



City of Ann Arbor

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

Tuesday, June 19, 2012

7:00 PM

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

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 734-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

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1 CALL TO ORDER

Vice Chair Westphal called the meeting to order at 7:05 pm.

2 ROLL CALL

Rampson called the roll.

Present 7 - Bona, Pratt, Derezinski, Briggs, Westphal, Giannola, and Adenekan

Absent 2 - Mahler, and Woods

3 APPROVAL OF AGENDA

A motion was made by Pratt, seconded by Adenekan, that the Agenda be Approved. On a voice vote, the Vice Chair declared the motion carried.

4 INTRODUCTIONS AND PRESENTATIONS

[12-0860](#)

Report on International Living Futures Conference - Bonnie Bona

Bona reported on the International Living Futures Institute Conference, she attended in Portland, Oregon.

5 MINUTES OF PREVIOUS MEETING

5-a

[12-0780](#)

City Planning Commission Meeting Minutes of May 1, 2012

A motion was made by Secretary Giannola, seconded by Briggs, that the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Vice Chair declared the motion carried.

6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

a City Council

Derezinski reported that at the previous night's Council meeting, the planned project site plan, Development Agreement and brownfield plan for 618 South Main were approved. He said that Council was interested in this as the second project in the D2 Zoning District, and the impact of planned projects. There was consensus that there was an appropriate process that resulted in the planned project recommendations, and the final vote was 9 to 2. He noted that this was the first time the DDA was involved in a brownfield like this project, and provoked discussion that resulted in the establishment of criteria for approvals. He said it was noted that this would leverage funds from the State of Michigan, should the project move ahead. He said the design review process for this project, together with the citizen involvement, resulted in changes to the project as it moved through the process. The Council compared the process with the Zingerman's project.

Other items on the Council agenda were the reappointment of Commissioner Westphal and the nomination of Ken Clein to fill Commissioner Briggs seat.

b Planning Manager

None

c Planning Commission Officers and Committees

Bona reported that the ZORO Technical Committee met and will meet again soon to review the draft. She said they are reviewing footnotes, which is a list of changes.

Derezinski reported that the DDA will hold a grand opening of the underground Library parking structure on July 12, with the opening to come next month.

Pratt said he had met with Jerry Hancock, who said that he had begun regular meetings with discussions on revisions to the floodplain ordinance.

d Written Communications and Petitions

[12-0871](#)

Various Correspondence to the City Planning Commission

Received and Filed

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

Richard Fry, 117 N. Division Street, said that back in 1992, there was a woman in charge of AIA sustainability.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**9 UNFINISHED BUSINESS**

- 9-a** [12-0861](#) Knight's Market and Spring Street Properties, Rezoning and Site Plan for City Council Approval 418 Miller Avenue, 306-310 Spring Street - A proposal to rezone 306 and 310 Spring Street from R2A Two-Family Residential Dwelling to C1 Local Business district, and a site plan for an addition to the Knight's Market at 418 Miller Avenue and to convert the existing structure at 306 Spring Street to a bakery, including landscaping, parking lot and storm water management improvements to the entire 0.41 acre site.

DiLeo presented the staff report.

PUBLIC HEARING:

Tim Athan, 515 Spring Street, said the reason you have seen push back, is because it is rare to have a cozy neighborhood within easy walking distance of downtown. This is a fragile situation, with several things threatening the fragility, such as the impact of traffic, such as a double semi- truck parked outside of Knights. He said cut-through traffic on Spring Street is a problem and the petitioners have indicated that the truck traffic would increase. He said his concern is if the area is zoned commercial, Spring Street would be appealing for a strip-mall development. He said he heard that floodplain considerations are important, but he noted that many of the houses north, on Spring Street, are in the floodplain.

Dick Fry said he would like to respond. He said they held a Citizen Participation meeting with 10-12 persons attending and there was push back from one person.

The Vice Chair declared the public hearing closed.

Motion made by Adenekan, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Knight's Market and Spring Street Properties Rezoning from R2A (Two Family Dwelling) and M1 (Limited Industrial) to C1 (Local Business) and Site Plan, subject to permission from the Zoning Board of Appeals to alter a nonconforming structure and granting a variance to allow storm water management within a floodplain.

COMMISSION DISCUSSION:

Derezinski asked staff about the potential for commercial creep and natural barriers that exist.

DiLeo said that staff had noted in the previous staff report that the railroad track and embankment provide a natural break to the east and the fact that there is no parking to the north is somewhat of a natural barrier.

Derezinski asked for confirmation that the parking had been in place for 30 years.

DiLeo said yes, and this is staff's primary reason for recommending approval.

Derezinski, referenced the previous speaker's comments for the possibility of a strip

mall in this location, and asked staff if that would be possible.

DiLeo said that it could be a building with more than one tenant, but parking would limit the size. She said, there could possibly be two tenants.

Derezinski said that the family had indicated that a number of family members worked at the market and it is a part of the neighborhood. He noted that the concerns that have been brought forth are similar to the concerns that were raised as part of Zingerman's and they serve to inform the business how to work with their neighbors. He said he is confident these issues will continue to be worked out, and was in favor of the project.

Briggs said she has struggled with this proposal. She said that Knight's Market is a great addition to the neighborhood and she has interest in facilitating their expansion but the parking lot has set the tone. She said she sees the potential for commercial creep to move up the street, and with future Planning Commissions looking at the floodplain, and not seeing a problem with expansion in that area. She said what exists right now is an asset to the neighborhood, but unless other options are put forward to address issues of concern, she cannot support the project.

Bona thanked DiLeo for the thorough and clear explanation of the issues. She said that she didn't see the expansion of C1 up the street as being automatic because of existing residences. She said the site, as it is now, was approved. She said that there needs to be a good, robust community discussion about why it's not a good idea to have homes in floodplains and for the community to acknowledge the consequences for those living in the floodplain. She said that, relative to truck traffic, there is only so much we can do as a community to regulate traffic. She said this has to be resolved on a local level, and as long as the residents and business are talking together, this can be worked out. She said the staff report adequately describes the challenges that they face. She challenged the architect and the Knight's Market team to take the building and provide a more pedestrian friendly street front to the neighborhood.

Giannola said she was torn on this request. She said her main concern was the future, noting that she would feel better if there was more investment in the store to make it more appealing to the pedestrians and neighborhood, as mentioned by other Commissioners. She felt improvements would make it clear that it would not be sold in the next five years. She said the property to the north is still residential and they would have to come back to the Commission if they want it rezoned which would allow for a possible larger strip-mall. Regarding traffic, Zingerman's said they were going to request vendors to send smaller trucks to help deal with truck traffic. She said while there were issues, there were not enough remaining, for her to vote no on the project.

Pratt asked if the structures to the north are out of the floodplain.

DiLeo said the three parcels involved in this request are entirely in the floodplain. The remaining parcels to the north have the floodplain in the rear portion of their lots, with most of the principal structures being located outside.

Pratt said it would not make sense to have anything other than residential to the north. He said this site has been commercial, with the commercial corridor intersecting with residential on Chapin/Spring. He said the intersection is the node, rather than extending elsewhere. He said it wouldn't make sense to continue zoning up the street, adding that the two parcels have historically been a part of a commercial use.

Adenekan said she is supporting this request, and asked about the volume of truck traffic per day.

Vernon Bedolla, 417 Spring Street, manager for Knight's, said the truck usage could increase by three to four trucks per day, but explained that they plan on having the same number of trucks, as currently, but they will be increasing their loads which will help cut down on the trucks.

Westphal asked if the City had known about the location of the floodplain, when the parcels were zoned, would the lots not have been split zoned between residential and industrial.

DiLeo said she believed, the split zoning is related to the railroad tracks, since up and down the railroad corridor, one finds the M1 zoning and the tracks themselves are zoned M1. She said she would contribute it to a combination of poor cartography, the flood plain and the railroad right-of-way, noting that the current zoning had been in place since 1963.

Rampson provided background on the M1 zoning as it relates to the railroad. She explained that the floodplain maps had been inadequate since they didn't have clear elevation maps available.

Westphal asked if the temporary structure on site at the Knight's location would stay in place if the site plan approval doesn't prevail.

DiLeo said that she believes the temporary building has long passed its temporary nature, and staff is not sure what would happen with the temporary structures if the site plan and rezoning were not approved, noting staff might pursue administrative means regarding them.

Westphal asked if the request was approved, would they be removed.

DiLeo said the proposed site plan shows them as being removed.

Westphal said the staff report outlines the issues clearly, and he had previously had concerns about the impact of a zoning change. He said the Area, Height and Placement for C1 zoning reflect the changes from a year ago.

DiLeo said that setbacks for a new development would be 10 to 25 feet from the front and rear property lines, with parking behind the new development and not in front of the building. She said they would have to meet the landscape buffer requirements.

Westphal asked for confirmation of the application of the new standards.

DiLeo clarified where a new building and parking could be built.

Westphal said he had a lot of questions at the last Planning Commission meeting, and is now more comfortable knowing what development scenarios are possible for the site. He said he would like to think that if the request came back to the Commission for a look at the properties to the north, that have not traditionally been commercial, he would not like to see that continue, and given the limited nature of this project before the Commission, it would be a benefit to the neighborhood for a very long time.

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

Yeas: 6 - Bonnie Bona, Evan Pratt, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 1 - Erica Briggs

Absent: 2 - Eric A. Mahler, and Wendy Woods

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

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

(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.)

- 10-a** [12-0855](#) Summit Townhomes Annexation, Zoning and Area Plan for City Council Approval - A proposal to annex this 3.3 acre parcel located at 2081 East Ellsworth Road from Pittsfield Township and zone it R3 (Townhouse Dwelling District). The conceptual area plan submitted with zoning request proposes a 24-unit multiple-family residential development with 36 parking spaces and two access driveways.

Kowalski presented the staff report.

PUBLIC HEARING:

Claudia Myszke, 2351 Shadowood Drive, manager for Forest Hills Cooperative, said that she has heard the Commission discuss setbacks, floodplains, etc. and ask for public comments as they specifically relate to City requirements and the Master Plan. She read from a prepared handout that was presented for the record. She said there is a huge human element that is not addressed in City requirements and the Master Plan. She stressed that there are over 2,557 multi-family housing units in a five mile radius of Forest Hills, adding that they have no services. She said she opposes this project.

Aiji Piphoo, 2275 Shadowood, said she attended the citizen participation meeting and noted that they are already experiencing brownouts and surges, so she felt the electrical utilities were not suitable for additional housing. She said there is insufficient water and sewer pressure. She asked where else in Ann Arbor is there this kind of density of housing. She said there is now foot traffic cut-through on their property. She expressed concerns about added density, lack of offered services, no amenities, and most new housing has no area for children to play. She said it does not make sense to add housing to this area. She is opposed to additional housing in the area.

Ghada Husein, 2320 Shadowood, president of the Board of Forest Hills Cooperative, said she is opposed to this project. She said there is too much traffic now on Ellsworth and it is difficult enough now to try to get out on Ellsworth, and she has concerns for her children and their safety with all the traffic. She asked others from Forest Hills to stand up and voice their concerns.

Makan Lajevard, 2343 Shadowood, said that he wanted to reinforce the concerns about traffic, which is overwhelming.

Leonard Michaels, 1016 Dixie Highway, Rossford, OH, representative for the petitioner, said he held a citizen participation meeting with two in attendance. He said they had originally requested R4 zoning and at staff's suggestion, changed their request to R3. He said they also have chosen not to maximize the development to what is allowed per the zoning requirements. He said they are proposing to do a recreational area, which should address some of the voiced concerns. He said that knowing the City of Ann Arbor requirements, they would be providing a parkland contribution. He said they have submitted four or five different options to reduce impacts on the site; however, the grade drop is very severe. He said that staff has requested one drive, so they have eliminated the second driveway. He said that Ann Arbor made a decision to prevent sprawl, so development can't grow out, and are forced to go up, to increase density. As land becomes more restrictive and expensive, it becomes possible to do underground detention.

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

Motion made by Giannola, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Summit Townhomes Annexation.

COMMISSION DISCUSSION:

Pratt asked about the Master Plan recommendation for the area.

Kowalski said it calls for single-family attached or detached housing, which is allowed by R3 [Townhouse Dwelling]. He added that the Clover Leaf Village, which is adjacent property, is also zoned R3.

Pratt asked the petitioner's representative about the detention; whether the goal is to simulate no worse than the existing run-off rate, or improve the situation on site.

Michaels said that this is a peculiar site, with a 45 foot grade elevation change on site. He said currently all the water runs off unrestricted to the west of the parcel, and they propose to flatten the site, capture and route the run-off to the storm sewer, which will result in less flooding onto the neighboring property.

Pratt asked about location of bus stops in the area.

Kowalski said he did not notice where bus stops are located, adding when the project comes back for site plan review, it will be routed to AATA for their review.

Giannola said bus Number 6 bus goes down Ellsworth.

Pratt said that there was a comment in the Master Plan about noise buffering from the airport. He asked if staff knew if that was intended more for construction methods?

Kowalski said that issue would be something that they would review further in

association with elevations once a site plan for the project has been submitted. He said he would like to do some more investigation into the details.

Derezinski asked about the interrelationship of motions, and if staff recommended that both motions should be postponed.

Kowalski said that the annexation will need to go to State, and with the expected turn around time involved with that process, staff will have to hold the zoning request until the annexation is complete. He said the petitioner would like the annexation to proceed, which will assist them with the logistics of the project. He said if the annexation is accepted and if the petitioner would not proceed with the zoning, the City can initiate a rezoning.

Derezinski asked if most of the unanswered questions raised tonight, will be addressed by the time the petitioner returns to the Commission.

Kowalski said specific development issues would not be answered, because those wouldn't be nailed down until a site plan was submitted and reviewed. He said area plan concerns would be addressed.

Rampson suggested that the Commission might want to have a more robust discussion about the zoning, which affects the density and if they have specific questions for staff, staff could research those in order to provide answers to the Commission when the area plan returns to the Commission.

Bona noted the need to annex the parcel, since it is obvious that it is an island. She asked about the second parcel to the rear of the property.

Kowalski said that parcel is owned by the Ann Arbor Public Schools.

Rampson said the Public Land parcel, school parcel, would shortly be annexed by the City.

Briggs said it makes sense to annex the parcel, but said once annexation is complete, it sets a desire to zone the parcel quickly. She said there were substantive comments raised by the residents, and it sounds like the density is too high and services are inadequate. She said she worries about bringing another parcel into the community. She said she would like some facts about what is going on in this area, related to sewer constraints and having an area for the children to play. She said multi-family zoning may not be the wisest recommendation for this area anymore. Briggs said she would like the Commission to look at the issues and how the request interacts with the City's sustainability framework. She praised the developer for his willingness to work with the City, but would like to hear the concerns about lack of services in the area addressed.

Giannola said that she travels this area herself and noted that traffic is fast-moving, which is a concern. She said she would like to know if this parcel would be commercially zoned instead of residential, how would that affect the traffic. She asked for clarification if the provided area plan could be changed in the future.

Kowalski said yes.

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

Yeas: 6 - Bonnie Bona, Evan Pratt, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 1 - Erica Briggs

Absent: 2 - Eric A. Mahler, and Wendy Woods

Motion made by Bona, seconded by Pratt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Summit Townhomes Zoning and Area Plan.

Pratt said that he was under the understanding that the Systems Planning Unit had indicated there are adequate utilities in the area, which would support the proposed zoning type. He asked that staff double check the issue. Pratt said that he believed the PROS plan would be the most comprehensive plan when looking at parks in the area. He said it would be good to get an overall view of the community, with available greenspace and then zeroing in on this specific southeast area of town. He noted a public comment made regarding "a drip from the faucet", and asked staff to verify that there was adequate water pressure in the area.

Derezinski said that in light of staff recommendation, and in order to allow more time to investigate the concerns that have been raised, he moved to postpone taking action on the item.

Bona said she had additional comments. She agreed with Pratt's comments about getting more information on parks in the area. She said the fact that the plan is more than 20 years old causes concern for her, especially now with the sustainability framework. She said that they could zone the parcel R1A [Single-Family Dwelling], which would allow for 6 units on the site. She said there is also recommendations for community oriented design, which is not addressed in this plan. She felt that the Systems Planning comment that the utilities are adequate is subjective, and requested more specific definitions for the sanitary sewer, the water, and the storm water. She said it is unfortunate that not more than 2 residents attended the citizen participation meeting, and encouraged the developer to follow up with the neighbors. She said it would be good for the developer as well as the City to hear what amenities are missing in the area. Relative to traffic, she would like some definition of what added traffic a proposed development such as the one before them would bring.

Westphal asked staff whether there was anything inadvisable for the parcel to be annexed and then not zoned.

Kowalski said they would still be subject to site plan requirements.

Westphal asked staff to explain what an area plan approval would mean.

Kowalski said it shows the intent of the developer, but does not commit the developer to a specific plan, since it could change quite a bit. He explained that once the zoning is in place, it will govern the density of the parcel.

Rampson said an area plan allows for the developer to use the regulations that are in place at the time of approval for three years.

Westphal said he echoed the comments about concerns like water pressure. He said it would be nice to see attempts to preserve trees and other natural features on the site, while acknowledging the challenges of the grade on site. He said he is in favor of postponement.

Motion made by Derezinski, seconded by Briggs, that the item be postponed to give the petitioner an opportunity to address staff comments. On a roll call, the

vote was as follows with the Vice Chair declaring the motion carried.

Yeas: 7 - Bonnie Bona, Evan Pratt, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 2 - Eric A. Mahler, and Wendy Woods

10-b [12-0856](#)

Adoption of FY2012-13 City Planning Commission Work Program

Rampson provided the staff report.

Motion made by Derezinski, second by Adenekan, that the Ann Arbor City Planning Commission hereby adopts the City Planning Commission/Staff 2012-2013 Work Program.

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

Yeas: 7 - Bonnie Bona, Evan Pratt, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 2 - Eric A. Mahler, and Wendy Woods

10-c [12-0857](#)

Master Plan Resolution

Rampson presented the staff report.

PUBLIC HEARING:

Noting no speakers, the Vice-Chair declared the public hearing closed.

Motion made by Bona, seconded by Briggs, that the Ann Arbor City Planning Commission hereby approves the "City of Ann Arbor Master Plan Resolution: and the "City of Ann Arbor Resource Information in Support of the City Master Plan Resolution," dated June 15, 2012.

COMMISSION DISCUSSION:

Derezinski said that in the original corridor discussion, the Planning Commission had noted that Plymouth Road should be on the corridor list. He asked the Commission and staff if they felt it should be added now, or possibly at a later date.

Rampson said the Commission could add the Plymouth Road corridor to the work program midway through the year, if they so desired; however the direction from the Commission has been to focus on the four corridors and they have requested the Planning Department to work towards meeting work program deadlines. She noted that the Planning Department's plate is currently full.

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

Yeas: 7 - Bonnie Bona, Evan Pratt, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 2 - Eric A. Mahler, and Wendy Woods

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

Westphal noted that this was Briggs last Planning Commission meeting.

Briggs thanked the Commission, adding that she has learned a lot over the past three years. She said she appreciated learning from the public as well, and noted that the staff has been a great resource.

Derezinski thanked Briggs for being on the Planning Commission. He said he appreciates that the Commission doesn't always agree on everything, but they can disagree with respect. He wished her Godspeed.

Bona thanked Briggs for adding to the comprehensiveness of the Commission discussion. She said that she might notice that her legacy lives on, and her points of concerns may get made by other Commissioners after she leaves. She said she finds it interesting to know how thoughtful this group can be, and added that Briggs has had a strong influence on each of the Commissioners.

Pratt thanked Briggs for being a good listener and a great asset to the public.

Adenekan said that Briggs had been very respectful towards her as a new Commissioner and wished her the best.

Giannola agreed and said it has been fun, as well as a pleasure, serving with Briggs.

Westphal said it has been a tradition for former Commissioners to return to the podium at subsequent meetings and he welcomed her future public comments. He thanked her for her thoughtful interaction with the public, noting that it reminds the Commission that they are there to serve the public.

Rampson said that one of Briggs interests was in engaging the public and in looking at the City's processes in attempts to try to improve them, and while they started the process it isn't complete. She made a pledge to Briggs that they will continue to work on improving the way they communicate with the residents and businesses, making sure they are as transparent as possible. She acknowledged that it can be very intimidating for the public to come before the Commission and say what they want to say. She thanked Briggs for always listening to the public's concerns and comments.

The Commission gave Briggs a round of applause.

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

A motion was made by Pratt, seconded by Adenekan, that the meeting be Adjourned. On a voice vote, the Vice Chair declared the motion carried. Meeting adjourned at 9:20 p.m.

**Kirk Westphal, Chair
mg**

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