reported on the upcoming meetings of the Area, Height and Placement Regulations work effort.

d Planning Commission Officers and Committees

Bona reported that the annual election of officers would be held at the next Planning Commission meeting of July 7.

e Written Communications and Petitions

e-1 [09-0592](#) Four emails from citizens regarding Near North project.

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.)

Tom Whittaker, 444 South Fifth Avenue, president of the Germantown Neighborhood Association, spoke regarding the City Place development proposal on Fifth Avenue. He did not believe it had been proven that the proposal met applicable ordinances and questioned how the City would defend itself if the project ended up in court. He stated that the Planning Commission was responsible for researching projects in detail before making a recommendation and said Commission would have another chance to do so on July 7.

7 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Bona announced the public hearings scheduled for the July 7, 2009 Planning Commission meeting.

- 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).)**

(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 09-0593 Public Hearing and Action on Amendments of Chapter 55, Zoning Ordinance, to allow certain temporary outdoor sales and the display of goods and services as a special exception use in the C3 Fringe Commercial District. The amendments would enable a farmer's market on the property zoned C3 that does not normally sell produce or groceries, as well as the potential sales and display of other items not normally sold at a particular property zoned C3 - Staff Recommendation: Approval

Kowalski explained the proposed amendments.

Noting no further speakers, Bona 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 the amendments to Chapter 55, Section 5:10.23, to allow certain temporary outdoor sales and the display of goods and services as a special exception use in the C3 Fringe Commercial District.

Pratt asked about existing uses and if any of them were allowed to continue for a period of time.

Pulcipher stated that City Council asked staff to perform a survey to see what other similar kinds of uses existed in the C3 district. One use was found, she said, which was the outdoor sale of goods at the Boulevard Plaza shopping center on Stadium Boulevard. She said the owner was contacted and was given 90 days to comply with the ordinance, which was an adequate timeframe for this ordinance amendment to be handled by Planning Commission and Council.

Westphal asked if there were any provisions in the C2 zoning district for the temporary outdoor sales use.

Kowalski replied that only the C3 zoning district has been examined at this time.

Potts believed this was a reasonable amendment. She said the types of uses that would fall into this category did not occur very often and the community would be protected through the special exception use process. In addition, she said, the C3 zones were in such locations that there likely would be no adverse affect on the surrounding uses.

Woods asked if staff had examples of the types of services that could be displayed under this ordinance provision.

Kowalski replied no. He said this language was proposed because it was consistent with the existing language under the C1 zoning district.

Woods asked about the process one would follow when seeking a special exception use.

Kowalski explained that the process was similar to that of a site plan, in that an application was submitted and Planning and Development Services staff, as well as other City staff, would review the proposal. He said it would then be submitted to the Planning Commission for consideration, with Commission action being the final action on the request.

Woods asked if staff believed there would be adequate time for someone to obtain special exception use approval given the fact that Planning Commission met twice monthly. She also asked if a fee was required for a special exception use.

Kowalski replied that there should be adequate time, although some may have to plan ahead more than they have in the past. He stated that a special exception use application fee was required.

Pulcipher stated that an example of a service that would fall under this category might be on-site windshield repair.

A vote on the motion showed:

Yeas: 7 - Bonnie Bona, Ethel Potts, Evan Pratt, Kirk Westphal, Eric A. Mahler, Jean Carlberg, and Wendy Woods

Nays: 0

Absent: 2 - Craig Borum, and Tony Derezinski

Motion carried.

8-2 09-0594

Public Hearing and Action on Near North PUD Zoning District and PUD Site Plan, 1.19 acres, 626-724 North Main Street. A request to rezone this site from O (Office District) to PUD (Planned Unit Development District) and a proposal to construct a 40-unit (44 bedrooms total), five-story apartment building with 2,950 square feet of commercial space and 1,645 square feet of office space attached to the building, with a total of 50 parking spaces (40 parking spaces will be below the building), and to demolish eight existing single-family homes (postponed at 5/5/09 meeting) - Staff Recommendation: Denial

Kowalski explained the proposal and showed proposed drawings of the development.

Barbara Barton, 538 North Main Street, expressed opposition to this proposal.

Jim Mogenson, 3780 Greenbrier, representing the Religious Action for Affordable Housing, expressed support for this proposal, noting the difficulty in providing affordable housing in older homes requiring significant renovation.

Mary Browning, 1229 Wines Drive, stated her support for this proposal.

Terry Zdanowski, 1564 Newport Creek Drive, spoke in support of the project and asked that the Commission send a message to the entire community that it supported affordable housing by approving this project.

Kate Warner, 1804 Linwood, spoke in support of the project. She believed that when the project was built, it would be a substantial asset for both the City and the neighborhood in which it was located.

Angela Williams, 1730 Longshore Drive, spoke in support of the project, stating that the partnership between Avalon and Three Oaks was innovative, exciting and a possible model for future projects.

Paquetta Palmer, 436 Third, spoke in support of Near North, and called the project almost perfect for Ann Arbor.

Mike Sterns, 727 Fountain, business owner at 310 Miller, spoke against the project. He stated that the voice of the neighborhood has not been reflected in this redesign.

Ellen Shulmeister, Director of the Homeless Shelter of Washtenaw County, spoke in support of the project. She stated that the Commission has already committed itself to affordable housing and that the Commission should support this project.

John Martin, 2572 Walnut, spoke in support of project. He said that this was an opportunity to take a step in alleviating some of the serious homeless problems in this community and urged the Commission to give its support.

Cheryl Jones, 1025 Fountain, spoke in support of the project.

Cyntha Burgoyne, 1722 Cambridge, spoke in support of the project. She stated that this was a housing project and should be located in a neighborhood.

Doug Smith, 1318 Ardmoor, spoke in support of the project.

Julie Steiner, Executive Director of Interfaith Hospitality Network, spoke in support of the project.

Susan Little, small business owner at 303 Detroit and member of the Kerrytown District Association, spoke in support of the project.

Chuck Ziefert, 263 Crest, an Avalon neighbor and Director of the Washtenaw Housing Alliance, spoke in support of project. He believed it was the right scale, right mix, right model, right partnership, right practice, right target, right technology and right time for this.

Damian Farrell, of Damian Farrell Design Group, architect for this project, showed a model of the project and explained the proposal.

Peter Pollack, spoke in opposition of the project. He welcomed housing but would like the housing to fit the neighborhood.

John Hilton, 701 North Fourth Avenue, board member of the Kerrytown District Association, spoke in opposition.

Beverly Cherico, 209 West Summit, expressed her opposition, noting that the building was far too big for this site.

Susan Beal, 652 North Fourth Avenue, a recent resident of Ann Arbor, spoke in opposition. She stated that the City Planning Commission's responsibility was to reflect the body of laws and codes.

Margaret Shankler, 711 North Fourth Avenue, stated her opposition to this proposal.

Steve Glauberman, 711 North Fourth Avenue, expressed opposition to this plan and asked that the petitioner create an affordable housing project that fit within the scale of the neighborhood.

Dave Burgoyne, 1722 Cambridge, did not believe this proposal was out of scale when looking at the scale of other existing buildings in the neighborhood.

Francine Alexander, 436 Spring Street, spoke about the disadvantages to increasing building mass in the downtown.

Kelly Fitzsimmons, 608 North Main Street, believed this proposal had many problems and asked that it be denied.

Rachel Seitmer, 305 West Summit Street, expressed opposition to this proposal.

The resident of 637 North Fourth Avenue urged that the Planning Commission deny this proposal.

Earl Ophoff, of Midwestern Consulting, engineer representing the petitioner, explained floodplain flow and impact.

Ray Detter, 120 North Division, vice president of the Old Fourth Ward Association, expressed opposition to this proposal. He did not believe it complied with the Central Area Plan recommendations, nor did he think the existing houses needed to be demolished.

Dick Sobel, 221 North Main Street, asked the Planning Commission to consider what history has taught regarding fear of the unknown, noting that the shelter on Huron Street was strongly opposed while going through the approval process, but that the fears were never realized once it was constructed.

David Santacroce, 601 North Fifth Avenue, stated that he favored affordable housing on this site, but he did not favor this particular building.

Catherine Jenks, 701 North Fourth Avenue, said she opposed this project because its size contrasted significantly with the neighborhood.

John Beranek, 620 North Fourth Avenue, asked that the Planning Commission recommend denial of this project and request something that is more in scale with the neighborhood. He said many residents in the neighborhood wanted affordable housing and any outrage should be directed at the greed of developers who want to make the most profit they can.

Karen Park, 620 North Fourth Avenue, expressed her opposition to the size of the proposed building.

Carol Shepherd, 333 Beakes Street, stated her opposition to this proposal, expressing concern about the impact on the scale and character of the neighborhood and about the non-compliance with the City's master plan.

Barbara Kessler, 12 Geddes Heights, asked the Planning Commission to recommend approval of this proposal. She spoke of the excellent job Avalon Housing has done in providing affordable housing.

Tom Fitzsimmons, 608 North Main Street, representing the North Central Property Owners Association, urged the Planning Commission to reject this proposal.

Carol McCabe, director of operations for Avalon Housing, reiterated Avalon's excitement about this housing opportunity and explained the challenges in providing affordable housing. She asked that Planning Commission recommend approval of the project.

Bill Godfrey, of the Three Oaks Group, a member of the development team, explained the process they have gone through, stating that theirs was a good design team with many historic design awards.

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

Moved by Mahler, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Near North PUD Zoning District and Supplemental Regulations, and PUD Site Plan and Development Agreement, subject to the petitioner obtaining the required floodplain permit from the Michigan Department of Environmental Quality (MDEQ), subject to eight footing drain disconnections, and subject to an archaeological review.

Carlberg asked staff and the petitioner to speak to the floodplain issue. She said one thing that was stressed was the importance of removing houses from the floodway, but there appeared to be a concern with the results. It was important to the community that the floodway and floodplain not be compromised, she said, and, if possible, there be improvements to the functioning of both. She asked for a description of the objections and what the Michigan Department of Environmental Quality (MDEQ) might approve.

Jerry Hancock, Storm Water and Floodplain Program Coordinator for the City, stated that since the last proposal, parking in the floodway was modified by adding more fill. His objection, he said, had to do with process in that the City's Guidelines for the Protection of Natural Features required three steps: 1) identification of the natural feature, 2) provision of alternatives analysis in order to look at other designs that might minimize impact, and 3) mitigation plan. The second step had not yet occurred, which was of concern to him. He had not yet seen any alternatives to the new design and, since it involved more fill, he has requested the process be followed in order to reduce impact on the floodplain. He stated that the proposal did mitigate the impact more than the previous plan, but the second step of the process should be followed to try and avoid the impact in the first place.

Carlberg asked what the negatives would be from operating in the floodway and floodplain if this turned out to be the final plan.

Earl Ophoff, of Midwestern Consulting, representing the petitioner, said they supplied the MDEQ with a hydrologic study to show the impact on the floodplain. He said the

change in elevation was an eighth of an inch, which was quite minimal. He said the current plan had a slight adjustment in the finished floor elevation of the retail space in that it was raised a little higher. He said the flood elevation was set at the northwest corner of the retail building and, in order to be above that, they had to finish the grade of retail a foot above, with everything else slightly pulled up. There was a little more fill related to that adjustment, he said. He believed the impact was more than offset by the removal of the houses. With regard to more alternatives for this concept, he said, the proposal before Commission this evening was already an alternative to previous concepts. This was the sixth or seventh alternative and they believed they had satisfied that process. He said they were also confident that the MDEQ would approve this.

Hancock said he would like to reserve judgment until he first saw the alternatives to this current design.

Carlberg requested confirmation that the basement parking area would not flood during a 100-year flood event.

Ophoff replied that this was correct.

Hancock stated that the entrance to the parking area was driving much of the floodway fill, so that issue should be on the table as far as alternatives, such as whether the entrance could be relocated, or a different elevation proposed. Something that would minimize the impact on the floodplain, he said.

Carlberg asked if staff agreed that, on the whole, there was sufficient capacity in what was left for the floodplain to take its normal course.

Hancock confirmed that this proposal provided mitigation, but the question for him was whether the fill was needed in the first place.

Woods asked staff to explain the comment about not supporting the fence.

Hancock stated that a fence in the floodway was an obstruction that could catch debris. He said there was a recommendation to regulate fences in floodways, such as prohibiting them, and he wanted to be consistent with the recommendation for this fence.

Ophoff stated that they have proposed the fence for safety purposes, as they want people to realize there was an edge in that location. He noted that a fence was approved in a previous MDEQ permit issued for this site with the condition that it be hinged to allow water flow. He stated that the design of the proposed fence was grilled so water, not debris, could go through.

Woods asked the height of the fence.

Ophoff stated that it was a negative nine feet tall where it went into the hole, and five feet tall at the grade change.

Pratt asked if this meant the parking lot sat nine feet higher in some locations.

Ophoff replied yes, that it tapered to the west.

Mahler said the staff report has indicated that the amount of fill in the floodway was excessive and that the parking should be redesigned.

Hancock stated that this was related to staff's request for alternatives to determine whether a different parking area and/or parking entrance could be designed to minimize impact on the floodway. Perhaps a different design might not have an impact on the floodway, he said, of which he wanted to be certain. He agreed that the petitioner was proposing mitigation, but it was important to first determine whether this process was even needed if there were an alternative plan.

Mahler asked if the question of avoiding floodway fill was asked at the beginning of the process.

Hancock replied yes; however, with this new revised plan, only step one of the three-step process, which was identification of the natural features, had been completed.

Ophoff stated that this was the second time staff had received elevations, which also had been provided to the MDEQ. He said they believed this was the best possible alternative for this site and that additional fine tuning would occur between the site plan and construction plan stage.

Mahler asked what more in terms of alternatives would staff want to see that would satisfy the concern of floodway impact.

Hancock stated that up to this point, all alternatives were on a much larger scale for different buildings and staff was asking that the petitioner focus on this small area now. Assuming that this proposal was what the petitioner wanted to move forward with, he thought the focus should now be on the parking lot that was necessitating the fill.

Mahler stated that there seemed to be a difference of opinion with regard to this issue. He suggested that the development agreement be revised to include language that would require the petitioner to "secure all appropriate permits from the MDEQ prior to any building permits being issued."

Hancock stated that this was already a requirement of the building code, so it was not necessary that it be contained in the development agreement. Because the code stated that building typically was not allowed in the floodway, he believed the permit should be required prior to the Planning Commission recommendation.

Mahler asked if staff's concerns regarding floodway fill would be addressed if the MDEQ permit were issued.

Hancock said it would address one of his concerns, but said he still would like to see alternatives to the particular design of the parking lot.

Carlberg asked if this project would be collecting water off site, to the east.

Ophoff replied yes. He showed what the Water Resource Commission required so water did not accumulate on those properties, adding that the limits shown represented what the Water Resource Commission had reviewed.

Carlberg concluded that no development on this site would mean that the water would drain across the properties into the street, uncleaned and unrestrained, and that one of benefits of this development was the control of water in a hilly area. One question raised previously, she said, was to what extent the water would be cleaned.

Ophoff stated that two sediment areas were provided to create surface flow and

collect water for cleaning.

Potts expressed concern about recommending approval of this proposal without first having seen the alternatives for the parking lot. She would prefer knowing that the locations of the buildings and drives would not be changing before making a recommendation.

Bona stated that with regard to the supplemental regulations, one request previously made was to define the architectural components. She believed it was intended that porches, decks and balconies would be included in the regulations, but they were missing. She suggested that language be added to the regulations requiring the minimum number required for porches, decks and balconies, which was one for each unit, as well as the minimum sizes. With regard to the entrances, she asked that #4 be changed to use the word "provided" instead of "allowed." She wanted to make sure that the assets of this plan were incorporated into another plan if this specific plan were to expire. With regard to green sustainable features, she said, while it was known that the petitioner intended to seek LEED certification, there was no incentive for doing so or penalty if it were not done. She wondered if something about a calculation could be included to make sure it happened.

Rampson stated that the difference between the LEED target and what was actually achieved would be translated into a financial penalty.

Bona recommended that if the Planning Commission voted on this proposal tonight, an incentive or penalty be devised for review by City Council. Just including it in the supplemental regulations did not guarantee that it would be done, she said. With regard to the setback adjacent to the neighbors, she would like to see the 24-foot minimum setback for the stairway only, and then a 30-foot minimum setback increasing up to 55 feet. This would allow for a graduated setback, she said. She expressed discomfort with the retail and office driveway being located on Main Street because of the intensity of traffic entering and exiting. She would like to see the Main Street driveway allowed only if the building were residential in use, and that retail and office uses would only be allowed if access to Summit Street were acquired. This would mean that neither retail nor office uses could be built until there was access from Summit.

Bill Godfrey, petitioner, stated that this may be able to be worked out, but he did not think they could do so this evening. He said it would be much more expensive to build that portion later.

Bona said she was suggesting that the Main Street entrance be removed, but that time be allowed to work this out while going through the approval process.

Carlberg stated that this project was being touted as an affordable housing development, but no where in the supplemental regulations was the level of affordability addressed. She said 50 percent of the area median income (AMI) was a significant contribution to affordable housing in the community. She was not very interested in supporting housing at 80 percent AMI, noting that she would like supplemental regulations to identify the 50 percent level.

Farrell stated that it would be acceptable to the petitioner to add this to the supplemental regulations.

Carlberg asked if 14 units at 30 percent of the AMI, or below, would be provided.

Michael Appel, of Avalon Housing, stated that setting the cap of affordable units at 50

percent AMI was fine, as that was what they were proposing. He stated that 14 units of supportive housing at 30 percent income cap become subject to housing finance, but said there was a whole series of public input systems. It has always been Avalon's preference to not lock in at the 30 percent requirements, which were so much more rigid than the funding Avalon required, he said. Typically, he said, it was Avalon's preference to cap everything from a zoning point of view at the 50 percent level and that financial documents carry forward the supportive housing commitment.

Carlberg asked if leaving the threshold at 50 percent AMI for all units would meet Avalon's needs, including Section 8 financing.

Appel replied yes.

Carlberg asked about the monthly rent amounts.

Appel stated that a one-bedroom unit would rent for approximately \$670 per month plus heat and electricity, and that the cap for a two-bedroom unit would be \$940 per month. He said the rent would be locked in at 50 percent of the AMI and regulated by HUD (Housing and Urban Development).

Pratt stated that the core concern of the Planning Commission was whether this proposal met the PUD standards. He expressed appreciation for all of the input provided this evening during the public hearing and noted that if a particular point was not raised during Commission discussion, it may be because that issue fell outside of the Commission's jurisdiction. He stated that Avalon's reputation or whether a statement was offensive to someone would not be discussed, as they were not relevant to the City code regulations. As he thought more about this project's ability to meet the criteria of a conventional zoning classification, one thing that was difficult for him was the fact that the City did not see affordable housing proposals very often, so this warranted consideration. Whether a project would have a detrimental effect was a challenging position, he said, because it became subjective. Another issue he struggled with was master plan compatibility, stating that one tended to usually think of the master plan in terms of a land use plan focused on particular areas of town. He stated that there were other layers to the master plan, such as utilities, non-motorized facilities, roads, and affordable housing, and the PUD criteria did not require a PUD to be in compliance with only the land use portion of the master plan. This was a challenge, he said, because the PUD standards require determination of the pros and cons, while at the same time factoring in how much variance from the underlying zoning was allowed and whether the degree of difference was acceptable. He appreciated the revisions that had been made to this proposal, such as more open space, a variety of units, the clause about the liquor store, adjustments to front and rear setbacks, the front terracing effort, and the public participation process. He asked if the petitioner intended to include the specific items relative to green sustainable features in the supplemental regulations.

Farrell said they were proposing to reach the minimum level of LEED certification. He said they will need to consider how this all can be engineered given the different units that are proposed.

Pratt said it was difficult to see a public benefit for something that may or may not happen. He would like to be able to consider this a public benefit, but said he could not do that knowing there was only a penalty cost of \$500 if the LEED certification were not done. With regard to access from Main Street, he was always concerned when there was a change of traffic volume proposed on an arterial road. He said he would like to see language to the effect that the Main Street access would be viewed as temporary, until such that Summit Street access could be provided.

Godfrey stated that MDOT (Michigan Department of Transportation) has reviewed and approved the access on Main Street.

Pratt understood that there would be less curb cuts, which was always desirable, but he said there would be more people on the site which meant more people driving onto busy Main Street. From a common sense standpoint, he believed having people using the traffic signal at Summit Street would be safer than having them use an access on Main Street.

Godfrey stated that they would make their best efforts to create an access on Summit Street and would welcome any assistance from the City.

Carlberg asked if there had been any discussion about only allowing right turns in and out of the site on Main Street.

Ophoff stated that this was studied and submitted to MDOT. He said MDOT would require two signs for this: one on each side of the driveway, both prohibiting left turns during certain periods of time.

Pratt stated that if this were something the police could use as an enforcement mechanism, it would help him with his concern about the heavy traffic on Main Street during peak hours.

Westphal echoed comments about the petitioner negotiating with neighbors, having more meetings than otherwise would be required and making a good faith effort to work with them and answer questions. With regard to the outstanding question of an alternatives analysis, he said this project did not comply with the existing zoning and master plan for this property, which was the reason for the PUD proposal. His difficulties with this project revolved around the proposal meeting the recommendations of the master plan. He spoke to the Central Area Plan's numerous recommendations about development in this location complementing and being consistent with the scale and character of the area, noting that combining smaller parcels was considered inappropriate. The neighborhood fabric, according to the Central Area Plan, was a prized resource and, to him, the proposed scale of this project was quite out of character with the existing housing stock, which he believed staff's photographs and report reflected. He acknowledged the difficulty in providing affordable and supportive housing and that it was a goal of the City to provide this type of housing. He believed saying this area or corridor was already compromised was a specious comment, noting that the geographic boundaries currently in the zoning and plans exist for a reason. The City wanted to offer incentives for providing affordable housing in certain areas, he said, but believed the affordable housing in this case was being done at the cost of the neighbors in terms of scale. He stated that the degree to which the proposed structure as a whole did not respect the scale did not come close to balancing what the PUD standards required.

Moved by Carlberg, seconded by Mahler, to continue with the meeting past 11:00 p.m.

A vote on the motion showed:

Yeas: 7 - Bonnie Bona, Ethel Potts, Evan Pratt, Kirk Westphal, Eric A. Mahler, Jean Carlberg, and Wendy Woods

Nays: 0

Absent: 2 - Craig Borum, and Tony Derezinski

Motion carried.

Mahler spoke regarding the PUD standards addressed in the staff report. He could respect and appreciate the proposed use and re-use of the land as a beneficial effect, but it depended on what was meant by innovation of land use. He appreciated the L-shaped design, which lessened the amount of building for the neighbors to the east, stating that this was a benefit to the neighborhood even with the increased height. He thought that was fairly innovative. He saw this proposal as an improvement over what currently existed. In terms of detrimental effect on the neighborhood and the concerns about impact on sunlight, vegetation and historical preservation, he did not think there was a neighborhood outside of the downtown where this same conversation would not occur. He noted that not all affordable housing can be located in the downtown, which meant that some would need to be situated in neighborhoods, and he thought this was easier done in a near downtown neighborhood rather than neighborhoods outside of the downtown. He also thought the residents of the new development would be better served being near the downtown, adding that he thought this was as close to an ideal location as possible, with its proximity to everything the downtown had to offer. He appreciated the concerns that this development would dominate the neighborhood, but he believed it would incorporate nicely into the neighborhood. With regard to the total mass and height of the building, he did not know if there were anything that could be done to change that without reducing the number of units. While the staff report pointed out that the proposed density was twice what would normally be allowed in the existing zoning, he noted that it was one of the City's stated goals to bring more density and more people closer to the downtown. He was a little uneasy about increasing density this much, but if that goal were to be achieved, the issue of density may need to be looked at a little different. He stated that compliance with the master plan was a valid concern, but he believed there were probably many approved PUD developments that did not comply with the master plan. He believed that a PUD meeting the specific criteria of the PUD standards would trump the general language and concepts of an area plan or master plan. With regard to access to the site, he agreed with Commissioner Bona regarding access onto Main Street, stating that he was very uneasy about traffic on Main Street. He would like to see an easement onto Summit Street to use for access.

Potts stated that she agreed with many of the points made by Commissioner Westphal. She recalled being concerned about this proposal when she first heard of it. She acknowledged the positive statements about Avalon and the fact that this type of housing was needed. She also expressed concern about how this proposal would fit into the neighborhood and with demolition of the houses on Main Street. She believed the City would be paying quite a price to receive a benefit. She stated that the integrity, design and livability of a neighborhood were all important to her, adding that this was not the first time a project would demolish buildings at the edge of a neighborhood, which often resulted in more houses being removed. While she understood that the density was needed to make this project feasible, she believed it would create an unwarranted impact on the neighborhood. She did not think this proposal contained appropriate benefits to justify a positive recommendation.

Carlberg found herself more in agreement with Commissioner Mahler than with Commissioner Westphal. Part of what helped her see it that way was the fact that along Fourth Avenue, many of the owners have demolished houses and built new houses, some twice the size of what previously existed. When people talk about preserving a neighborhood, she said, she thought about preserving the neighborhood as a place where people live, which this proposal did. She said it would provide people with a place in the City to live. She said the fact that this would be affordable for people at 50 percent AMI was a significant public benefit and trumped almost everything else. She did not see any benefits from a one or two-story building, adding that there was not a great deal of difference between the houses that

currently existed and the proposed building. She did not believe this proposal would be a detriment to the people who lived in this area. She said the people will still live comfortably in their homes, have access to the downtown and have a little more green space. While this proposal contained 40 units, she did not think there would be more than 25 people driving in and out. It was so close to the downtown, she believed many people would be walking to work, adding that she thought the traffic would be manageable. She also thought this development would fit well with the community center across Main Street and that this area would be an enclave of mixed uses, which the City desired. She stated that when the floodplain issues were resolved, there would actually be an improvement to this area regarding water management. She believed this proposal had far more pluses than minuses. She pointed out that there were so many references to affordable housing in the Central Area Plan that one could say that it was as much a main goal as preserving a neighborhood. She believed this project would fit well in this location, that it would not be detrimental to the neighborhood, and that it would be a benefit to the entire community.

Woods stated that she agreed with the comments made by Commissioners Carlberg and Mahler. With regard to Main Street access, she would be interested in seeing how access to Summit Street might be provided, realizing that there may be people living on Summit who would not be very thrilled. She agreed that restricting turns from and to Main Street during certain times of the day would be helpful, noting that traffic coming from M-14 could be moving quickly. She stated that affordable housing was of utmost importance to Ann Arbor and she appreciated everything that Avalon has done. While this was a difficult decision in many aspects, she would like to see this project move forward.

Pratt asked if the City submitted a grant application for additional homes on Summit.

Hancock replied no. He said staff believed there should be a public process involved before deciding on which houses to remove from the floodplain, prior to submitting an application. He stated that staff would be putting together a process that would include the public.

Pratt stated that the supplemental regulations contained the provision for 40 units and he wondered if the petitioner would be opposed to offering flexibility by identifying the number of bedrooms instead. He asked staff to address this before it moved on to City Council.

Godfrey stated that this would be fine.

Moved by Pratt, seconded by Potts, to amend the main motion by adding the following language: "subject to the petitioner providing access from Summit Street at such time the City obtains adjacent property and provides an easement."

Hancock pointed out that if the City were to pursue and receive funding from FEMA, there would be severe restrictions on what could be done on the land, including restrictions regarding impervious surface. This was something to consider, he said, as it may affect the ability to receive funds.

Pratt did not know if this access would be feasible, but said the engineering process may result in a way to make it feasible.

A vote on the proposed amendment showed:

Yeas: 7 - Bonnie Bona, Ethel Potts, Evan Pratt, Kirk Westphal, Eric A. Mahler, Jean Carlberg, and Wendy Woods

Nays: 0

Absent: 2 - Craig Borum, and Tony Derezinski

Motion carried.

Pratt asked that if this proposal moved forward, Council give serious consideration to the language in the PUD agreement clarifying the accountability for LEED standards or specific green measures.

Bona stated that this has been one of the most difficult site plans she has dealt with because of all the nuances and different components. She agreed with the comments made by Commissioners Carlberg and Mahler. The main issues she has struggled with have been the retail component and the Summit Street access. She thought office use over the floodplain was appropriate, but not residential.

Westphal stated that he would vote against this proposal. He questioned how much affordable housing was worth sacrificing the scale of a neighborhood and questioned the values that were implied in many of the goals of the Central Area Plan.

A vote on the main motion as amended showed:

Yeas: 5 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, and Wendy Woods

Nays: 2 - Ethel Potts, and Kirk Westphal

Absent: 2 - Craig Borum, and Tony Derezinski

Motion failed.

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

None.

10 COMMISSION PROPOSED BUSINESS

As this was Commissioner Potts' last meeting, Commission members spoke about her service as a member of the Planning Commission.

Carlberg stated that Ms. Potts has been a faithful warrior for her beliefs, stating that Ms. Potts has done her utmost to protect neighborhoods against unwarranted changes. She offered her great respect and admiration for the ferocity in which Ms. Potts did this. She would miss her greatly.

Pratt expressed his appreciation for the time spent working with Ms. Potts, stating that it has been a great experience. He would miss the fact that Ms. Potts always offered a different viewpoint and said that many viewpoints must be considered in making a decision that was best for the overall community.

Westphal said he benefited from the history of Ms. Potts' hard work service on the Planning Commission and countless other committees and task forces. He would miss Ms. Potts' encyclopedic knowledge of anything that had to do with Ann Arbor.

Bona expected to continue seeing Ms. Potts at public meetings and other committee meetings for the historical information she has been able to provide. She said it was

an honor to serve on the Planning Commission with Ms. Potts.

Mahler said he admired people who had a vision, stating that Ms. Potts possessed and was able to clearly communicate her vision. He thanked her for her point of view and for being successful in changing his mind from time to time.

Woods stated that Ms. Potts epitomized a community organizer and expressed her appreciation for all she has done.

Rampson stated that when she became Zoning Coordinator for the City of Ann Arbor, Ms. Potts was a member of the Zoning Board of Appeals and provided valuable assistance. She stated that Ms. Potts' commitment to the City was unsurpassed and she expressed her gratitude.

11 ADJOURNMENT

Bona declared the meeting adjourned at 11:51 p.m.

Wendy L. Rampson, Planning Manager
Planning and Development Services

Kirk Westphal, Secretary

Prepared by Carol King
Management Assistant
Planning and Development Services