



# City of Ann Arbor

## Formal Minutes

### City Planning Commission

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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Tuesday, April 2, 2019

7:00 PM

Larcom City Hall, 301 E Huron St, Second  
floor, City Council Chambers

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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. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. 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 'Subscribe to Updates' envelope on the home page.

#### **1 CALL TO ORDER**

*Chair Alex Milshteyn called the meeting to order at 7:02 p.m.*

#### **2 ROLL CALL**

*City of Ann Arbor Planning Manager Brett Lenart called the roll.*

**Present** 9 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, Ackerman, and Sauve

#### **3 INTRODUCTIONS**

#### **4 APPROVAL OF AGENDA**

**Moved by Mills, seconded by Gibb-Randall, and approved unanimously as presented.**

#### **5 MINUTES OF PREVIOUS MEETING**

*None.*

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

**6-a** **City Council**

*Councilmember Zach Ackerman summarized City Council Action from the April 1, 2019 meeting.*

**6-b** **Planning Manager**

*Lenart explained that the sign ordinance, pre-petition presentation by a petitioner for 2857 Packard, and office district amendments be on the agenda for the next working session.*

**6-c** **Planning Commission Officers and Committees**

*Commissioner Shannon Gibb-Randall explained that the Energy Commission is working on a solar access ordinance.*

**6-d** **Written Communications and Petitions**

**19-0624** Various Correspondences to the City Planning Commission

**Attachments:** Comm 1.pdf, Comm 2.pdf

**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.)**

*Karen White, 2719 Cranbrook, Ann Arbor, explained that she is at the meeting in preparation of the proposed 2857 Packard rezoning, explaining that many of the neighbors are opposing. She expressed that the neighborhood wants any development that goes there to be the best possible.*

*Tom Stulberg, 1202 Traver, Ann Arbor, discussed the City Council discussion regarding PUD projects. He explained that there was confusion regarding which PUD was being discussed. He expressed that the Morningside Development should have been approved as a PUD.*

*Tim (Last name unknown), discussed parking minimums, encouraging*

*the planning commission to*

*Seeing no further speakers, Chair Milshteyn closed Audience Participation.*

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

*Lenart explained that there are no public hearings scheduled for the next meeting.*

**9 UNFINISHED BUSINESS**

- 9-a**      **19-0622**      841 Broadway Street PUD Zoning and Conceptual Plan for City Council Approval - A Planned Unit Development (PUD) Concept Plan proposal to rezone the 13.81-acre site from M1 (Light Industrial) to PUD and construct a mixed use development. The Concept Plan proposes 104 residential units, parking garage, restaurant, and a hotel. Public open space is proposed, including recreational amenities: canoe launch, outdoor pavilion, open space and river access. (Ward 1) Staff Recommendation: Approval

**Attachments:**      841 Broadway Staff Report Memo w Attachments  
4-2-2019.pdf

***PRESENTATION BY PETITIONER:***

*David DiRita, Roxbury Group, presented the proposed project highlighting the following items.*

- *park components changed from allowable to required*
- *conservancy model*
- *emergency access and park relations*
- *reducing maximum Floor Area Ratio (FAR)*
- *maximum height and minimum setback*

*City Planner, Matt Kowalski presented the Staff Report.*

***PUBLIC HEARING:***

*Tom Stulberg, 1200 Traver Street, Ann Arbor, praised the level of resident engagement at the site, expressed support for the PUD zoning, and expressed concern about the height of the building.*

*Ethel Potts, 1014 Elder Boulevard, Ann Arbor, explained that the site is more appropriate for retail or office use. She expressed concern with the*

*traffic impacts from the proposed development.*

*Stevenson Ramsburg, 177 Right Street, Ann Arbor, expressed appreciation for the level of engagement that the developer is having with residents. He opposed the hotel, explaining that it is too tall and too close to the river.*

*Rita Mitchell, 621 Fifth Street, Ann Arbor, explained that she is in favor of the train station remaining in its existing location. She expressed concern with environmental impacts, and with the responsibility of the mitigation. She also expressed concern with the height of the building, environmental impacts of light, and the proximity of the hotel to the river.*

*Karen Isley, 603 Swift Street, Ann Arbor, explained that she is located across the river from the development. She expressed concern with traffic and the proximity of the hotel to the river.*

*Ellen Ramsburgh, 1503 Cambridge Road, agreed that the height and placement of the hotel are a concern. She expressed concern with the possibility of the hotel plans changing in the future. She expressed concern with the proximity of the hotel to the river.*

*Peter Allen, 2224 Applewood Court, Ann Arbor, expressed he has lived and invested in the area for a long time. He expressed that it is great to see some of the best firms in the country getting involved to make such improvements to the site. He explained that the benefits of the development outweigh the potential negative impacts of the height of the hotel. He encouraged the Commission to approve the project.*

*Mary Howley-Visel, 635 Swift Street, expressed appreciation for the development and resident engagement process so far. She expressed concern regarding the height of the hotel. She expressed concern with the impacts of the hotel to the community.*

*Dane Page, 411 Longshore Drive, Ann Arbor, representing the Society of Les Voyagers, explained that the Society has worked to preserve the area. He discussed the environmental aspects of the development.*

*Seeing no further speakers, Chair Milshteyn closed the Public Hearing.*

**MAIN MOTION:**

**Moved by Mills, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City**

**Council approve the 841 Broadway Street PUD (Planned Unit Development District) Zoning and Area Plan.**

*COMMISSION DISCUSSION ON MAIN MOTION:*

*Commissioner Sarah Mills asked about the slides missed, discussed whether or not design standards should be incorporated into the Supplemental Regulations, inquired about the restaurant being permitted rather than required. She expressed support for the proposed parking but expressed concern with not requiring the structure.*

*Commissioner Wendy Woods discussed whether or not the restaurant aspect should be required.*

*Lenart added that there is an impervious surface cap for the proposed project, which would prevent a large surface parking issue. He also discussed that it is possible to require the mixed use portion.*

*DiRita indicated that the stormwater management is still present, described the pavilion, and emphasized that although many aspects of the proposed project were not presented tonight, they are still part of the project. He explained that the focus was to present how comments from previous meetings were addressed. He also explained that the hospitality portion of the project provides a lot of support to the success of a food and beverage use at the site.*

*Commissioner Wendy Woods discussed whether or not the restaurant aspect should be required.*

*Ackerman discussed phasing, parking, lighting and inquired about the possibility of the massing being shifted in height from the hotel to the hospitality pad to potentially reduce the height of the total building.*

*Lenart explained that lighting requirements can be added.*

*Commissioner Shannan Gibb-Randall expressed support for the uses near the river in certain spaces, explaining that this area is appropriate. She also cautioned the Commission from being too prescriptive in the moving of mass to allow for creativity in managing the massing.*

*DiRita indicated that phasing could occur, and that flexibility is preferred. He also explained that City parks are generally not lit, and there is no need for the area to be lit up at night in a more substantial manner than is*

*presented.*

*Commissioner Erica Briggs agreed that lighting should be addressed here rather than a future ordinance. She also agreed that view shed concerns are legitimate, and that she is in favor of discussing the hotel height further. She also discussed the impacts of construction to the river.*

*DiRita indicated they would like the flexibility to design, and there appears to be consternation of height. He discussed that if the hotel becomes a real issue with the Commission, it can be discussed further.*

*Commissioner Scott Trudeau inquired about emergency access, river access and setback requirements, the conservancy board, and discussed the proposed mix of use, traffic patterns, and specific requirements for restaurant use. Trudeau explained that the pattern of trip generation for residential and hotel uses at the site are much more spread out than an office use would be. He expressed apprehension for requiring a use.*

*Commissioner Weatherbee expressed hesitancy regarding limiting height, explaining that a height limit could increase the potential for large, building that may have adverse impacts on a longer segment of the river than a taller, more slender building. She also inquired about traffic.*

*DiRita explained that an agreement with Amtrak will be reached for the emergency access. He explained that they are working on forming a nonprofit for a conservancy with the City of Detroit and that they are working closely with the City to determine who and how is appointed to the board or organization. DiRita indicated that the City went through the traffic review process, and it was concluded that this generally is not a dense development, and explained the benefits from multi-modal transportation options at the site. He explained that he and his team are familiar with zero lot line development, and at this location with more space, it would be unlikely to have impact on the river.*

*Commissioner Sauve discussed the height requirements for residential and hotel and residential use, and expressed concern with wanting to implement a mechanism to preserve sunlight at the site to allow step-backs to ensure that sunlight can be maintained across the river.*

*DiRita responded agreeing that it's an option, however not ideal with the site shape. He explained that a rule for an option is better than having no option.*

*Chair Milshteyn expressed apprehension with the approval of an area plan. He inquired about requiring Design Review Board review. He expressed apprehension with requiring restaurant use, fearing long term vacancy. He also inquired about the Brownfield plan.*

*Lenart explained that it is probably possible to require design review, but that it might be better to work with the petitioner to see what their constraints are for designing the development. He explained also that the Design Review Board is advisory.*

*DiRita explained that the MDEQ approved a response activity plan that called for a remediation to what is established as an Acceptable Recreation Standard- the removal of any contamination that can be come into contact with by the public by at least two feet. DiRita explained that would result in the physical removal of the contamination at the site. He explained that the buildings and hardscape items will be largely where the previous buildings existed, and that instead of removal and disruption, the existing foundations and remnants be encapsulated to prevent any negative impacts.*

#### **MOTION I**

**Moved by Mills, seconded by Weatherbee to amend the first sentence of the 841 Broadway Supplemental Regulations Section 4. (D) Height. to read as follows:**

**Maximum height for residential buildings not to exceed 80 feet.  
Maximum height for non-residential not to exceed 115 feet.**

#### **COMMISSION DISCUSSION OF MOTION I**

*The commission discussed the the height and uses of buildings at the site.*

**On a roll call vote, the vote was as follows with the Chair declaring Motion I passed.**

**Yeas:** 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

**Nays:** 0

**MOTION II**

Moved by Mills to include “The surface area of the parking that is provided on site cannot exceed 50% of the required total parking for the site” in the proposed 841 Broadway Supplemental Regulations Section 4. (G) Vehicular Parking Standards.

**Motion Withdrawn**

*COMMISSION DISCUSSION OF MAIN MOTION*

*The Commission discussed parking needs at the site.*

**MOTION III**

Moved by Mills, seconded by Gibb-Randall to revise the proposed 841 Broadway Supplemental Regulations Section 4. (G) Vehicular Parking Standards 1. to read as follows: One electric vehicle charging station must be installed per 50 vehicle parking spaces based on the total number of parking spaces required.

*COMMISSION DISCUSSION OF MOTION III*

*None.*

**On a roll call vote, the vote was as follows with the Chair declaring Motion III passed.**

**Yeas:** 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

**Nays:** 0

**MOTION IV**

Moved by Mills, seconded by Gibb-Randall that the the proposed 841 Broadway Supplemental Regulations include the following lighting requirements:

- Dark Skies compliant lighting at the site
- Required use of full cut-off fixtures



- **Lighting levels that do not exceed the recommendations of the Illuminating Engineering Society (IES) Handbook**
- **The prohibition of light trespass exceeding 0.1 foot candle at any property line or at the boundary between areas 1 and 2 referenced in the Supplemental Regulations.**
- **Lighting at the site shall have a minimum Color Rendering Index (CRI) of 70.**
- **Lighting at the site shall have a maximum color temperature of 3,000 kelvins**

*COMMISSION DISCUSSION OF MOTION IV*

**On a roll call vote, the vote was as follows with the Chair declaring the Motion IV passed.**

- Yeas:** 7 - Erica Briggs, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve
- Nays:** 2 - Wendy Woods, and Alex Milshteyn

**MOTION V**

**Moved by Mills, seconded by Trudeau to revise the proposed 841 Broadway Supplemental Regulations Section 4. (C) Setbacks 3. to read as follows: From north property line: 20 feet minimum for buildings including a minimum of 5,000 square feet of river-front retail, restaurant, or hotel uses or 40 feet for all other building uses.**

*COMMISSION DISCUSSION OF MOTION V*

*The Discussed adaptive re-use, building uses along the river, building height, and building setbacks.*

**On a roll call vote, the vote was as follows with the Chair declaring Motion V failed.**

- Yeas:** 2 - Sarah Mills, and Alex Milshteyn

**Nays:** 7 - Wendy Woods, Erica Briggs, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

**VOTE ON MAIN MOTION:**

**On a roll call vote, the vote was as follows with the Chair declaring the Main Motion passed.**

**Yeas:** 7 - Wendy Woods, Erica Briggs, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

**Nays:** 2 - Sarah Mills, and Alex Milshteyn

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

(If an agenda item is postponed, it will most likely be rescheduled to a future date. If you would like to be notified when a postponed 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](http://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**      **19-0623**      595 Riverview Drive Annexation and Zoning for City Council Approval - A request to annex this 0.6-acre parcel from Ann Arbor Township into the City for connection to utilities and zone the parcel R1B (Single-Family Dwelling). Ward 2. Staff Recommendation: Approval

**Attachments:**      595 Riverview A & Z Staff Report w Attachments.pdf

**Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Allen Annexation and R1B (Single-Family Dwelling District) Zoning (595 Riverview Drive).**

*COMMISSION DISCUSSION*

*None.*

**On a roll call vote, the vote was as follows with the Chair declaring the motion passed.**

**Yeas:** 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

**Nays:** 0

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

*Ellen Ramsburg, 1503 Cambridge Road, expressed opposition for the anticipated project at 2857 Packard Road. She expressed concern with preserving a historic home at the site.*

**12 COMMISSION PROPOSED BUSINESS**

**13 ADJOURNMENT**

**Moved by Trudeau, seconded by Mills, to adjourn at 10:22 p.m.**

Alex Milshteyn, Chairperson  
/mg

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