



City of Ann Arbor
Formal Minutes - Draft
Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
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Wednesday, February 18, 2015

7:00 PM

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

10-a 15-0215

Concordia University Athletic Complex Site Plan and Special Exception Use - A proposal to install permanent bleachers for the existing football field and construct a 12,521 square foot building for restrooms and team locker rooms on the existing 69.5 acre athletic campus for Concordia University located at 4090 Geddes Road. An existing gravel parking area for approximately 200 cars along the north part of the site will be removed and replaced with a 230 space paved parking lot on the west side of the site. The parcel is zoned R1B (Single-Family Dwelling District), which allows private university uses, if approved by the Planning Commission as a special exception use. (Ward 2) Staff Recommendation: Approval

Jeff Kahan presented the staff report.

PUBLIC HEARING:

Kurt Geilow, Campus Executive of Concordia University, 4090 Geddes Road, said he was last before the City Planning Commission for the gymnasium, for which they are now fundraising. He said they currently are in Phase 2 of Phase 4 or 5 of their campus plans. He said the University is vigorously trying to grow to get to a sustainable size; when he came to the University they had 660 students and have grown to 830 students this year. He said athletics has been a recruiting strategy and the new athletic facilities have allowed them to start a new football team three years ago. He said last year they played on portable metal bleachers and constructed some tents that served as locker rooms. He said this proposal is for a grandstand to hold 1,300 spectators, noting that they generally get 500-1000 spectators coming to their games. He said football allowed them to recruit 100 boys to play football, which helped the University to grow. He said they have also started tennis teams and similar athletics to get to the goal of 1000 students, which will allow them to continue for another 50 years. He said their merger with Concordia University in Wisconsin allowed them to put more improvements in place.

Geilow said they are before the Commission to get approval on the proposed grandstand, which would be equivalent to a high school facility with the locker rooms underneath the seating. He said they will be back at a later date for continued improvements as they can afford them, and

they will continue to be in dialogue with their neighbors as they respect their concerns and comments. He said they are at odds on some things, such as the lighting on the field. He said they are not asking for field lighting this evening, other than parking lot lighting which is required by the City. He said the parking lot replaces an existing pervious lot that holds 208 cars, explaining that the new parking will be smaller and more compact with the need for less impervious surface. He said they will plant a buffer along the northern boundary which is 100-150 feet from their nearest neighbor. He reiterated that they will continue to respect their neighbor's concerns. He noted that their architect and engineer were present to answer any questions the Commission may have.

Dave Palmer, 428 Pine Brae, president of the neighborhood association, asked members of his association to raise their hands and speak.

Mamish Mehta, 468 Pine Brae, said she has lived there 12 years. She said Concordia has been an extremely good neighbor, but she had concerns about proposed construction on the nice field. She said this plan is Phase 2, and the neighbors were not very involved in Phase 1, because they were told it was not required to be involved; however, early engagement of neighbors would have be nice. She said if this is approved, later phases would be automatic. She said she felt the parking lot location is not appropriate and said they have had discussions with Concordia Administration about moving the parking lot across the street behind the barn so the round-about doesn't get congested at Geddes and Earhart. She said she doesn't know if crossing Earhart would be safe or if there are other alternatives. She said the parking lot itself can be a cause for vandalism and loitering and she felt is was unacceptable to allow this type of development near a single-family residential neighborhood. She had concerns that property values will go down and was opposed to parking lots with lighting, as well as lighting in phases 3, 4, and 5.

Pete Nichols, 483 Pine Brae, said there are many concerns they have, such as: safety, noise, unsightliness of a parking lot, ball field lighting, lack of peacefulness of enjoying their properties, proven negative impact and decline in housing values. He said when the prospective buyers on Pine Brae Drive made their decisions to purchase their homes, they did so with an eye toward a peaceful enjoyment of a country like setting in northeast Ann Arbor. He said living between Washtenaw Avenue and Plymouth Road, they never imagined they would be living adjacent to a lighted parking lot, to the likes of what they would find at grocery stores, CVS, or strip malls. He said their decision and right to stay away from such settings will be stripped from them should the proposed location of the parking be allowed. He said suggestions have been made to increase parking on the south side of Geddes along with installation of a

pedestrian bridge or tunnel for safe movement to the north side of Geddes for Concordia students and their guests. He said lighted ball fields can be dealt with through simply not scheduling any night events. He referred to page 4 of the staff report for Special Exception Use, noting that it stated that it would not be detrimental to neighboring properties. He asked if the staff position agrees with the patently false report and if staff have walked the site from the neighbor's views and thereby making a much more informed decision. He said the risk of reduced property values is real and he asked the ball field lighting never be allowed. He provided handouts on property values and assessments throughout Michigan.

Mark Thompson Kolar, 491 Pine Brae, said he supports the University's proposed changes and thinks it's wonderful to have a small pretty college as a neighbor. He said he thinks what they are proposing is completely reasonable and it is wrong headed to deny a university or any entity who owns their own property, and has obviously taken some diligent steps to take neighborhood concerns to heart, to deny them the ability to move forward with something reasonable . He said they have been there a long time and are in recovery, trying to gain students, and to make more of this than what it is would be very wrong headed.

Dave Palmer, 428 Pine Brae, President of Pine Brae Neighborhood Association, said he is here to put a face to a project and to show what it's like to be a neighbor adjoining the University and their proposed athletic field developments. He said they share the interest in Concordia's success because as they succeed, so do they as a neighborhood. He said it is appropriate that their concerns are heard as it is appropriate that they ask Concordia's site to be approved as one site and not piecemealed by administrative permit or otherwise. He said it's obvious that everyone here tonight would rather be someplace else enjoying their homes after a long cold day, enjoying their free time in the evenings, without distractions or interferences from your neighbors. He said unfortunately, those of us living in Pine Brae are not that lucky, because if you as a Planning Commission allow Concordia to light their football, their baseball, their softball, and their soccer fields, those of us living next to these athletic venues will never be able to enjoy our homes again, in the same way that you enjoy yours. He said that is because if Concordia lights their fields, they will be exposed to the harsh glare and bright lights and the deafening noises as each of these sports takes to the field nights and before sunrise. [Sharp loud whistle blown twice] He said this would go on 5-6 nights a week throughout several months of the year. He said they want to be good neighbors of all their sporting endeavors and for the past 18 years he has been there as a Pine Brae resident cheering for the home team, The Cardinals. He said they have put up with the cars speeding out of the gravel parking areas at 60 miles

per hour, while kicking up dirt and dust that made its way into our screened windows and doors, and the home run cheers, and the vendors using their water and crossing their yard, and people shading under their trees, and using their bathrooms. He said Pine Brae has been a nice place to live up to now, but no longer. He said they also want to be heard. He read from a prepared statement. [Sharp loud whistle blown twice again]

Bill Westwalewicz, 3399 Burbank, said as a soccer coach, his organization serves the needs of about 500 kids in the community and Concordia has graciously allowed them to use their soccer fields over the years and he hopes that both Concordia and the neighbors succeed in working out any issues in order to continue to give children a chance to feel the victory of winning as well as the silence of defeat, while staying healthy and active.

Noting no further speakers, the Vice Chair declared the hearing closed unless the item is postponed.

MOTION ON SPECIAL EXCEPTION USE:

Moved by Briere, seconded by Milshteyn, 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 therefore, approves the Concordia University Special Exception Use for the construction of an athletic complex as part of a private college use, subject to no night games being played on the athletic fields and the parking lot lighting being dimmed after events, consistent with City Code.

COMMISSION DISCUSSION ON SPECIAL EXCEPTION USE:

Briere asked about the distance between the parking lot and the homes on Pine Brae.

Kahan provided information on the location of the parking lot using the map and noted that the topography of the homes closest to the proposed parking would be approximately 8-10 feet above the grade of the parking lot. He said most of the homes have walk-outs since they are built on a slight knoll.

Briere asked about the lighting in the parking lot and if it would be below eye level and directed downward or inadvertently shining on the houses.

Kahan said lights will be above the base grade along Pine Brae, but will be shielded and those living along Pine Brae shouldn't get much of a glare. He said the lights will be at least 300 feet away and the lighting

manufacturers are now designing parking lot lights to flow light downward.

Cliff Mayer, project architect, explained that the lights are LED fixtures that meet the City's lighting ordinance. He said the City's minimum lighting ordinance is a 0.5 foot candle, so Concordia has selected an energy efficient LED cut-off fixture that only sheds light downward. He said they have proposed to only have 6 light poles in the parking lot, so they have minimized lighting to that minimum 0.5 foot candle per City ordinance. He said originally they had the parking lot positioned further north but moved it to allow for a future non-lighted tennis court to act as a buffer between the houses and proposed parking lot. He said the original gravel parking lot that has been there for many years wraps around the north and around the houses. He said they are proposing to take out the gravel parking lot and replacing it with grass.

Mayer said security is important to the university and they have plans of positioning cameras on the parking lot along with a security team that the university has. He said the University does not have a problem with dimming lighting at a certain time, but the student's security is equally important to them as the neighbor's security is to them. He said at one of the citizen participation meetings, it was mentioned that at one time there might have been someone that parked in the Pine Brae neighborhood that they believed was attending a game, so by putting in the parking lot they may alleviate such parking on Pine Brae.

Briere asked about the noted condition of no night games, and whether the petitioner agreed that is was categorically accurate.

Mayer said he believed that would be an unfair statement. He said he believes that it has always been clear that the University would like night games through an approval process in order to light the fields. He said he would like that statement to read, 'no night games, until the lighting is approved', which would be more appropriate. He said no one has stated that there would not be night games, so he chose to say the University does not agree nor concur with that statement and it has never been their intent.

Rampson clarified that the specific draft language was added by staff.

Milshiteyn asked what time is considered to be 'night', since everyone has a different definition of what 'night' is. He said he felt they needed to discuss it and add language to help clarify the matter. He asked if any future phases would have to come before the City Planning or Council for approval.

Kahan said it depends on what is proposed. He said if grading was proposed, they would not need Commission approval, or to expand a detention facility; however to create an additional parking lot or something that triggers site plan approval, such as additional square footage, a new building, new ball-field lighting, those would all trigger Planning Commission review and potentially City Council review.

Milshteyn asked if the future 6 tennis courts would require review from the City.

Rampson said, no, not the way the code is currently structured, since they not considered structures and would not require site plan approval. She said the special turf field that was put in did not need to go through Special Exception Use because under our code it is not considered a structure. She said the bleachers were considered temporary and the same would be considered for a tennis court.

Milshteyn asked if it was assumed that the lighting in the parking lot would be on 24/7, or could the Commission add restrictions that lighting is to be on in the parking lot area up until a certain time or would the lighting be something that is required.

Clein referenced the language in the motion.

Milshteyn noted the difference between dimming the lights and having them turned off.

Kahan read the code that 'lighting levels may be reduced to 0.4 foot candle with a uniformity ratio of not more than 10:1 after 2 a.m. or after established hours of operation as filed with the City's Building Department. Established hours of operation are a half hour before and a half an hour after published business hours.' Kahan noted that code does like to have some lighting for safety in parking facilities in case someone goes to their vehicles after hours, but the intent is to dim the lights in order to impact the neighbors as little as possible as well as save energy.

Rampson added that the code says they must be on all night, and a change could not be done by resolution but would have to go to the Zoning Board of Appeals.

Milshteyn asked if the parking lot can be moved closer to the Earhart/Geddes intersection.

Mayer said they looked at a lot of locations and Concordia has done the best job in planning for future. He said from a traffic standpoint, they put

the ingress/egress as far north as they could get from the intersection, due to the round-about being extremely busy, which will allow for more safety at the intersection. He said the university would like to preserve that corner green space for perhaps a future building in 5-10-15 years. He said they feel the proposed parking lot makes sense in this location and allows for use in a safe manner and to force pedestrians across Earhart and Geddes is pretty dangerous and is not ideal. He said they did re-position and move the parking further south based on comments received and discussion with the City and plan to buffer it according to City standards with the neighbor's concerns.

Brian Barrick, landscape architect, said the parking lot was originally positioned 130 feet north of its current proposed location. He said on the south edge of the property the property is encumbered by existing utility easements, overhead electric easement, as well as storm sewer and right of way easements. He said they have balanced the position of the parking lot with easements on the south for potential future utilization of the parcel.

Mills asked about getting by with portable bleachers and what the code says about portable lights to light the field.

Rampson said if the Commission were to approve the resolution as it is written and the University wanted to use portable lights for day-time games, there is currently nothing in the code that would prohibit that.

Mills said the Commission would have to get back to what is 'night', as well as if the University comes before the Commission in the future how would that interact with what is before the Commission tonight.

Rampson explained that Special Exception Use allows the Commission to look at the circumstances of the use as it comes before them. She said if it comes back to the Commission with changes, they could amend the Special Exception Use, by making changes to conditions. She said they would have to take public comment and hear what has transpired in the time since then, but it would be allowed. She said there might be future Special Exception Use requests from Concordia that relate to the south campus. She said the Commission would not necessarily see one big Special Exception Use, similar to a Planned Unit Development where they have the entire site identified along with the uses.

Franciscus congratulated Concordia for their advancements and growth in their football team earlier this season. She also acknowledged the neighbors and how they fit in with the community and hoped that they can work things out to where there is a happy medium for both to co exist. She said she understands the proposed parking lot placement in

terms of safety with the different intersections and utility easements. She asked about the possibility of having the parking lot located closer to the southern corner and closer to the round-about in position, but not necessarily through access, thereby giving it safety through location and in proximity to how the campus flows for student use. She said she understands and respects Concordia's need to expand in the future, but is also trying to put herself in the shoes of the nearby residents.

Franciscus said she believed the residents on the north side would be more comfortable if the parking lot were a building instead, and wouldn't produce the glare of a parking lot. She said it becomes a matter of balancing the lighting, safety and positioning and she would love to see the matter balanced out. She said in cities like Boulder, Colorado, and Sedona, Arizona, it is wonderful to be able to look up and see the stars, noting she was sure there was a solution to minimizing light pollution in a way that it is not just to code but yet meets the needs of the situation.

Mayer said they need to address the safety issue, but if the City's desire is to shut the lights off, Concordia would be happy to do that. He noted that they will need some lighting for the security cameras, but the proposed lighting is per City code. Mayer added that the proposed lights would be at a level below the neighboring houses and would be downward facing.

Clein asked about fixtures.

Kahan said the petitioner has submitted photometric plans, noting that City code has limitations on the amount of light that flows off a parking lot, and the proposed plans meet the City's standards for spillover. He said when 'cobra-head' fixtures were used there was light everywhere, but they are a thing of the past.

Clein asked if the plan indicates any light spill to the adjacent properties.

Kahan said there is no light spill beyond the parking lot.

Clein noted that 0.4 foot candle lighting is pretty limited, and in his experience it is barely enough to see to one's feet.

Bona asked about the larger plans for Concordia, remembering when the plans for the gymnasium were presented to the Commission, it brought up interest in the university's master plan. She said after that meeting she was reminded that because Concordia is in a residential district, there is a lot of discretion that the City has in determining what you can and cannot do, unlike what you could do if you were in a commercial district. She said the petitioners are here basically to make

the Commission happy and she reminded them and the neighbors that every time the University comes before them they are basically starting over. She said when she looks at the plan she asks how often do games happen, how often is this lot full. She said she totally understands why we don't want pedestrians crossing either of these streets. She liked the idea of adding facilities to the site so they don't have a parking lot that only gets used 10 times a year. She asked how often the parking lot would be full.

Curt Gielow said they have 5 home games coming up in the 2015 season, as well as playing soccer once a week on the field, and the rest is practice. He explained that football games start at 1 p.m on Saturday afternoons and will stay that way. He said their soccer games usually follow their Saturday football games. He said while they currently don't anticipate lights, the topic seems irrelevant to the request before the Commission. He said Concordia has petitioned for a stadium and seating with locker rooms underneath and a parking lot, which the City requires. He said they will come back to the Commission on the lighting at a future phase, but it is not included this petition. He said Concordia has submitted a master plan or vision into the future to the City. He noted that the fields that exist will stay there, and they may be updated from grass and dirt to pro-turf. He said the lighting subject is relevant to the parking lot, which the City has asked them to move further away from the neighbors from where it was, and it will be replaced by a plentiful number of trees and buffering and 'mounding' in order to block the view from Mr. Palmer and the neighbors as best they can, because they respect them very much.

Bona asked if the parking lot will be lit at night while no one would be parking there at night.

Gielow said vehicles would park there only if they have special events at the main campus or faculty parking is full. He explained that due to the distance from the main campus, it would be unlikely that it is used unless all other parking is full. He reiterated that the only reason they have lights on the parking lot is because the City requires them and they would be happy to accommodate their neighbors and take the lights off. He said the university would secure it in a way so people wouldn't park in it at night.

Bona said instead of saying "let's take the lights out," we should work at the issue in a more sophisticated way, because the reason the City requires lights is for security and safety. She said she noticed on the plans that the petitioner is proposing Pries lighting, which is probably the most progressive lighting company in the country and she asked about potential controls.

Barrick said there are lighting controls that can be set into place, such as motion detection for site lighting, rolling illumination and dimming, while still able to maintain security by horizontal and vertical foot candle. He verified that when there are no events the parking lot lighting would be dimmed at all times.

Bona said the Commission does not have the ability to change the code around this table, but she was interested in looking at the various lighting options. She said it will still be a glowing parking lot, but since the City's code requires lighting, she was not willing to be the one to tell them to turn off the lights. She said her questions had been answered and she felt the parking lot is in right place, and she was not as concerned about car headlights, knowing that there would be blocking of the glowing parking lot.

Briere asked about the landscaping and if there was any vegetative buffer on plans. She asked about the future series of 6 tennis courts that could be installed on the green space and what the plan was for creating a decent vegetative buffer.

Barrick said the parking lot contains nearly double the amount of green space as is required by ordinance, with most of that occurring within the northern most island of the parking lot. He said this was intentional to screen the views of the parking lot from the northern side as much as they can. He said there are several layers of screening, like an onion, of dense plantings within 100 feet along the property line with varying species of evergreens and other trees and shrubs that grow to 8 10 feet or taller when mature. He said these will provide multiple layers of screening with the intention to continue the buffer further east as softball and baseball fields are upgraded in future phases after being approved by the City.

Briere said some of the trees described are tasty to deer, and this is an area with deer. She asked how they plan on dealing with that issue.

Barrick said it would be a continuing obligation to the University, since they live in an urban forest, it is inevitable that deer will eat. He said it will be a matter of maintenance and protection.

Clein asked about parking lot materials.

Kahan said it is proposed to be asphalt.

Clein said as a darker material it will limit light reflection, and will be beneficial to the neighbors. He said he believed the addition of 'no night

games' in the motion was intended to give neighbors solace, although he was not sure how games could even be played without lights. He said he was open to removing the wording if other Commissioners felt the same. He said in townships he has seen restrictions that say parking lot lights are to be dimmed an hour after a game or after sunset. He asked staff if they had knowledge how the dimming timing issue would work.

Rampson said she remembered a variance request for lighting to be eliminated completely since it was next to residential, but she had no recollection of variance requests on timing for lights to come on or off.

Clein verified that in order for the petitioner to have the lighting in the parking lot turned off it would require them to go before the Zoning Board of Appeals for such an approval.

Rampson said, yes.

Clein asked if there is an existing or earlier field across Earhart Road that is still being used.

Gielow said the pro-turf football field was built on the old field and across Earhart Road, behind the barn, there is a track and they also play some indoor soccer there. He said eventually they hope to re-do and put in a new track, but that would happen as they can afford it.

Milshteyn said the issue of portable lights was mentioned and he felt the Commission should define what night time is or add that no portable lights are allowed to the conditions.

Clein said it would seem the purpose of putting 'no night games' into the motion is to prohibit the idea of temporary lighting.

Gielow said the University would not use or allow temporary lighting. He said what they are trying to do is build seating so they can play football this August, with locker rooms and restrooms that are respectable. He said they are asking for serious consideration to build this grandstand for 1,300 people, put locker rooms for training and restrooms in that structure and put in a parking lot. He said they will turn off the lights as soon as the City allows them to turn them off and they will secure the parking lot for the neighbors.

Clein clarified that they need approval for the mentioned items in order to be able to play football this August.

Gielow said yes.

Briere said the reason for all of discussion about lighting and the parking lot is because of the Special Exception Use request on the table.

AMENDMENT TO SPECIAL EXCEPTION USE:

Moved by Briere, seconded by Franciscus, to amend the motion to read as follows:

“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 therefore, approves the Concordia University Special Exception Use for the construction of an athletic complex as part of a private college use, subject to no night games being played on the athletic fields and the parking lot lighting shall be dimmed 60 minutes past sundown or 30 minutes past the end of any event, consistent with City Code.

COMMISSION DISCUSSION ON AMENDMENT TO SPECIAL EXCEPTION USE:

Mills suggested adding "no games past sundown".

Briere said it is different between sundown in September than in November. She commented that they could add that there shall be no games commencing within 2 hours of sundown.

Clein said he was comfortable with the proposed amended wording.

Bona said she was comfortable with the wording of ‘no night games’, even though they don't have field lighting and they could not put in temporary lights, which would mean they could not play without lighting. She asked staff if that was correct.

Kahan said, yes.

Milshiteyn asked if the Commission felt the need to add language about dimming the lights to a certain level.

Clein noted that dimming was part of City Code.

Kahan read the City Code regarding the dimming.

VOTE ON AMENDMENT TO SPECIAL EXCEPTION USE MOTION:

On a voice vote, the vote was as follows with the Vice Chair declaring the motion carried.

VOTE ON MAIN SPECIAL EXCEPTION USE MOTION AS AMENDED:

On a roll call, the vote was as follows with the Vice Chair declaring

the motion carried.

Yeas: 6 - Kenneth Clein, Sabra Briere, Sofia Franciscus, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 3 - Wendy Woods, Eleanore Adenekan, and Jeremy Peters

MOTION ON SITE PLAN:

Moved by Mills, seconded by Franciscus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Concordia University Site Plan, subject to providing utility easements for sanitary sewers prior to the issuance of building permits and subject to completing 7 footing drain disconnects or equivalent sanitary sewer flow mitigation prior to the first certificate of occupancy.

COMMISSION DISCUSSION ON SITE PLAN:

Bona asked staff to explain the difference between the first and second motion.

Kahan explained that the Special Exception Use requires approval by the City Planning Commission only, while the proposed site plan requires City Council approval because it is over 10,000 square feet. He said this project is for a 12,571 square foot building.

Bona asked how this differs from the Special Exception Use.

Kahan said Special Exception Use means special permission for the proposed use and is not an entitlement or 'by-right' in an R1B zoning district. He said private colleges and universities can propose uses, and the review is intended to ensure impacts are mitigated to the greatest degree possible.

Bona said now that this step has been taken by the Planning Commission, what is City Council approving.

Kahan said the Planning Commission is making a recommendation to City Council that they approve the site plan, which includes the grandstand complex, with the locker rooms, restrooms and concessions, the parking lot and the drive, as well as other improvements such as bicycle parking and sidewalks.

Clein said he appreciated Briere's question about the planting scheme and the follow-up explanation from the landscape architect, noting that it seems like a robust plan to help shield and not make the parking lot look

like a big square of asphalt outside a big box store. He said the placement of the parking lot seems appropriate, given the site at the corner is more prominent and would be more suitable in the future for a building site. He said he believes that once the proposed plans are built it won't be nearly as objectionable as people might think.

VOTE ON SITE PLAN MOTION:

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

Yeas: 6 - Kenneth Klein, Sabra Briere, Sofia Franciscus, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 3 - Wendy Woods, Eleanore Adenekan, and Jeremy Peters