



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Meeting Minutes City Planning Commission

Tuesday, December 4, 2012

7:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

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1 CALL TO ORDER

Secretary Bona called the meeting to order at 7:00 pm.

Present 7 - Bona, Mahler, Giannola, Adenekan, Clein, Derezinski, and Briere

Absent 2 - Woods, and Westphal

2 ROLL CALL

Rampson called the roll.

Present 7 - Bona, Mahler, Giannola, Adenekan, Clein, Derezinski, and Briere

Absent 2 - Woods, and Westphal

3 APPROVAL OF AGENDA

Moved by Giannola, seconded by Clein, that the agenda be approved. On a voice vote, the Secretary declared the motion carried.

4 INTRODUCTIONS AND PRESENTATIONS

Bona welcomed new Planning Commissioner, Sabra Briere, to the Commission.

Briere said she has been on Council for five years. She said every person elected to City Council gets an opportunity to serve on City committees, and she has always wanted to serve on the City Planning Commission.

5 MINUTES OF PREVIOUS MEETING[12-1529](#)

City Planning Commission Meeting Minutes of November 7, 2012

Moved by Adenekan, seconded by Mahler, that the minutes be approved by the Commission and forwarded to the City Council. On a voice vote, the Secretary declared the motion carried.

6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS**6-a** City Council

Briere reported that at the previous night's meeting, City Council reviewed the revised building elevations for the Packard Square project. She said that after much discussion, Council postponed the item to January 7 to get additional information from the developer.

Briere also noted that the Council had appreciated receiving the memorandum from the Ordinance Revisions Committee about the status of the R4C project, and she said Council is hopeful the Planning Commission will report back soon, since this project has been going on for quite some time.

6-b Planning Manager

Rampson said she had nothing additional to report.

6-c Planning Commission Officers and Committees

Bona reported that the North Main/Huron River Corridor Vision Task Force will be meeting tomorrow, and she suggested that interested individuals check the Planning website for specifics.

6-d Written Communications and Petitions[12-1530](#)

Various Correspondence to the City Planning Commission

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

None.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

[12-1535](#)

Parkway Place Rezoning for City Council Approval - A request to rezone this 1.22 acre parcel located at 490 Huron Parkway from R3 (Townhouse District) to R1B (Single-Family Dwelling District) to allow the creation of three single-family lots.

Blue Heron Pond Planned Project Site Plan for City Council Approval - A proposal to construct 65 residential units in 9 new buildings, using the existing drives, parking and utilities constructed for the former West Towne project located at 2536 West Liberty Street on this 8.32 acre site. A planned project modification is requested to reduce the spacing between Building J and Building C at the southwest corner of the site (facing W. Liberty Street) from 20 feet to 15.7 feet.

Capital Investments Rezoning for City Council Approval - A request to rezone this 2.24 acre parcel located at 2271 South State Street from M1 (Limited Industrial District) to M1A (Limited Light Industrial District) to allow for an automobile sales use. The petitioner has requested a waiver of the area plan requirement because no new construction is proposed.

544 Detroit Street Planned Project Site Plan for City Council Approval - A proposal to demolish the existing structure on this 0.10 acre site and construct a 4,077 square foot, three-story mixed-use building with three covered parking spaces on the ground level. The first floor will be office use; the second and third floors will be residential use. Planned project modifications are requested to exceed the 35 ft height limit by 3 feet 6 inches; to reduce the front setback requirement along Detroit and Division Streets from 10 feet to 5 feet; and to reduce the rear setback from 30 feet to 7.5 feet. A landscape modification is requested to reduce the conflicting land use buffer along the rear property line.

FY2014-2019 Capital Improvements Plan (CIP). The FY2014-2019 CIP contains a program of major capital improvements to be undertaken by the City in the next six years. Upon adoption by the City Planning Commission, the CIP becomes a supporting document for the City's capital budget planning.

Bona read the public hearing notice, as published, for the December 18, 2012 meeting.

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

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

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- 9-1 [12-1531](#) 515 N. Fifth Ave Apartments Site Plan for City Council Approval - A proposal to demolish the existing structure and construct a 2-1/2 story, four-unit multiple family dwelling with 6 parking spaces on this 0.20 acre parcel. Staff Recommendation: Postponement

DiLeo presented the staff report.

PUBLIC HEARING:

Scott Bowers, architect for the owner, said they underwent redesign of the project after meeting with the neighbors. He said they narrowed the front of the building and added a porch to be more in keeping with the neighborhood. He said the developers of the property are a couple who will retire to Ann Arbor and rent out the apartments for retirement income. Bowers displayed a board with the front elevation, which contains a 24 foot wide building at the front and porch. He said the garage doors are on the side, and he has discussed the proposed material quality with the neighbors. He noted the bottom 2.5 feet of the building will be Michigan split stone around the base. He said he had meet with the City engineers that day about the water line issues, which he can address. He said he has not been able to meet with staff regarding stormwater issues yet.

Chris Crockett, president of the Old Fourth Ward Association, said she received a postcard about the project and contacted Susan Bowers. She said she is dismayed with the proposal. She read from the zoning ordinance about the planned project requirements. She said she did not see any aspect of the planned project in this project. She said the porch is not adequate and does not look like any other porch in the R4C district. She said this does not meet any other aspect of the planned project and does not fulfill requirements. She said that at any time, this new building could be converted into a mini 'City Place'. She said the R4C Committee said this is not desirable. She felt this project should be a duplex, and as it currently is designed, it is too big and intrusive for this neighborhood. She hopes these issues can be resolved.

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

Moved by Mahler, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 515 North Fifth Site Plan and Development Agreement, subject to a variance for the Conflicting Land Use buffer being granted by the Zoning Board of Appeals.

COMMISSION DISCUSSION:

Mahler asked if this petition is a planned project.

DiLeo said it is not.

Mahler asked the petitioner when the requested information could be provided.

Bowers said the utility plan was updated today, and they needed to meet with two more staff members.

Mahler asked staff if the project can move forward today.

DiLeo said no.

Derezinski clarified that the Planned Project criteria did not apply. He asked the architect if this was a difficult site to develop. He also asked when they had planned to begin construction.

Bowers said the lot size was problematical, and they are hoping to begin construction in April.

Briere asked about the need for the project to go before the Zoning Board of Appeals.

DiLeo said the applicant had enough time to apply for a ZBA appeal at their January meeting.

Briere asked if the ZBA approval has to happen before City Planning Commission action.

DiLeo said no.

Clein asked about the slope on the site from front to rear, noting that the elevation plans didn't reflect the slope in the design of building.

Bowers said there is a slight slope on the site, but they are not intending retaining walls. He noted that they may need to contain water run off at the rear of the site through a retaining wall, but they are working to resolve these issues with storm water management staff.

Clein said the parking space to be deferred is under the porch area, blocking an entrance.

Bowers said that parking is covered and the door could be relocated to the side.

Clein asked what would be required if the applicant would want to add parking spaces.

DiLeo said nothing additional, since they are shown as parking spaces on an approved site plan.

Clein said his concern was with the parking space shown in front of the building entrance. He asked if the building height complied.

DiLeo said she believed so and that height is measured from an average grade.

Clein asked about change in ordinance that requires a landscape buffer in R4C zoning districts.

Rampson explained that approximately a year and a half ago, The Systems Planning Unit came to the Commission with changes to the landscape ordinance to address the requirements of the bio-swales and added landscape buffer from off-street parking as well as buildings from adjoining properties.

Bona said the original intent was for required buffering from R1 and R2 districts, but City Council found the need to be more extensive. She said the Ordinance Revisions Committee is working on this as part of their R4C discussion. She noted that until the full review and recommendation is acted upon by City Council, variances are required to meet the current ordinance.

DiLeo said elevation dimensions on all sides are not shown on plans, but she will confirm with staff and bring the data back to the Commission.

Bona said it would be helpful to see plans with topography on it to see how grades are being addressed. She asked the petitioner whether they considered a detached garage in the rear.

Bowers said they did, but there was not enough space for that in order to meet the 30 foot setback. He said the intent was to provide a wider rear yard area for the townhomes.

Bona suggested the petitioners take a look at this option, if they wanted the building to look like other similar ones in the neighborhood.

Bona said the stone base doesn't match the finished floor at grade. She asked if the house has a basement.

Bowers said the stone band is to protect the bottom layer of siding. He explained that they brought the eave height down after meeting with neighbors. He said the building has a basement.

Bona asked about the north side elevation, noting that the entrance seems lost on that side. She asked staff if a porch would be a violation of the setback requirement.

DiLeo said stoops and steps are permitted encroachments in setbacks; however, covered porches are not. She said an accessory structure such as a deck or patio could go in a side yard but the applicant is required to have a 15 foot conflicting land use buffer and a deck or patio cannot go in that area.

Bona asked if a cantilevered roof over a door would be permitted.

DiLeo said it would be permitted if it doesn't encroach into the conflicting land use buffer.

Briere said that, if this item is being postponed, she would like to see the proposed building in context to adjacent properties. She said she isn't able to see if the building is taller than others. She asked for renderings in context with neighboring structures.

Clein asked if it was the intent for the building to have gutters and downspouts.

Bowers said yes.

Moved by Mahler, seconded by Derezhinski, to postpone the item to allow for

staff comments to be addressed by the petitioner.

Adenekan asked when the item would come back to the Commission.

DiLeo said the earliest would be December 18 or January 3.

On a voice vote, the Secretary declared the motion carried.

Yeas: 7 - Bonnie Bona, Eric A. Mahler, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Wendy Woods, and Kirk Westphal

9-2 [12-1532](#)

McMullen Annexation and Zoning for City Council Approval - A request to annex this 0.46 acre, single-family residential parcel located at 3100 Geddes Road, from Ann Arbor Township and zone it R1A (Single-Family Dwelling District). Staff Recommendation: Approval

DiLeo presented the staff report.

PUBLIC HEARING:

Noting no speakers, the Secretary declared the public hearing closed.

Moved by Derezinski, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the McMullen Annexation and R1A (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION:

Giannola asked if the easement is permanent.

DiLeo said yes, it is a permanent access easement.

Giannola asked if this is a shared driveway, or if there was a possibility that they could lose it and the property become land locked.

DiLeo said no.

Briere asked about the driveway and wondered how it could have been built.

DiLeo said there is plenty of land if the line is redrawn.

Derezinski said this is an interesting strip of land, noting that due to multiple septic fields along Geddes Avenue, annexation requests from these pocket parcels become a necessity. He said that the homeowners end up working out the easements issues among themselves.

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

Yeas: 7 - Bonnie Bona, Eric A. Mahler, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Wendy Woods, and Kirk Westphal

- 9-3 [12-1533](#) Abdulsattar Annexation and Zoning for City Council Approval - A request to annex this 1.03 acres, single-family residential parcel located at 3355 Geddes Road, from Ann Arbor Township and zone it R1A (Single-Family Dwelling District). Staff Recommendation: Approval

Thacher presented the staff report.

PUBLIC HEARING:

Ahmad Abdulsattar, representing the petitioner, said they need to connect to City water and sewer in order to make this old house livable.

Noting no additional speakers, the Secretary declared the public hearing closed.

Moved by Derezinski, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Abdulsattar Annexation and R1A (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION:

Derezinski asked if there are any easements needed for this parcel.

Thacher said no.

Derezinski asked the petitioner about comments brought to the Commission regarding trash on site and that the site is being used for storage of vehicles.

Abdulsattar said they had a family that lived there for four months. He said they have had a landscape company come to cut the grass and remove the snow. He said it used to be in bad shape, but not any more.

Bona asked whether the petitioner planned to build a new house.

Abdulsattar said they had an idea to build a bigger and fancier house, but after they studied the market, they did not see the potential to do this. He said Capital Investment, their company, buys a lot of properties in the City. He said they might do it later, but for right now, they are trying to connect it to the City's utilities.

Giannola clarified that if they would build a new house, the plans would not come before the City Planning Commission.

Bona said correct, single-family residential structures do not come before the City Planning Commission.

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

Yeas: 7 - Bonnie Bona, Eric A. Mahler, Diane Giannola, Eleanore Adenekan, Kenneth Klein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Wendy Woods, and Kirk Westphal

- 9-4 [12-1534](#) Master Plan Amendment: 2012 Sustainability Framework - A proposal to adopt a framework of 16 overarching sustainability goals as a new city-wide element of the City Master Plan.

Thacher presented the staff report.

PUBLIC HEARING:

Noting no speakers, the Secretary declared the public hearing closed.

Moved by Briere, seconded by Clein, that the Ann Arbor City Planning Commission hereby adopts the 2012 Sustainability Framework, as revised, as a citywide element of the City of Ann Arbor Master Plan,

and further,

that the Ann Arbor City Planning Commission hereby recommends that the City Council adopt the 2012 Sustainability Framework, as revised, as a city wide element of the City of Ann Arbor Master Plan.

COMMISSION DISCUSSION:

Bona clarified the motions.

Mahler said congratulations to staff. He said it seemed like it was just recently that they were meeting at Cobblestone Farm to brainstorm about these ideas. He said the proposed text change to the Climate and Energy goal does not call for increased efficiency in existing buildings. He asked if it would be possible to add language that would call for it.

Thacher said the intent was to increase efficiency in existing buildings while preserving their architectural integrity.

Mahler asked what if the two issues conflict, noting that there could be some inherent conflicts involved.

Thacher said this is an issue that the Historic District Commission has to grapple with, and they have to work to find alternate solutions to the easiest or cheapest route. She said there may be other ramifications to preserving architectural integrity, but they are trying to avoid doing harmful things to existing buildings.

Clein said there will be conflicts, and there is a need to look at each situation on a case by case basis. He said the language might read, "integrity of historic buildings and neighborhoods".

Giannola asked if such language would be needed, since the Historic District Commission already covers the issue. She asked whether this language could prevent sustainable updates of any old house.

Briere said she speaks from her experience on the Environmental Commission, adding that there are lots of older neighborhoods that aren't in a historic district. She said she doesn't see any conflict in preserving architectural integrity and increasing energy efficiency. She said that one can do terrible things to a house in the name of energy efficiency and negatively affect the neighborhood.

Bona said she was struggling with the issue from a different direction. She said the issue of an existing building being green is a result of its embodied energy, not its architectural integrity, which is more so preserving community and a sense of place, not energy. She said she does agree that preserving the architecture is important to preserving the building.

Briere suggested adding this goal under the section on diverse housing.

Thacher responded that the word 'historic' was intentionally not used, since the historic districts are covered through the Historic District Commission, and the idea with the Sustainability Framework is looking at a broader, citywide view. She said the reasoning behind the placement of the wording, 'architectural integrity' is because the greatest impact for this is coming through retrofitting of older buildings. She said the document is meant to raise discussion in order to make a project better and is not intended as a rule, or restricting anyone from doing anything.

Bona said even an ugly building will conserve energy if it is not torn down. She explained that when a building is torn down, it takes 50 years to make up for embodied, lost energy.

Derezinski said overall, this document is a masterful job, noting that there is a

balance between economic vitality potential and preservation. He said the document is intended to be used to guide the creation of the master plan and zoning ordinances of the City. He said it is important to keep in mind that the goal isn't growth at any cost; rather rational planning and rational economic vitality in order to make the community sustainable over the long period of time.

Clein thanked staff for all the work that went into the document. He agreed with Derezinski on his comments regarding development balance. He said he knows, as an architect, there are buildings that are unfortunately built not to last and will need to be removed and replaced at some point. He said several months ago he had brought comments on the proposed document related to the words "high performance buildings" which he explained refers to specific construction standards within the architectural field, and are typically applied to brand new buildings, and he had suggested that the wording be changed to move away from that specific phrase.

Giannola said if high performance buildings are new buildings then it makes it confusing to include this language in the document. She noted that it could be a compromise that may do nothing.

Bona said high performance buildings are possible to obtain in existing buildings, but very difficult. She said this plan tries to get us thinking bigger, for example, zero waste. She said she would not want existing buildings removed from the high performance goal.

Briere said she visited a staff person who had a copy of the Sustainability Framework on their desk in preparation for the Council retreat. She noted that even though it hasn't reached the stage of an action plan, it is being integrated into City decisions and she counts that as a real plus. She said there are so many ways of increasing energy efficiency within an existing building, within the existing building envelope or materials. She said she sees the document as a guide to Council and staff, as they look at the permit and requirement process. She said she doesn't see it as something restrictive, but an opportunity to look for new ways of doing things.

Mahler asked if the words "high performance buildings" could be changed to "highly efficient buildings".

Clein said it would be moving in the right direction, since the language doesn't speak to existing standards.

Mahler said, as discussed, it is difficult to make the leap from older buildings to high performance buildings, so exchanging the wording to highly efficient buildings might still capture the vernacular of what the intention is within the sustainability framework.

Rampson advised that the Commission shouldn't feel obligated to make language changes at this evening's meeting if they felt they needed further discussion time. She said there was no deadline for adoption of the document.

Mahler said he proposes changing "high performance buildings" to Highly Efficient Buildings.

Thacher suggested the words "High Performing Buildings".

Derezinski asked if High Performance has a set meaning.

Clein said it does. He explained that it defines how buildings are constructed in terms of the envelope, heat loss, efficiencies; using specific performance characteristics,

such as LEED. He said the new Justice Center is a High Performance Building.

Derezinski said that while the standard is a tough goal, it might be the intention of using it to set the goal high.

Bona said sustainability is a lot more than energy efficiency, and high performance is a lot more than energy efficiency. She said it becomes a bit like defining sustainability.

Giannola asked if including the language makes the sentence conflicting, and if the goal could realistically be achieved.

Bona said architectural integrity does not have a lot to do with energy efficiency.

Rampson suggested that staff review the document along with tapping into the expertise of the Commission in coming up with possible language that will address the community effort vs the energy component..

Bona suggested that they might want to separate new vs existing building in two separate statements.

Moved by Briere, seconded by Adenekan, to postpone action on the plan until the January 3, 2013 meeting. On a roll call, the vote was as follows, with the Secretary declaring the motion carried.

Yeas: 7 - Bonnie Bona, Eric A. Mahler, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Wendy Woods, and Kirk Westphal

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

Frank Commiskey, 2647 Antietum, resident of Ann Arbor for 27 years, said it was his first time in City Hall. He said the Sustainability Plan is a wonderful document and doesn't know how it can be picked apart. He asked where the UM fits into the community, specifically how solar panels on the old Pfizer site fit within the community. He noted that now that the University is going into the economic development field with their buildings.

11 **COMMISSION PROPOSED BUSINESS**

Derezinski asked the audience where they were from.

A group of students, originally from China and Detroit, said they were in the U of M Master of Urban Planning program.

Others were in the Program in the Environment program and were glad to see the Sustainability Framework being discussed.

There were also Engineering students.

12 **ADJOURNMENT**

Adjourned at 8:50 pm.

Moved by Mahler, seconded by Adenekan, that the meeting be adjourned at 8:50 pm. On a voice vote, the Secretary declared the motion carried.

Kirk Westphal, Chair
mg

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