

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – May 20, 2008

Time: Vice Chair Bona called the meeting to order at 7:03 p.m.

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

ROLL CALL

Members Present: Bona, Borum, Carlberg, Emaus, Lowenstein, Potts, Westphal

Members Arriving: Mahler

Members Absent: Pratt

Staff Present: Cheng, Foondle, Kowalski, Pulcipher, Thacher

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of May 6, 2008.

Moved by Westphal, seconded by Potts, to approve the minutes as presented.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Potts, Westphal

NAYS: None

ABSENT: Mahler, Pratt

Motion carried.

APPROVAL OF AGENDA

Moved by Carlberg, seconded by Borum, to approve the agenda.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Potts, Westphal
NAYS: None
ABSENT: Mahler, Pratt

Motion carried.

Enter Mahler.

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

Potts announced that the next meeting of the Ordinance Revisions Committee would be held on Tuesday, May 27 at 3:00 p.m. in City Hall.

AUDIENCE PARTICIPATION

A resident of 1806 Virnankay Circle expressed concern about a land division proposal to subdivide 1708 Pauline Boulevard into three lots. She was concerned about this proposal because of the current level of flooding that occurred from that property whenever there were storms. Adding a private street or driveway and more houses would increase the impervious surface, she said, thereby causing more flooding problems. She spoke with residents on Sherwood who have experienced flooding problems for many years due to the runoff, adding that these residents would be calling Planning staff with their concerns. She said those residents have spent thousands of dollars to raise the grade of their yard and to install increased drainage. She understood the desire for this land division, but said there could be strong negative impact during and after construction and the residents in this area wanted to make sure that a solid plan was put into place, such as a plan that included the use of pervious material as an option.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Vice Chair Bona announced the public hearings scheduled for the meeting of June 3, 2008.

REGULAR BUSINESS

a. Public Hearing and Action on Arlington Site Condominium Site Plan, 2.21 acres, 1125 Arlington Boulevard. A proposal to allow the construction of an additional 3,500-square foot single-family house on the site with access to Aberdeen Road – Staff Recommendation: Table

Cheng explained the proposal and showed photographs of the site.

Christopher Graham, 925 Aberdeen, stated that his home was situated downhill from this property. He thought it was accurate to say that Ann Arbor Hills was highly regarded because so much of the neighborhood was zoned R1A. He did not favor rezoning this property to anything other than R1A, noting that there were many poor reasons for doing so. He stated that the property in question originally included two other parcels. At the time the property was initially subdivided, he said, he was a member of the City Planning Commission and he suggested to the petitioner that, while it was appropriate to subdivide the parcels, something needed to be done about the drainage and erosion problems. However, nothing happened to address those problems, he said. There was now a new petitioner approaching the City for another subdivision, he said, resulting in a total of seven new parcels. He stated that the residents in this area expected that if not all of the requirements of Chapter 57 were satisfied, at least the storm water and soil erosion issues be effectively and efficiently addressed. He would be happy to work with the petitioner on this.

Diane Conde, 1115 Aberdeen, stated that the residents here experienced a great deal of runoff down the street. Whenever it rained, she said, the street was filled with dirt and mud. She thought this property was quite crowded already and did not know where they would fit another house. She also stated that there was a sewer on the site and she was not sure how that would work with a new house over it. She noted that there already were homes for sale in the neighborhood that were not selling.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Arlington Site Condominium Site Plan and Development Agreement, subject to approval by the Washtenaw County Drain Commissioner.

Carlberg said she would like staff to address Mr. Graham's comments about runoff, erosion and road problems, noting that these problems have been brought up before. It was not clear who was responsible for the erosion, she said, nor if something was to have been done in the past and was not carried out. She was not sure if making all of the improvements to resolve the problem fell on the petitioner's shoulders, but said she would like to know the plan necessary to make that happen.

Potts agreed, and asked that staff also look into the location of the sewer, as referenced this evening during the public hearing.

Moved by Carlberg, seconded by Emaus, to table action.

A vote on the motion to table showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Westphal
NAYS: None
ABSENT: Pratt

Motion carried.

b. Public Hearing and Action on Gas Station/Tim Hortons Planned Project Site Plan, 1.32 acres, 3240 Washtenaw Avenue. A proposal to demolish the existing building and construct a 4,512-square foot gasoline filling station, restaurant and retail building with 31 parking spaces – Staff Recommendation: Table

Cheng explained the proposal and showed photographs of the site.

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

Moved by Carlberg, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Gas Station/Tim Hortons Planned Project Site Plan, with proposed modifications to the front setback requirements of Chapter 55 (Zoning Ordinance), Section 5:42, subject to maintaining a minimum usable open space of 23.6 percent.

Carlberg stated that the sidewalk along Washtenaw was right next to the street, which created an unsafe perception. The sidewalk was also in poor condition, she said. She would be interested in seeing the placement of the sidewalk away from the street with some type of barrier between the two. She did not see a reason to place parking at the front of site, which would force people to walk through the gasoline service lanes to get to the store. It made much better sense to put the parking for the store on the side of the building away from the setback and gas pumps, she said, which would necessitate a redesign. She stated that this currently was an unattractive site and she expected to see major improvements.

Borum recalled the Planning Commission recommending approval of a definition of drive-through facilities and requiring a special exception use for them in all districts districts.

Cheng did not think this was done for the C3 commercial district, but said staff would check into that.

Potts stated that the proposal contained a right turn only entrance and exit on two different streets, which she suspected was the safest way to handle the traffic circulation, but said this could be frustrating for customers. She wondered if there might be businesses further down the street where turnarounds could be made and asked for some analysis on how this circulation would function.

Moved by Carlberg, seconded by Borum, to table action.

A vote on the motion to table showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Westphal
NAYS: None
ABSENT: Pratt

Motion carried.

c. Public Hearing and Action on Downtown Rezoning and Amendments to City Code to Implement the Ann Arbor Discovering Downtown (A2D2) Recommendations. (Properties within the Downtown Development Authority District (DDA) boundaries, excepting those zoned R2A and R4C; properties zoned C2B on the west side of South Ashley between West Madison and West Mosley; properties zoned C2B on the south side of East Madison between the railroad and South Fifth Avenue; properties zoned C2B on the east side of South Fifth Avenue between East Madison and Hill; properties zoned C2A on the north

side of Willard between East University and South Forest; properties zoned C2A on the east side of South Forest between Forest Court and the DDA boundary; and property zoned C2A on the south side of South University east of the DDA boundary.) A proposal to implement the recommendations of the A2D2 initiative, to include: 1) text and map amendments to Chapter 55 (Zoning) to eliminate the C2A, C2A/R and C2B/R districts and their references; 2) text and map amendments to Chapter 55 (Zoning) to add D1 and D2 downtown base district uses and area/height/placement requirements; 3) text and map amendments to Chapter 55 (Zoning) to add eight downtown character overlay districts and related design standards; 4) text amendments to Chapter 55 (Zoning) to revise floor area premium options; 5) text amendments to Chapter 57 (Subdivision and Land Use Control) to establish a design review process and adopt downtown design guidelines as an attachment to the land development regulations; and 6) text amendments to Chapter 59 (Off-Street Parking) to revise requirements for the downtown special parking district – Staff Recommendation: Table

Rampson explained the proposed amendments.

Betsy Price, 905 Olivia, submitted a letter (on file) from she and her husband, as well as neighbors at 1025 Baldwin, 1503 Cambridge and 1706 Cambridge. She commended staff for recommending that this be tabled tonight to allow more time for the Planning Commission and the public to study the proposed amendments. Although it was due to be revisited in a year, it was far better to get it right the first time, she said. She stated that the key elements of both the Calthorpe and Winter/Race reports were their recognition of the quality of the buildings in Ann Arbor, the unique character of the downtown, and the need to add density that agreed with that character. She asked that the Planning Commission approve amendments that conformed to the recommendations of the two plans. She said they were particularly concerned with the South University area. They agreed that increased residential density would revitalize and rejuvenate the area; however, they did not want to sacrifice the existing character. She stated that new development must consider this and emphasized that unlimited height was not necessary to achieve increased density. For the South University area, she said, the Calthorpe plan recommended a maximum height of eight stories and development that catered to the community as a whole, not just students. She stated that a height limitation as recommended in the guidelines was compatible with the proposed D2 zone, so she wondered why the D1 zone, which allowed unlimited height, was proposed. She strongly urged that any new residential growth maintain the character of the neighborhood.

Alice Ralph, 1607 East Stadium Boulevard, stated that the proposed recommendations and amendments were quite complex and held a great deal of promise and benefit to the community. As a member of the A2D2 design review committee, she has followed many of the meetings on this issue. There were many hours over the years that were put into this effort by staff and volunteers, in addition to the high degree of public participation, she said, yet she still believed there was a relatively modest level of public understanding of this proposal. She thought that may be okay, because as the City moved forward with this draft, she believed there would be formal community education sessions, real product testing and evaluation of the system after one year. She thought a few amendments should be made to the proposal at this time, such as the zoning designation for the South University area, and making the D2 interface zone more completely concentric with the D1 core zone. If the edge of development along a functioning greenway was to be encouraged, she said, zoning should not imply development in the flood zone. She stated that boundary definition was also a concern that needed to be resolved. She thought if the A2D2 projects were viewed as an integrated system and significant elements of informed citizen participation were added, measurable progress toward goals could then be achieved.

Ruth Gretzinger, 1211 Arella, described the Ann Arbor she has always known, noting the trees, huge lilac bushes beside large Victorian houses, the Red Wing shoestore, bars, Schlenker Hardware, restaurants, Schoolkids Records, Lucky Drugs, Shaky Jake, and the old Quality Bakery. In the strange new Ann Arbor that would result from the proposed amendments, she said, one would no longer be able to see the

Old West Side from the roof from Palio's and it sounded as though there would be many more views that would be blocked. She stated that the charm of Ann Arbor lied in the fact that it was real. Ann Arbor did not need character districts, she said, because the whole town was a character. She knew that change was inevitable, but she asked that Ann Arbor not be changed so much that everything everyone loved about it was gone.

Margaret Wong, 418 South First Street, stated that she attended the recent A2D2 open house and was concerned that none of the maps on display showed the Allen Creek floodplain. She thought the proposed design guidelines suffered from a similar vagueness. At a minimum, she said, the language should prohibit new building and surface parking in floodway zones. She stated that this area was worth thinking about because it ran through the heart of Ann Arbor. As a member of the City's Allen Creek Greenway Task Force, she was disappointed to see little of their report reflected in the A2D2 report. She asked the Planning Commission and staff to recall the outcome of the first Calthorpe workshop where 19 out of the 20 teams showed a major greenway on their wish list maps. She asked that this critical opportunity be used to do right by the Allen Creek floodplain for the benefit of the entire community.

Mark Zahn, 6130 Marshall Road, spoke on behalf of his father regarding his property at the northeast corner of Huron and Division Streets. He said this property has been owned by his family for over 70 years. They were a longstanding family in the community and wanted to see things done correctly, he said, but a balance had to take place. He referred to the recommendation to make this portion of Huron Street a D2 zone. He was concerned because the buildings already on the block, Sloan Plaza and Campus Inn, were tall buildings and the buildings going up across the street were high-rise buildings. This spot interface zone did not seem to make sense in this location, he said. With regard to the 15-foot setback that would be in place, he noted that two or three of the existing buildings along this block of Huron Street were already built up to the sidewalk. He did not understand how this setback was arrived at. He drove along the Ann Street properties that were on the north side of this block and found that well over half of them were rental/income properties. He understood the concern of the residents there, but zoning this property D2 would be like stealing from his father, as the property was purchased by his grandfather as a long-term investment and the D2 zone would adversely impact the potential of the property. It did not make sense to him, he said.

Bruce Thomson, 2682 White Oak, owner of a piece of property on the north side of Huron Street between Division and State Streets, showed photographs of this block, including the Campus Inn, Sloan Plaza and the small pocket of one-story buildings. It was his hope that they would be able to work something out that enabled logical development along Huron Street and protection to the owners and residents to the north. He said the earlier suggestion to allow one foot of height per one foot of front setback would not work because the end result would be less building height than allowed in the D2 zone. One of the main issues was the front setback, he said, noting that if the rear setback was to be increased to allow more room for the residences to the north, then it did not make sense to push buildings back from the Huron Street sidewalk. He encouraged the idea of putting more retail along this block, but said it would need to be developed to the sidewalk. He distributed three letters from concerned citizens who were not able to attend the meeting (on file).

Dick Fry, 5409 Prospect Hill Road, Grass Lake, architect and farmer, displayed a draft site plan for the property on Huron Street owned by Mr. Thomson. He also showed drawings of the buildings along Huron Street. He stated that Mr. Thomson's property was adjacent to buildings that clearly were buildings allowed in the D1 zone and he was not sure of the rationale for zoning this block D2. He stated that Mr. Thomson has previously proposed good ideas for this block and the reality was that other tall buildings already existed here. He noted that the northwest corner of Huron and Division could potentially be 14 stories because it was proposed to be zoned D1.

Kerry Weisner, 2790 Kimberly Road, a member of the family who owned the property at 413 East Huron Street, stated that their property had quite a history. Her grandfather purchased the land many years ago and she, her brother, a cousin and several nieces and nephews now owned it. She stated that many families would be financially affected by changing the existing zoning, which did not have a height limitation, to the new D2 zone. This just did not make sense to her, she said. It was taking half of this Huron Street block and arbitrarily limiting the building height, she said, when two high-rise buildings already existed on the block. She thought there were other ways to address issues that the property owners to the north might have. She hoped this issue was carefully reviewed and that the zoning recommendation for this property was changed to D1.

Peter Nagurney, 914 Lincoln, spoke about the South University area and the concern that many neighbors had about changing the zoning of this area to D1. He said those concerned did not understand the rationale for the D1 zoning for this South University area that was separate from the downtown. He stated that the consequences of the D1 zoning would allow very high buildings in an area that has traditionally not contained that type of development. He believed this would have a negative impact on the area. He stated that he and many others believed the entire South University area would be more appropriately zoned D2 and asked the Planning Commission to take this into consideration.

John Floyd, 519 Sunset, stated that while Ann Arbor lacked amenities such as an ocean, mountains, minerals, warm climate, what the City had as an economic advantage was quality of life and a small town feel. He stated that the proposed floor ratio for the D1 zone would result in 10 to 25-story buildings. It would eliminate the sun and create canyons, he said. When the buildings were no longer new, he said, they would no longer be attractive. A non-human scale in the downtown would not be attractive to residents, he said, and merchants would have to attract people from outside of the downtown. He stated that he has been walking door-to-door to speak with residents in the fifth ward and what he has been learning is that residents are unaware of the tsunami of over-scaled buildings that is about to come. He stated that just about everyone was uncomfortable or appalled that this would be happening. He believed this proposal was out of touch with the bulk of the community. He believed that a downtown filled with buildings 10 to 25 stories in height cannibalized the quality of life.

Rebecca Lopez, 800 West Huron Street, believed these amendments were a great idea. Overall, she thought this was a very important step for Ann Arbor. It was her hope that the design review process did not become a process that strangled development of the downtown. She commended the Planning Commission and staff on the efforts to move this forward and said she hoped that the process continued and details were worked out.

Ann Larimore, 916 Olivia, stated that the proposed premiums should take into account the unique weather and climate of Ann Arbor. She said Ann Arbor had the type of climate where it was not very enjoyable to sit outside for about eight months of the year. She stated that the planning done by the outside consultants, the work that the citizens have done, and the work done by the Planning Commission and staff have all said that there should be a focus on the pedestrian experience. She walked from campus to the South University area almost daily throughout the year and most days it was not very pleasant, particularly when it was raining, snowing, sleet, or icy. She thought it would be useful to think about some of the premiums in relation to a winter-dominant climate. She stated that many of the buildings along South University had overhangs above the first level that protected the sidewalk from inclement weather and suggested that perhaps there could be premiums for overhangs or continuous awnings. And perhaps there could be premiums for heated sidewalks, she said. She was not sure if courtyards and plazas were really necessary in Ann Arbor, noting that the courtyard north of the Forest Street parking structure usually was not cleared in the winter so pedestrians had to walk through snow. She stated that she would like to see amendments to the premiums to reflect her comments.

Chris Crockett, a member of the Old Fourth Ward Historic District and of the A2D2 design review committee, discussed the Huron Street character. As a member of the design review committee, she said, she knew that the decision to recommend D2 zoning for the north side of Huron Street between Division and State was not an arbitrary decision. She said this issue was discussed in depth and, in the end, it was not just the residential district of the Old Fourth Ward Historic district that was a factor in the decision, but other areas where development could encroach and lessen the quality of life. She thought it was important to remember that the City was about people living here, people feeling good about living here, making sure there were good spaces in which to live. She did not believe that the statement made about her neighborhood being mainly rental should be raised in a dismissive way. She did not think people deserved lower quality housing just because they were renters. Everyone deserved homes that had light and air and homes that were not encroached upon. She stated that she has always lived in a student neighborhood in the downtown and she believed students deserved a good place to live.

Eileen Tyler, 126 North Division Street, stated that she was privileged to live here as a homeowner and as an involved person in the downtown process. She said she was on the Planning Commission many years ago and was one of the authors of the downtown design guidelines which have provided good guidance over the years. She did not think the previous guidelines were radically changed by the recommendations in the A2D2 report. She wished the Planning Commission the best of luck in making wise decisions and said she would like to help in any way she could. She liked living in the downtown area and did not mind at all that students were her neighbors. She would like to see more people invest in buying homes in the downtown. Just because a couple of buildings on Huron Street were tall, she said, did not mean that type of development had to be continued. There were other smaller scale buildings in this area, she said.

Ray Detter, 120 North Division Street, speaking on behalf of the DDA Citizens Advisory Council (CAC), stated that CAC has been part of this process over the years and was thankful for the openness as the effort progressed. He said the CAC was delighted that this was going to be tabled tonight because there still were issues that needed further discussion, such as the East Huron Street block and the South University area. He said there were properties on East Ann and North Division Streets and between North Fifth Avenue and Ann and Catherine that still had questions. Additionally, the issue of front and side setbacks regardless of zoning still deserved some discussion.

Christine Freeark, 3525 Daleview Drive, speaking on behalf of her husband, requested that 106 West Madison, which was being used by a part-time medical staff, be included in the interface zone. She said it was a low-traffic use and would fit well within the interface zone. She said the building was within several feet of commercial property to the east and was across the street from Happy's Pizza. At some point, she said, the whole side yard was turned into an unpaved parking area. She stated that the interface zone would create a better buffer for property to the west and north. While the A2D2 report excluded this property, which was within the DDA area, she and her husband felt it should be included in the interface zone given its proximity to commercial to the east and south. She believed it could be improved consistent with the character of the Old West Side. She had discussions about this with the Old West Side president and the Councilmember representing this ward, neither of whom were opposed to the proposed use. She distributed a statement (on file).

Vince Caruso, 555 Glendale Circle, a member of the Allen Creek Watershed Group, spoke about the importance of green space in downtowns and small towns and how Ann Arbor fulfilled an important role of small towns. He stated that consideration needed to be given to the effects of development along a creek watershed. He noted that the EPA has come out with reports that say Michigan will be experiencing many more intense rain events than normal, as well as long drought events followed by heavy rain. He said the EPA has notified municipalities in Michigan to redesign treatment plants for sewage, as they will be expecting much more flow into the system. They needed to be redesigned to handle the effects of

global warming, he said. He also stated that the 500 or so homeowners living in the Allen Creek floodplain needed to be considered. He stated that they have asked that a study of the Allen Creek watershed be done, yet no efforts have been made to make that happen. A “win-win” situation needed to be created for Ann Arbor, he said, similar to other cities that have created greenways in the downtown. This was an opportunity to move forward with these decisions that would benefit the City, he said.

Jerry Lax, 201 South Division Street, legal representation for Mr. Thomson, said there was a point of reasonableness of regulations and preservation of neighborhoods. He stated that considering restricting development of property that for years has been able to develop to a higher use was not looking at a blank slate. There were two tall buildings already on this block of Huron Street, he said, which must be taken into consideration when restricting this property owner from developing his property. The development of those two tall buildings was not necessarily a ‘wrong,’ he said. With regard to the important issue of neighborhood preservation, he said, the question first needing consideration was what it would take to preserve the neighborhood and whether it took a severe restriction of building height along a main street. He stated that there were many things that could be done through design by way of setbacks, etc. to contribute to neighborhood preservation and Mr. Thomson has agreed to consider those, such as conditional rezoning. He urged the Planning Commission to take into account that this was not creating something on a blank slate and that there were many ways that a neighborhood could be preserved without impacting a single property owner.

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

Moved by Emaus, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the A2D2 Downtown Rezoning and Amendments to City Code.

Potts stated that during the working session last week, she distributed amendments that she intended to propose when the Planning Commission was ready to make a recommendation. With regard to premiums, she believed staff’s proposal was a little too generous. She questioned the kind of zoning that should exist in the South University area and said she would like to change the non-DDA portion of South University to Interface Zone D2. She also was interested in some of the definitions, recalling that she has spent a remarkable amount of time explaining the FAR (floor area ratio); area, height and placement; and how premiums work. She thought it would be logical to add definitions of these to the code. She went on to describe the amendments she would be proposing: 1) Regarding the residential use premium, it was previously proposed at 50 percent and then was raised to 75 percent of the current maximum. She believed it should go back to 50 percent of the current maximum. 2) She thought allowing premiums for preserving historic buildings was wonderful and creative, but if she understood this correctly, new construction on a lot could crowd an historic structure so much that there would be almost no point in preserving the structure. She would like to see an amendment made to prohibit new construction from harming an historic resource. 3) She thought the provision for plazas was restrictive and suggested that they be allowed along buildings, not just at corners. 4) She would be proposing height limits, mostly the limits that were proposed in the Calthorpe plan. 5) She would like the Planning Commission to be involved in the design team when it came time to select participants. 6) There were issues about various areas in the downtown and South University as to whether they should be zoned D1 or D2. She said she would like to make some of these changes in the form of individual motions at the next Planning Commission meeting.

Carlberg thought it would be appropriate to introduce a height limit in the South University overlay district, something that would allow for density but still protect the neighborhood. She asked staff to look into this.

Westphal complimented staff for the work done on this project and the public for all of the input provided. He thought all of the initiatives were a balancing act between expressing the community's desires to aesthetically and functionally provide what the City was looking for. He spoke to a few letters/emails received regarding the designation of active streetfronts. He was not on the committee that created this input, but he had experience with the topic and he thought that hearing how many people bemoan the demise of cities and retail and the rise of shopping malls, he posed special attention to the provision of maintaining retail frontage along the streets. He stated that banks and office uses on the ground floor were opposite of what a retail downtown should be. When this came back to Commission, he would like to see an increase in the amount of active space required on core blocks. Another larger scale issue had to do with premiums and how the actual numbers and diagonals of certain buildings were arrived at, he said. He thought it might not be a bad idea to have an economist look at this, as suggested this evening. With regard to plaza design, he said, there was some helpful language in terms of what the City was seeking, such as a pedestrian amenity on the street level. He would like to see stronger encouragement of good plaza design in the downtown, stating that if the City were going to create interruptions in the fabric of the downtown that would distract people from the reason they were there, then the plazas needed to be designed extremely well.

Mahler said he was interested in the thought process for the height requirement for the South University area, potentially recommending the D2 zone when the area currently was zoned C2A with no height restrictions in place. He wondered how the recommendation for the existing C2A zoning was arrived at and why there was now a recommendation for a height restriction. He said he would need more information about this before he could make a decision.

Borum stated that something that kept coming up was the relationship of the lower and upper towers of the diagonal limitations and said he would like to understand more about that. It seemed like what he was hearing from a number of people was that as lofts got larger, there was a limiting factor in the way upper levels were developed. He asked for additional information about this.

Bona stated that with regard to the D2 interface zone along Huron Street, there was a comment by one of the property owners about the difference between D1 and D2 with a provision for one foot of height for each foot of front setback and comparing the two. She believed the property owner may be correct that it may be more restrictive and said she would like confirmation from staff on that. She said another comment made by the public was about premiums relative to awnings. She thought it was a good comment and she wanted to be sure that they were encouraged, not just allowed. She stated that there was a reference made to driveways in character areas relative to surface parking, but they were not mentioned relative to service or parking structures. Her concern with driveways was limiting curb cuts that crossed the sidewalk, mainly on the primary streets. She would like more specificity as to what was allowed because she knew how easy it could be to make the case that a driveway was necessary. Finally, with regard to the issue of the street frontages along the primary streets, she reinforced Commissioner Westphal's comments about the amount of retail on active streets. She said something else to look at was whether 60 percent was enough to make those streets truly vital. The continuity of them was also important, she said, noting that pedestrians did not walk too far before getting distracted and walking away. She said she would like to take time to review those boundaries and make sure they were adequate and not being extended too far. She thought the concerns about having vacant retail space were reasonably valid, but said there also were many secondary streets that did not require retail. She thought it would be appropriate to also look at the street frontage on the north side of Huron Street between State and Division. She believed it was a front yard block and the rest of Huron was a secondary street and it may provide some relief to not have a front setback requirement. She wanted to make sure that all of the non-residential properties were included. She also thought that an economic analysis might be helpful, but also encouraged visuals as far as what the premiums might produce. She wanted to make sure that the residential premium wasn't too generous. She stated that language for the

historic district premium may have been deleted from the April 22 or April 30 version and asked that this be looked into. She asked if there was a timeframe the steering committee was following.

Rampson stated that the steering committee hoped to meet next week, at which time a schedule would be developed. She said the committee wanted to move expediently. She thought a set of revisions would be ready in the next couple of weeks, adding that they may first go to the Ordinance Revisions Committee.

Bona stated that this was a major, exciting project and she was glad that care was being taken in its development and adoption; however, she said it was important to keep moving forward with this.

Moved by Emaus, seconded by Borum, to table action.

A vote on the motion to table showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Westphal
NAYS: None
ABSENT: Pratt

Motion carried.

d. Public Hearing and Action on 42 North Apartments Site Plan and Wetland Use Permit, 15.32 acres, 1430 South Maple Road. A proposal to construct 120 apartment units (480 bedrooms) in five 3-story buildings, a clubhouse, a maintenance building and 494 parking spaces (30 in garages) – Staff Recommendation: Approval

Kowalski explained the proposal and showed photographs of the property.

John Eaton, 1606 Dicken Drive, speaking on behalf of the South Maple Group, a coalition of the Friends of Dicken Woods, the Allen Creek Watershed Group and the Mushroom Park Neighborhood Group, stated that the entire group opposed this project. He said they believed this revised project was too extreme for this piece of property. The petitioner has claimed that this was a “by-right” development, but he said they disagreed with this. He said there were too many residential units proposed for the size of this property and the project failed to adequately mitigate the destruction of the natural wetlands on the site. He said the petitioner stated that only 120 apartment units were proposed, but he pointed out that they would not be renting by the apartment, they would be renting by individual bedrooms and 480 bedrooms were proposed. He believed that the 480 bedrooms/bathrooms the petitioner would lease to individual students should count as the units in calculating the number of units per acre allowed by City Code. He stated that these units more closely fit the description of a rooming unit as described in the Zoning Ordinance, noting that the R4B zoning district prohibited that many units. He pointed out that the petitioner was having to shift some of the wetland mitigation onto the adjacent property in order to handle the proposed population. He asked that consideration be given to the adverse impact this extreme project would have on the surrounding properties. If the Planning Commission chose to not deny this project, he asked that it at least be tabled until the Michigan Department of Environmental Quality (MDEQ) issued its final mitigation report.

Vince Caruso, 556 Glendale Circle, agreed that this development was too extreme for this community. He also expressed his support of the comments made by the previous speaker. He stated that the Allen Creek Watershed Group did not support this proposal. He said the project would significantly increase the volume of water into an already taxed Allen Creek watershed, which was unacceptable. He stated that expert consultants for both the petitioner and the neighborhood have indicated that a regional storm

water solution would be required to deal with the additional runoff coming from this project. This has not been done, he said. He noted that a recent MDEQ study has recently found that mitigated wetlands fail nearly 100 percent of the time and that it was the MDEQ who originally proposed mitigated wetlands years ago. He stated that more wetlands were needed in the Allen Creek watershed, not less. He questioned whether 480 students would really want to live this far from campus and so close to an expressway. He wondered what this development would turn into if students did not end up renting the units. There already was a significant amount of high density housing in this neighborhood, he said. He also questioned who would supervise the students and what guarantees would be in place for the provision of an adequate number of supervising staff.

Stephanie Hunter, 1601 Dicken, representing the Friends of Dicken Woods, stated that it was common knowledge that this neighborhood was concerned about water. She said residents had it in their backyards, in their basements, it was on the school playgrounds, and in Dicken Woods. She said they have been told that there would be no significant water problems created by this development. The residents did not believe this, she said. The MDEQ has said that almost 100 percent of mitigated wetlands fail, she said, and that 90 percent of post-development problems were drainage related. If this were true, she asked, why would the City want to allow an extreme amount of concrete on the headwaters of Allen Creek, Honey Creek and Mallets Creek. She said they have been told that there were 12 small wetlands on this property and that 11 of them were to be filled in. She said these wetlands were part of a continuous wetland system running from Liberty Street to Scio Church Road and wondered what would happen to this whole system from 11 wetlands being filled in. She stated that some of the mitigation would be done through an alternative mitigation, which involved a cash contribution. She questioned how cash could take the place of needed mitigation. She believed this all indicated that this proposal could not be considered a “by-right” development. She said the project was extreme, it made poor use of this property, and it would do significant damage to this property and surrounding areas. She asked that the proposal be denied or, at the very least, tabled this evening.

Jim Boyd, 2136 Stephen Terrace, stated that the staff report claimed that because the revised site plan contained a reduction in units from 160 to 120, the conclusions from the original traffic study were still valid. He distributed data regarding current traffic delays on Pauline Boulevard and stated that the PM peak hour delays contained errors. He believed this proposal should be rejected.

James Gleason, 1731 Tudor Drive, registered his opposition to this proposal. He believed it would be an eyesore and said the environmental blight was absurd. He stated that this massive, high density development was completely out of sync with this neighborhood’s quest to maintain its diversity. He said the project did next to nothing to foster a public benefit. Allowing this massive project to move forward would be a grave disservice to all, he said.

Andrea Klein, of ECT, wetland consultant for the petitioner, discussed the wetland mitigation plan. She said the proposed plan would enhance and increase the amount of wetlands on the site, complementing the natural features. She said they would be creating a new wetland on the site that exceeded MDEQ requirements. The wetlands presently on this site were generally poor quality and contained many invasive species, she said, and the mitigation they proposed would consolidate the wetlands into one large system that would support a diverse community of plants and wildlife. She also stated that they would be contributing funds for the enhancement of the Hansen Woods. She stated that there would be more wetlands on this site than what would normally exist if not regulated by the City, adding that the mitigation area was designed to be self-sustaining.

An attorney with Honigman, Miller, Schwartz & Cohn, representing the Surrey Park Apartments to the south, believed this proposal was in violation of City Code. He did not believe the entire height of the building was being measured, noting that the height was being cut off where the caps were located.

Chapter 55 required building height to be measured up to the highest point of the roof, he said. In this case, he said, the buildings would be over 30 feet high. He noted that the Surrey Park development was very low in density and this new proposal was very high in density. A great deal of noise and activity would be coming from the parking lot of this project, he said, which would adversely impact the Surrey Park residents. The residents would need protection from that, he said. At a minimum, he said they were requesting action be tabled so additional review could be undertaken. A problem with remediation on the church property was that the Planning Commission had not yet seen the plan for that, he said, so it was impossible to make a fully informed decision at this stage.

Matt Marshall, of Wood Partners, petitioner, stated that listening to the comments this evening made one think that the density of the project had been increased rather than decreased. He stated that he has been in regular contact with the neighbors, who have been aware of this project and schedule since day one, adding that he thought communication had improved. He believed the Planning Commission had been provided a copy of the transcript from the neighborhood meeting. He stated that the height of the buildings has been reduced from 49 to 30 feet. This was a major reduction, he said, stating that the view impact would be minimal at best. He stated that the total number of apartments was reduced by 25 percent, from 160 to 120 units. This was a large reduction in an apartment development of this size, he said. He stated that they also reduced the number of potential residents from 640 to 480, another 25 percent reduction. With regard to overall parking, he said, there was a 23 percent reduction. He said they heard concerns about potential noise, so they removed the balconies and turned them into a type of sunroom, which would help keep noise levels down. He also noted that the amount of open space was increased. He believed the impacts of this proposal had decreased quite dramatically and said he would be available to answer any questions Commission may have.

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

Moved by Potts, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 42 North Site Plan and Development Agreement, subject to the approval of the land division and approval of the alternative wetland mitigation request.

Moved by Potts, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 42 North Wetland Use Permit, to remove up to 57,107 square feet of wetland area, and mitigation plan, including construction of at least 94,624 square feet, restoration and monitoring of the remaining wetland area and cash in lieu construction for alternative mitigation.

Potts acknowledged that changes had been made to the proposal, stating that it was a smaller development. However, she was not certain that her concerns had been addressed by the revisions. She said her main concerns dealt with infrastructure. Even if AATA did make a commitment for increased public transportation service, she said, it was a flexible system and could change. She did not think there was a way to guarantee that an agreement with AATA would last that long. She was very concerned about storm water, stating that the residents in this area have experienced chronic water runoff problems and that other areas have had severe flooding problems. She also expressed concern about the low water pressure in this area and wondered how this development's own system might impact other residents. She thought it was better to have proper infrastructure in place and then promote development. She said this development would be taking care of its own access to water in the same service area.

Slotten stated that the water distribution system in this area was made up of 20-inch transmission main, so there was plenty of water volume. The issue with this site, he said, was the elevation, which reduced the pressure that could be delivered to this particular site, adding that it did not affect other areas.

Carlberg stated that someone mentioned this would increase the volume going into the storm water system and asked staff to speak to those facts and impacts. She recalled a report the Planning Commission received that said the rate would be slower because of additional retention facilities.

Slotten stated that any time there is a piece of land without any impervious coverage, rain water and any other water landing on that property infiltrates into the ground, with some of it slowly draining off the site. Once the property is covered with a hard surface, he said, the amount of land available for water infiltration is decreased. He stated that the City's storm water detention ordinance worked toward controlling the rate of water discharge from the site, but that the volume or amount of water that leaves the site does increase since it is unable to infiltrate as it did before.

Carlberg asked if the increased amount of water discharge would have a harmful effect on Allen Creek.

Cresson stated that Allen Creek was a tricky watershed, as it was the most urbanized watershed in the City. He said there would be more water draining into the watershed, but over a longer period of time, and the retention facilities in place would bring the peak down so it would not be as severe.

Carlberg asked about impacts on the Dicken Woods area.

Ophoff stated that Allen Creek was a major watershed that would receive water runoff from this development. He said the discharge rate from this development would reduce the impact on Allen Creek by 73 percent. The net effect, he said, was that the discharge and the rate of discharge would be reduced.

Mahler stated that approval from the County Drain Commissioner appeared to be contingent upon a mutually binding agreement. He asked about the content of that agreement.

Ophoff said it was part of a sales agreement between the petitioner and Grace Bible Church, not only for the drainage system but also for cross selection of parking lots. He said the agreement would contain provisions about payment responsibilities for the wetland mitigation.

Mahler asked what would happen if the agreement could not be worked out.

Ophoff replied that if the agreement was not worked out, the sale of the property would not go through.

Emaus stated that he recommended approval of the previous proposal for this project, which was now before Commission with most of the same features except for a reduction in size of buildings, number of units, and amount of parking. He did not believe there was a basis for recommending denial.

Lowenstein said it was reasonable for the people who lived in this area to be concerned about this. She believed all questions had been answered by experts and she was confident in those answers. She stated that she recommended approval of the previous 42 North proposal. She noted that this area was appropriate for dense development, as it was close to the Stadium Boulevard commercial area, close to grocery stores, and other uses that benefited from dense development. In looking at the list of everyone who opposed this, she said, there seemed to be many on that list who lived miles away. She believed there were certain kinds of objections that might be reasonable and certain kinds that might be unreasonable. There were a number of people who simply objected to having students in this area, she

said. She particularly objected to the comments from the attorney representing Surrey Park, which had an occupancy rate of 15 percent students, about not wanting students living next door. She believed this was unreasonable. What was reasonable, she said, was determining if this proposal met the criteria of the City code. She thought outstanding questions had been answered and that this proposal met the requirements of City code.

Carlberg stated that with regard to traffic impact concerns, it appeared that every traffic light cycle would allow gaps for left turns into the development. At the most, it looked as though two cars would be waiting to make a left turn. She believed the traffic could be adequately managed. She stated that students would not be able to drive to campus because there would be no place to park, adding that the students living in Surrey Park next to this site also had a need to take the bus. Having access to use the bus more often was always a plus, she said. She had a difficult time understanding how the people living on the other side of Maple Road would be impacted by this development. She stated that this development would reduce the stress on the sanitary sewer system and it would provide a large area for natural storm water detention. She said she recommended approval of this proposal the first time and would be glad to do so again. She did not believe that it would have a serious impact on the neighborhood.

Westphal stated that he also voted for this previously and said he would recommend approval again this evening, noting that it was in conformance with the master plan recommendations for this area.

Bona asked for explanation of how the height of the buildings was determined.

Kowalski stated that the 30-foot measurement was to the roof base and that the architectural feature at the top was not part of the measurement.

Bona asked about the existing and proposed buffering around the parking lot.

Kowalski explained the parking lot buffers, stating that all four sides had some type of conflicting land use buffer. He noted that the buffer exceeded the land use buffer requirements along the south side.

Bona asked if the petitioner would make sure that, if street trees were planted, they be planted between the sidewalk and the curb.

Ophoff replied that, yes, they would do that.

Potts stated that she still had unease about this project, partly because of the way on-site water was being handled. She was concerned about this development counting on the large wetland close to Hansen Park. The rate of storm water going downstream from this site was being released at a lower rate, she said. She did not think this area with its current infrastructure was ready for this development and said she thought a better plan could be achieved.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Westphal
NAYS: Potts
ABSENT: Pratt

Motion carried.

e. Public Hearing and Action on City Place PUD Zoning District and PUD Site Plan, 1.23 acres, 407-433 South Fifth Avenue. A request to rezone this site from R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District) and a proposal to construct 83 workforce housing units and 15 affordable housing units in a 4-1/2-story apartment building with 96 garage parking spaces – Staff Recommendation: Denial

Thacher explained the proposal and showed photographs of the property.

Deanna Relyea, 451 South Fourth Avenue, stated that she has lived in this neighborhood for 18 years. The neighborhood consisted of real people with jobs, she said, as well as a church, a funeral parlor and doctors' offices. She believed these two blocks of Fourth and Fifth Avenues between William and Packard Streets were a beautiful entrance into the downtown area, adding that this Victorian neighborhood was a necessary addition to the mix in the downtown area. She added that the homes were very valuable to the neighborhood.

Janet Chin, 401 Hamilton Place, stated that, since 1971, she has lived behind the Greek Revival house which was proposed to be demolished as part of this proposal. She did not object to development and could not say she particularly objected to this proposed development, except she did not think it was radical enough. She suggested that one forget for a moment what existed on the property and think instead about what could be there. She stated that she raised her children here and, when she first moved here, people who owned these homes lived in them. Families no longer lived in them, she said; rather, they were rental properties now. She stated that useless backyards could give way to surface parking lots, but this proposal could provide a development with a park area.

A resident of South Fourth Avenue asked that the Planning Commission take into consideration the comments about the character of this area, noting that this proposal did not fit the context or character of this neighborhood. He believed this proposal was offensive and that it would change the whole character of this part of town. He questioned why it was necessary. If the character of the downtown were now going to be changed with increased density, he suspected that people would begin moving away, which would adversely affect the character. The downtown would no longer exist as it currently was known, he said.

Lars Bjorn, 712 East Ann Street, stated that he lived in a similar neighborhood. This subject site was one of his favorite areas of the downtown, he said, something he regularly showed visitors. He challenged the Planning Commission to find any other streetscapes with these simple-yet-elegant homes elsewhere in the City. He pointed out that these homes were once part of an historic district, but the district eventually was eliminated. He believed this should be classified again as an historic district. This was what gave Ann Arbor its character, he said. He thought the petitioner was dreaming if he thought anyone but students would live here. He urged the Planning Commission to deny this request.

Mary Hathaway, 1407 Wakefield, stated that her feelings about this have not changed with a revised proposal. What she said the first time this was proposed was that the downtown, whose historic character was protected by ordinance, was thriving. This street contained handsome buildings and a pedestrian scale, she said, which was lively both day and night. She stated that people come to downtown Ann Arbor for an experience they are unable to get at a mall. Approaching Ann Arbor from any direction, she said, there were beautiful historic streetscapes, adding that this block of South Fifth Avenue was one of the best. She hoped the Planning Commission would reject the proposal.

Ilene Tyler, 126 North Division Street, an architect, stated that her career was based on sustainable and preservation work. This proposal clearly was not sustainable, she said, noting that the proposed building was unattractive and inefficient. She stated that the economics of preservation was a topic that would be

coming to Ann Arbor and she hoped the Planning Commission members would personally take advantage of listening to the speaker. She stated that the PUD ordinance contained specific standards on which to deny a project. She did not think this proposal represented innovation in land use, nor did she think it provided open space for residents or the public.

Susan Wineberg, 712 East Ann Street, said she spoke against this project the first time and her opposition had not changed. The project basically had not changed, she said, adding that it encouraged high density housing outside of the downtown proper. She asked the Planning Commission to reject this proposal and urge the Mayor and City Council to appoint a committee to establish an historic district for this block.

Newcombe Clark, 113 West Liberty Street, stated that he served as president of the Main Street Area Association and was a member of the Chamber of Commerce, the Michigan Theatre board, and other committees and boards. He had a small interest in this project, he said. He stated that sustainable or affordable housing could not be built without a PUD or a subsidy. All that could be built, he said, was luxury condominiums for student housing or projects that did not end up happening because of the cost realities. He provided statistics of the number of people living in the downtown and said this number has continuously decreased. The restaurants everyone enjoyed on the weekend needed to be full every day of the week, he said.

Ed Brice, 218 Pineridge, expressed his opposition to this project, stating that he agreed with the previous speakers.

Chris Crockett, 506 East Kingsley Street, stated that she lived in a neighborhood that was similar to this block. She thanked staff for preparing a thorough report and said she hoped the Planning Commission would follow staff's denial recommendation. The reasons for denying this project were comprehensive and well-documented in the staff report, she said. She thought there were many pretensions in the application for this destruction of property, one having to do with green or sustainable development. If the petitioner did not know how to keep a 19th century house green, she questioned the petitioner having any business building this project. She said the domino effect of allowing this type of development needed to be considered. She also urged that the Mayor and City Council appoint an historic district study committee for this block.

Mike Rice, 519 Virginia, said he opposed this project for many reasons, many of which were already mentioned this evening. As a pedestrian, he walked by these homes several times a week, noting that it was lined with trees, was an enjoyable experience and was a wonderful introduction to the downtown. With regard to the comment about the young population declining, he said, there were thousands of students at the University of Michigan and many of them enjoyed visiting these kinds of areas.

Ray Detter, 120 North Division Street, recommended denial of this proposal, stating that the zoning and site plan were inconsistent with master plan recommendations. He said the commitment of the Central Area Plan was to protect established residential areas. The groups he represented were strongly committed to community planning and said the way to change zoning was not through the PUD process. In the 1950s, he said, City leaders tried to get funding to remove the blight around Kerrytown. Almost all of the buildings known today as Kerrytown were proposed for demolition, he said, but the Mayor vetoed the plan approved by the City Council because it would be too disruptive. He urged everyone to think about what the City could have lost. He believed this PUD proposal was diabolical.

Ellen Ramsburgh, 1503 Cambridge, echoed some of the comments she heard tonight, adding that she believed the staff report was complete and well-documented. She quoted Donovan Rypkema, author of The Economics of Historic Preservation, and urged the Planning Commission to deny this proposal.

Alex Parry, petitioner, stated that he was present this evening with members of the development team. He has lived in Ann Arbor since 1965, he said, and has been in business since 1969. He believed that environmental responsibility and sound urban planning were the key to the City's future and in keeping with the City's goals. He stated that it would take an extraordinary amount of money to bring these existing buildings up to current code standards. The apartments in this proposal were designed for different types of residents, he said, sharing related statistics. His goal was to create a visually attractive, pedestrian friendly building. He said the development would contain underground parking spaces and many environmentally responsible features. Geothermal heating in the buildings would eliminate the need for natural gas, he said, and the location of this property would encourage the use of alternative transportation. He believed this proposal could be far superior over what might be built on this property.

Brad Moore, of J. Bradley Moore Architects, showed a rendering of the building and described the architectural details of the project. He said the building would be set back from the property line to be consistent with other buildings, the front yard landscaping would be enhanced, the number of curb cuts was going to be reduced from four to one, and the development would be designed to energy star standards. He further described the energy-efficient aspects of the project.

Jamie Gorenflo, of Midwestern Consulting, representing the petitioner, stated that the decision for the Planning Commission this evening did not include whether this particular streetscape should be saved, but had to do with recommending whether the petitioner should move forward with the proposal presented this evening. He said the fact was that the existing homes would eventually go away and this block would change. He stated that this was a real opportunity for a unique development aimed at providing housing for people working in the downtown. He said there were many benefits from this PUD proposal, such as an increase in the diversity in housing options and increase in pedestrian activity on the streets. This block was part of the South Central Neighborhood as defined by the City, which included the football stadium, Crisler Arena, the power plant, Yost Arena, Fingerle Lumber Company, apartment buildings, etc., and to say that this proposal was incompatible with the neighborhood was inconsistent, he said.

Scott Munzel, attorney representing the petitioner, believed the staff report was incomplete in its analysis. He said there were seven criteria used to evaluate a PUD and the key issue was the benefits of a PUD versus a development that would occur as matter of right. He said they believed this PUD proposal was superior over what would be allowed by right on this property. He stated that this proposal encouraged efficiency in land use and natural resources. It would substantially reduce vehicle miles traveled, he said, and would provide a significant amount of affordable workforce housing. He stated that the Central Area Plan contained 45 pages of goals and he outlined how this project would be consistent with many of those goals. He also noted that this project was completely consistent with the downtown task force report.

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

Moved by Emaus, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the City Place PUD Zoning District and Supplemental Regulations, and PUD Site Plan and Development Agreement.

Emaus stated that he found the staff report to be somewhat light in its explanation of how it came to certain conclusions, such as #5 of the analysis stating that this proposal would "negatively change the character of the neighborhood." There did not seem to be anything that supported this conclusion, he said. He thought there were several other statements that did not contain proper evidence to back up the

analysis. It bothered him that the report seemed to make accusations against the petitioner without providing the proper evidence. One of his main issues was that developing within the City near the downtown would be more efficient because of the existing infrastructure and the available mass transit. He stated that economists needed to know the whole story, which was that 240 residents would be coming into town and 190 of them would not be living out in the suburban areas where infrastructure support was being increased. With regard to the building envelope, he said, energy loss typically was computed as a factor of the surface area of the envelope. The building envelope of a single-family structure would always be smaller, he said. What attracted him to this proposal was the geothermal feature, which was one of the most beneficial energy sources that could be utilized in this region of the country. He said it was extremely applicable to preserving energy in this area, stating that this particular development and others like it would promote geothermal energy efficient uses. He supported this proposal because of that and because it contained underground parking, and it increased the density near the downtown, noting that downtown businesses depended on residents living near the downtown. He agreed with the petitioner that, in most cases, language in the City's planning documents could be found to support this type of residential development around the central core, which was what this proposal was. One thing that concerned him about the design of this project was that it encroached too much to the south and said he would like to see that encroachment decreased.

Potts stated that some of the language in the staff report was quoted directly from City plans and policies, adding that she believed they were good plans and was inclined to follow them. She thought much of what was heard during the public hearing dealt with the value of these houses, both historically and aesthetically. She said it was important to make use of what one had and not expand so much that it used such large amounts of energy. She did not think there was a scarcity of housing in the downtown area, noting that many housing developments have been approved over the years. Of those housing projects that have been approved, she said, there was a variety of style and price levels. She thought the City allowing this project to be developed would be too high of a price to pay. Every building had its potential use, she said, but this proposed building did not seem to have a use or style or location that would be special enough to give up what would be lost from demolishing the existing houses.

Westphal stated that he liked a lot of what the community has indicated through various planning workshops, adding that he supported the goals of increased workforce housing, preserving the historic fabric and increasing environmental efficiency. However, he thought that was irrelevant to this discussion. What was before Commission this evening was the consideration of a proposal and whether it was consistent with the zoning and master plan recommendations, he said. He believed it was inconsistent. He also believed this was an inappropriate use of a PUD and said he would not be able to support it. If the petitioner thought the zoning for this area was incorrect, he could present this to City Council, who might then ask the Planning Commission to look at the whole neighborhood.

Borum agreed with many of the things that have been said. He agreed with the need for increased density and for the desire and value of workforce housing downtown, but he did not believe that the character of the neighborhood was preserved with this proposal. He said City plans all point out the need for increasing density and increasing value to an area, but they also argued for the preservation of neighborhoods, which he did not see being met here. He said the character of a street having multiple points of access to the sidewalk due to housing along the street made a huge difference in how a street was perceived. He also thought the proposed height was out of character with the area. Character was a questionable word, he said, stating that for him, it was more of how a development acted in the City, the way it behaved along a street. He did not think this proposal was consistent with the recommendations contained in the City's master plans.

Mahler agreed that this project encroached too far to the east, stating that the people who lived and/or owned property in that area likely counted on having at least a 30-foot rear setback, and now this proposal would reduce it to 20 feet. He did not know if he agreed with the staff report that this was inconsistent with the Central Area Plan because he thought there were some discrepancies in the plan that could cause an interpretation to go either way. He did agree that this development could bring a younger professional class to the area, but his main concern had to do with the design itself. Although he liked the geothermal aspect of the design, it resembled a modern-designed apartment building too much, not the brownstone design he knew of. He stated that this property was zoned R4C for a reason and in order for him to support a change to PUD, he would need to see a real compelling public benefit.

Carlberg stated that making a decision on this proposal was difficult. When it was first introduced, she said, her reaction was that it was far too different from what was already here. It was in an area that was not part of the A2D2 discussions and it had been left out of any community discussions on what should happen to the downtown area. She said the existing structures were such aesthetically pleasing houses and to wipe out this neighborhood was very difficult to accept. She thought there were other streets where this type of development would be more appropriate and less intrusive. From the beginning, she said, she thought this proposal was too different from what existed for it to be acceptable. She thought the size of the project was way too big, stating that perhaps if two of the existing buildings were replaced it would be more acceptable, rather than replacing seven buildings. She did not think the character of the neighborhood could be protected with this proposal and said she would be unable to support it.

Lowenstein also found this to be a difficult decision, as she applauded the petitioner for his goal of bringing more workforce housing to this area. Were it not for the houses that already existed here, she said, this would be a good place for this development. She felt a certain amount of heartbreak seeing a whole neighborhood being eliminated and the City's history disappearing. If she agreed with the positive aspects that have been mentioned, she could not get past the heartbreak of destroying these historical houses.

Bona said she agreed with a lot of what has been said this evening. One issue for her in particular was the definition of character. She stated that the petitioner's definition of character was residential use, but to her it was much more complex. She believed it had something to do with the actual physical entity. Another issue was density in the central area, she said, stating that although the master plan recommended increased density close to the downtown, it did not say how much and she thought this proposal would be a huge increase. To set a precedent with such a large number made her uncomfortable, she said, and said she could be unable to vote for this.

Emaus moved to table action on the proposal until the June 17 meeting; however, there was no second for the motion.

A vote on the main motion showed:

YEAS: Emaus
NAYS: Bona, Borum, Carlberg, Lowenstein, Mahler, Potts, Westphal
ABSENT: Pratt

Motion failed.

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

A vote on the main motion showed:

YEAS: Bona, Borum, Carlberg, Lowenstein, Mahler, Potts, Westphal
NAYS: Emaus
ABSENT: Pratt

Motion carried.

f. Public Hearing and Action on Bombay Grocers Planned Project Site Plan, 0.34 acre, 3070 Packard Road. A proposal to construct a 4,960-square foot, one-story retail building with 16 parking spaces – Staff Recommendation: Approval

Thacher explained the proposal and showed photographs of the property.

Kate Bond, of Washtenaw Engineering, representing the petitioner, stated that this was a straightforward project. It involved a few minor modifications, she said, noting that all landscaping materials and screening would be provided along the rear property line. She said they have spoken with the adjacent property owner to the south, who preferred that the existing wood fence remain in order to not disturb the landscaping that currently existed. There was a concern that removal of the fence and installation of a new wall would damage the vegetation, she said. She noted that this entire site was paved in some way and that one of the benefits of this project would be storm water treatment, for both this property and the property to the east. She stated that she and the petitioner would be available to answer questions.

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

Moved by Mahler, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Bombay Grocers Planned Project Site Plan.

Moved by Mahler, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed modifications to the conflicting land use buffer requirements of Chapter 62 (Landscape and Screening Ordinance), Section 5:603(1).

Carlberg stated that the property to the west had bushes in front of it. She asked if bushes would be included in the design of this proposal.

Bond replied no. She said the petitioner would be moving his store from an existing location to the west, stating that the current location experienced problems with vehicles pulling up over the curb and hitting the store's glass windows. She said the petitioner has asked for concrete up to the front of the building to eliminate this problem. There would be a small extension of grass toward the east, she said, but no shrubs.

Carlberg said she supported the building's location at the front of the site, adding that it did not make sense to move it back. She said the fact that this store would be using someone else's driveway was a benefit and she had no problem with the modification from the landscape requirements at the rear of the site. She stated that providing storm water treatment for the neighboring site was also a great benefit. This project would be an improvement to the site, she said.

Emaus stated that most of the stores in this retail strip were situated right up to the sidewalk. He stated that the building with the bushes in front was not very transparent and did not seem to retain tenants. He supported this proposal, pointing out that whatever the resident to the south would be getting on this site would be much better than the previous carwash, which was a 24-hour operation. He thought this would be a real benefit to the area.

Potts expressed agreement with the comments made by Commission members. She asked if a different configuration for parking along St. Aubin was part of this proposal.

Bond replied no, stating that the parking on St. Aubin was available to any of the stores. She said they met with staff to determine if they could use the St. Aubin parking instead of providing parking at the rear of the store, but they learned it was quite a complicated process to devote a certain number of spaces in this public right-of-way to one specific use. She said they believed it was a better decision to provide the parking at the rear of the site to satisfy the requirements.

Mahler believed this was a good use for the site. He agreed with the proposed landscaping modifications and no front setback. He hoped at some point that improvements would be made to the impervious surface to enhance the whole retail strip.

Westphal also expressed his support. He believed this proposal complied with the planned project standards outlined in #2b and #2f, as well as #4. They were all excellent reasons to approve this proposal, he said.

Bona wondered if the petitioner were interested in deferring some of the parking. She asked how many spaces the ordinance would allow to be deferred.

Thacher stated that up to six spaces could be deferred.

Bona suggested that perhaps this be noted on the site plan in case the petitioner were interested in deferring some of the spaces. She noted that #7 in the standards for modifying landscaping also allowed the proposed modification.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Westphal
NAYS: None
ABSENT: Pratt

Motion carried.

AUDIENCE PARTICIPATION

None.

COMMISSION PROPOSED BUSINESS

None.

ADJOURNMENT

Bona declared the meeting adjourned at 12:16 a.m.

Mark Lloyd, Manager
Planning and Development Services

Jean Carlberg, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services